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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1217

[Document Number AMS–SC–20–0014]

Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order; Assessment Rate Increase

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order (Order) to increase the assessment rate from $0.35 to $0.41 per thousand board feet (mbf). The Order is administered by the Softwood Lumber Board (Board) with oversight by the U.S. Department of Agriculture (USDA). This rule will also add the conversion factor for square meters to board feet and makes one conforming change.

DATES: Effective Date: April 1, 2021.

FOR FURTHER INFORMATION CONTACT: Andrea Ricci, Marketing Specialist, Promotion and Economics Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Room 1406–S, Stop 0244, Washington, DC 20250–0244; telephone: (202) 572–1442; facsimile: (202) 205–2800; or electronic mail: *Andrea.Ricci@usda.gov*.

SUPPLEMENTARY INFORMATION: This final rule affecting 7 CFR part 1217 (herein the ''Order'') is authorized under the Commodity Promotion, Research, and Information Act of 1996 (1996 Act) (7 U.S.C. 7411–7425).

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules and promoting flexibility. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review.

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation will not have substantial and direct effects on Tribal governments and will not have significant Tribal implications.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. Section 524 of the 1996 Act (7 U.S.C. 7423) provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the 1996 Act (7 U.S.C. 7418), a person subject to an order may file a written petition with USDA stating that an order, any provision of an order, or any obligation imposed in connection with an order, is not established in accordance with the law, and request a modification of an order or an exemption from an order. Any petition filed challenging an order, any provision of an order, or any obligation imposed in connection with an order, must be filed within two years after the effective date of an order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, USDA will issue a ruling on the petition. The 1996 Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of USDA's final ruling.

Background

This rule amends the Order by increasing the assessment rate from $0.35 to $0.41 per mbf of softwood lumber shipped within or imported into the United States. The Order is administered by the Board with oversight by the USDA. Under the program, assessments are collected from domestic manufacturers and importers and used for research and promotion projects designed to strengthen the position of softwood lumber in the marketplace. The additional funds will enable the Board to maintain its existing programs, while supporting new programs that will help maintain and expand markets for softwood lumber. This rule will also add the conversion factor for square meters to board feet and make one conforming change.

The Order specifies that the funds to cover the Board's expenses shall be paid by assessments on manufacturers for the U.S. market, other income of the Board, and other funds available to the Board. Domestic manufacturers pay assessments based on the volume of softwood lumber shipped within the United States and importers pay assessments based on the volume of softwood lumber imported to the United States. Assessments are collected per mbf of softwood lumber, except that no entity shall pay an assessment on the first 15 million board feet (mmbf) of softwood lumber otherwise subject to assessments in a fiscal year. Domestic manufacturers are required to remit to the Board assessments owed no later than 30 calendar days of the month following the end of the quarter in which the softwood lumber was shipped. Importers are responsible for paying assessments to the Board on softwood lumber imported into the United States through the U.S. Customs and Border Protection (CBP). If CBP does not collect an assessment from the importer, the importer is responsible for paying the assessment to the Board no later than 30 calendar days of the month following the end of the quarter in which the softwood lumber was imported. Domestic manufacturers and importers must also remit to the Board required reports.

The Order also provides for exemptions from assessments. Section 1217.53 specifies that U.S. manufacturers and importers that domestically ship and/or import less

than 15 mmbf annually, exports of softwood lumber from the United States, and shipments and imports of organic softwood lumber are exempt from the Order's assessment requirements.

Pursuant to § 1217.52, and subject to the exemptions specified in § 1217.53, each domestic manufacturer and importer shall pay an assessment rate of $0.35 per mbf of softwood lumber, except that no entity shall pay an assessment on the first 15 mmbf of softwood lumber otherwise subject to assessment in a fiscal year. The assessment rate may not be less than $0.35 per mbf nor more than $0.50 per mbf. Section 1217.44(c) prescribes that the Board may recommend to the Secretary a change in the assessment rate as it deems appropriate by at least a majority of Board members plus two (exclusive of vacant seats).

The $0.35 per mbf assessment rate has been in effect since the program's inception in 2011. The Board's fiscal year runs from January 1 through December 31. Board expenditures for the five-year period from 2014–2018 have ranged from a low of $12.35 million in 2014 to a high of $15.32 million in 2016; expenditures in 2018 were $14.23 million. Program expenditures averaged $12.96 million during those five years, with annual expenditures averaging $3.29 million (24 percent) for research conducted on wood standards; $4.06 million (29 percent) on a communications program, which includes continuing education courses for architects and engineers; and $3.94 million (28 percent) on a construction and design program that provides technical support to architects and structural engineers about using wood. Pursuant to § 1217.50(h), administrative expenditures have been under 8 percent of the assessments collected and other income received by and available to the Board for the fiscal year.

Board assessment income has ranged from $12.55 million in 2014 to $13.74 million in 2018. About 70 percent of the assessment income is from domestic manufacturers and 30 percent is from importers. Additionally, pursuant to § 1217.50(i), the Board maintains a monetary reserve with funds that do not exceed one fiscal period's budget. This rule will also amend § 1217.52(h) to add the conversion factor for square meters to board feet. Currently, the Order provides a factor used to convert cubic meters of imported softwood lumber into the equivalent volume of thousands of board feet, thus enabling the Board to calculate appropriate assessments. Softwood lumber is also being imported in square meters. Adding a conversion factor for square meters will better reflect current industry practices and facilitate the administration of the program.

Finally, this rule will make a conforming change to § 1217.52(c) to reflect previously revised voting requirements in § 1217.44. In a final rule published in the **Federal Register** on September 25, 2019 (84 FR 50294), voting requirements prescribed in § 1217.44 were revised to specify that recommendations to change the assessment rate require affirmation by at least a majority of Board members plus two (exclusive of vacant seats). Currently, corresponding language in § 1217.52(c) specifies that an affirmative vote of at least two-thirds of Board members is required for assessment rate recommendations. A conforming change in this rule will revise § 1217.52(c) to require affirmation of assessment rate recommendations by a Board majority plus two, thus harmonizing the language in the two sections related to assessment recommendations.

Board Recommendation

The Board met on November 20, 2019, and recommended increasing its assessment rate from $0.35 to $0.41 per mbf. The additional funds will enable the Board to maintain its existing programs, while supporting new programs that will help maintain and expand markets for softwood lumber. For the 2016–2018 fiscal years, the Board has used reserve funds to bridge the deficit between income and expenses. In 2019, the Board kept expenditures in line with income and had to make cuts to its programs, primarily its communications program. The Board discussed the deficit spending that occurred from 2016–2018 and the funding cuts in 2019, along with the impacts of inflation, and determined that without the increase it would not be able to maintain its current programs nor be able to address gaps that limit the Board's ability to expand the market for softwood lumber. Continuing at the current funding level would limit its ability to capitalize on new opportunities or address challenges and maintain the impact the Board has achieved for the softwood lumber industry in prior years. Additionally, the current funding level restricts the ability to accelerate softwood lumber's increase in market share and lumber usage in the non-residential sector.

The Board's funding of research on wood standards has facilitated interest in using wood-based building systems in non-traditional markets, such as tall wood building. The 2021 International Code Council building standards will recognize the construction of mass timber buildings up to 18 stories in height. These new opportunities require a more comprehensive approach, particularly in outreach and education initiatives. The Board recognized that its funded programs must go beyond inspiring professionals to think about building with wood. These individuals need resources and technical assistance.

The Board estimated the increased assessment rate of $0.41 per mbf would generate additional revenues as shown in Table 1. The consumption forecast and assessable board feet figures are shown in billion board feet (bbf).

Table 1. Additional Assessment Revenue at the Proposed $0.41 per mbf Assessment Rate

	2021	2022	2023	2024	2025
Consumption Forecast (bbf) [1]	49.69	49.39	52.72	55.64	57.52
Assessable Board Feet (bbf) [2]	40.30	40.05	42.76	45.13	46.65
Estimated Assessment Revenue ($0.35/mbf)	$14,104,640	$14,018,162	$14,965,761	$15,794,788	$16,326,618
Estimated Assessment Revenue ($0.41/mbf)	$16,522,578	$16,421,276	$17,531,320	$18,502,466	$19,125,466
Additional Assessment Revenue at $0.41/mbf [3]	$2,417,938	$2,403,114	$2,565,559	$2,707,678	$2,798,849

[1] Source: Forest Economic Advisors (https://www.getfea.com/data-center); data frequently revised; pulled 2/21/2020.

[2] Assumes 18.9 percent exemption rate.

[3] Difference of estimated assessment revenue at $0.41/mbf and estimated assessment revenue at $0.35/mbf.

The additional funds will support programs targeting contractors and developers to address installer training and skills development; establish an education program that will target architecture and engineering students,

as well as professionals; and restore the Board's communications program budget so that by 2025 it will be equivalent to 2018 expenditures. Therefore, the Board recommended increasing the assessment rate in the Order from $0.35 to $0.41 per mbf.

Final Regulatory Flexibility Act Analysis

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) is required to examine the impact of the action on small entities. Accordingly, AMS has considered the economic impact of this action on such entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to the actions so that small businesses will not be disproportionately burdened. The Small Business Administration (SBA) defines, in 13 CFR part 121, small agricultural service firms (domestic manufacturers and importers) as those having annual receipts of no more than $8 million.[1]

The Random Lengths Publications, Inc.'s yearly average framing lumber composite price was $356 per mbf in 2019. Dividing the $8 million threshold that defines an agricultural service firm as small by this price results in a maximum threshold of 22.5 million board feet (mmbf) of softwood lumber per year that a domestic manufacturer or importer may ship to be considered a small entity for purposes of the RFA. Table 2 shows the number of entities and the amount of volume they represent that may be categorized as small or large based on the SBA definition.

Table 2. Domestic manufacturers and importers by SBA size standards, 2019

	Domestic manufacturers		Importers		Totals	
	Entities	Volume (MMBF)	Entities	Volume (MMBF)	Entities	Volume (MMBF)
Small	226	1,991	774	1,257	1,000	3,248
Large	290	32,229	106	32,582	396	64,811
Total	516	34,220	880	33,839	1,396	68,059

Sources: Forest Economic Advisors; Customs and Border Protection.

As shown in Table 2, there are a total of 1,396 domestic manufacturers and importers of softwood lumber based on 2019 data. Of these, 1,000 entities, or 72 percent, shipped or imported less than 22.5 mmbf and would be considered small under the SBA definition. These 1,000 entities domestically manufactured or imported 3.25 billion board feet (bbf) in 2019, less than 5 percent of total volume.

While this action increases the assessment obligation on domestic manufacturers and importers from $0.35 per mbf to $0.41 per mbf, the impact on these entities will be minimal and uniform. The current assessment rate of $0.35 per mbf represents 0.1 percent of the Random Lengths 2019 average framing lumber composite price of $356 per mbf. The assessment rate of $0.41 per mbf is 0.12 percent of this price. The increase in assessment rate represents an increase in cost to domestic manufacturers and importers of two-thousandth of one percentage point relative to their average received price. This cost, though minimal, will also be offset by the benefits derived from the program.

The 1996 Farm Bill requires that Research and Promotion programs be evaluated every five years with the specific goal of measuring the economic impact of commodity promotion on demand for the commodity. The Board completed its first five-year evaluation of program effectiveness in 2016. The five-year evaluation, conducted by Prime Consulting, found that softwood lumber use per square foot increased nearly 23 percent among architects and structural engineers from the program's inception in 2011 to 2015. The evaluation also found a cumulative return on investment (ROI) of more than $15 in increased sales of softwood lumber per $1 spent on promotion by the program between 2012 and 2015. The cumulative ROI was updated in 2019 to reflect the time period of 2012 to 2018. The result was a return of more than $23 in increased sales per $1 spent on promotion.

This rule amends § 1217.52(b) to increase the assessment rate from $0.35 to $0.41 per mbf. The Order is administered by the Board with oversight by the USDA. Under the program, assessments are collected from domestic manufacturers and importers and used for research and promotion projects designed to strengthen the position of softwood lumber in the marketplace. The additional funds collected at the increased rate will enable the Board to maintain its existing programs, while supporting new programs that will help maintain and expand markets for softwood lumber. This rule also amends § 1217.52(h) to add the conversion factor for square meters to board feet and make one conforming change to section 1217.52(c) regarding voting requirements.

Regarding alternatives, the Board considered maintaining the current assessment rate. However, a majority of Board members determined that an increase was needed to adequately support existing programs and fund new initiatives. The Board discussed increasing the assessment at its meeting in November 2018, but after much consideration it determined it was not the right time for the industry to make such a recommendation. In 2019, with the reduction of assessment revenue and the program cuts that were made, the Board again considered the merits of increasing the assessment rate. This was discussed at several Board committee meetings, including meetings of the Executive Committee on September 17, 2019, and November 19, 2019, and the Finance Committee on November 19, 2019. The Board also considered rates of $0.39 and $0.50 per mbf. After much discussion at committee meetings and with the full Board, the Board recommended increasing the rate from $0.35 to $0.41 per mbf.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements that are imposed by the Order have been approved previously under OMB control number 0581–0093. This rule will not result in a change to the

[1] SBA does have a small business size standard for ''Sawmills'' of 500 employees (see *https://www.sba.gov/sites/default/files/2019-08/SBA%20Table%20of%20Size%20Standards_Effective%20Aug%2019%2C%202019_Rev.pdf*). Based on USDA's understanding of the lumber industry, using this criterion would be impractical as sawmills often use contractors rather than employees to operate and, therefore, many mills would fall under this criterion while being, in reality, a large business. Therefore, USDA used agricultural service firm as a more appropriate criterion for this analysis.

information collection and recordkeeping requirements previously approved and will impose no additional reporting and recordkeeping burden on domestic manufacturers and importers of softwood lumber.

As with all Federal promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

A proposed rule concerning this action was published in the **Federal Register** on August 13, 2020 (85 FR 49281). A 60-day comment period ending October 13, 2020, was provided to allow interested persons to submit comments.

Analysis of Comments

Twenty-nine comments were received in response to the proposed rule. Of those 29 comments, 22 supported the proposed assessment increase, six opposed the action, and one was outside the scope of the rulemaking.

Overall, commenters in support of the proposal expressed that increasing market share by developing new markets and uses for softwood lumber products while addressing the continued pressures from competitors is paramount to the continued success of the softwood lumber industry. They contend this may only be accomplished by the increased investment in the softwood lumber program. One commenter, who identified as a small sawmill, argued that the proposed increase was not enough, and an assessment rate of $0.50 per mfb or more was warranted to continue promoting and developing new markets and uses for softwood lumber products. Commenters expressed the need for continued work on wood standards and the adoption of using wood-based products in non-traditional markets. They emphasized the importance of educational programs and continued technical assistance for builders, designers, developers, architects and engineers. Several commenters discussed the benefit of being able to work collaboratively as an industry to drive demand for softwood lumber, noting that the efforts of the program are critical to the long-term success of the softwood lumber industry. Commenters noted the return on investment and incremental demand results from the most recent program evaluation as evidence of the success of the program thus far. And two commenters mentioned the results of the 2018 continuance referendum (78 percent of manufacturers and importers voting, who represented 94 percent of the volume of softwood lumber, were in favor of continuing the program) to demonstrate the continued support of the industry for the program.

Out of the six comments in opposition, three commenters noted that the industry is currently seeing record demand and historically high prices, and that the need for an increase in the assessment to fund programming geared towards creating additional demand is not necessary. Two commenters noted that the Board should be able to create demand at the current funding levels. One commenter simply opposed the increase, but did not provide further detail. In its discussion of the proposed increase, the Board determined that continuing at the current funding level would limit its ability to maintain the impact it has achieved for the softwood lumber industry in prior years. It reviewed its revenues and expenditures for the past several fiscal periods and agreed that without the increase it would not be able to maintain its current programs nor be able to address gaps that limit the Board's ability to expand the market for softwood lumber. Additionally, it believed current funding levels restricts its ability to accelerate softwood lumber's increase in market share and lumber usage in the non-traditional markets. In formulating the proposed increase, the Board reviewed several different rate options, including not increasing the rate, but ultimately decided that additional funds generated by the increase are needed to maintain and expand markets for softwood lumber. None of the commenters provided comments on the addition of the conversion factor and the conforming change. Accordingly, no changes will be made to the rule as proposed, based on the comments received.

After consideration of all relevant material presented, including the information and recommendations submitted by the Board, the comments received, and other available information, it is hereby found that this rule, as hereinafter set forth, is consistent with and will effectuate the purposes of the 1996 Act.

List of Subjects in 7 CFR Part 1217

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Softwood Lumber promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1217 is amended as follows:

PART 1217—SOFTWOOD LUMBER RESEARCH, PROMOTION, CONSUMER EDUCATION AND INDUSTRY INFORMATION ORDER

■ 1. The authority citation for 7 CFR part 1217 continues to read as follows:

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

■ 2. Amend § 1217.52 by revising paragraphs (b), (c), and (h) to read as follows:

§ 1217.52 Assessments.

* * * * *

(b) Subject to the exemptions specified in § 1217.53, each manufacturer for the U.S. market shall pay an assessment to the Board at the rate of $0.41 per thousand board feet of softwood lumber, except that no person shall pay an assessment on the first 15 million board feet of softwood lumber otherwise subject to assessment in a fiscal year. Domestic manufacturers shall pay assessments based on the volume of softwood lumber shipped within the United States and importers shall pay assessments based on the volume of softwood lumber imported to the United States.

(c) At least 24 months after the Order becomes effective and periodically thereafter, the Board shall review and may recommend to the Secretary, upon an affirmative vote by at least a majority of Board members plus two (exclusive of vacant seats), a change in the assessment rate. In no event may the rate be less than $0.35 per thousand board feet nor more than $0.50 per thousand board feet. A change in the assessment rate is subject to rulemaking by the Secretary.

* * * * *

(h) The HTSUS categories and assessment rates on imported softwood lumber are listed in the following table. The assessment rates are computed using the following conversion factors: One cubic meter (m3) equals 0.423776001 thousand board feet, and one square meter (m2) equals 0.010763104 thousand board feet. Accordingly, the assessment rate per cubic meter and square meter is as follows.

TABLE 1 TO PARAGRAPH (h)

Softwood lumber (by HTSUS number)	Assessment $/cubic meter	Assessment $/square meter
4407.11.00	0.1737	0.004412
4407.12.00	0.1737	0.004412
4407.19.05	0.1737	0.004412
4407.19.06	0.1737	0.004412
4407.19.10	0.1737	0.004412
4409.10.05	0.1737	0.004412
4409.10.10	0.1737	0.004412
4409.10.20	0.1737	0.004412
4409.10.90	0.1737	0.004412
4418.99.10	0.1737	0.004412

* * * * *

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2021–03467 Filed 2–24–21; 8:45 am]

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FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 327

RIN 3064–AF65

Assessments, Amendments To Address the Temporary Deposit Insurance Assessment Effects of the Optional Regulatory Capital Transitions for Implementing the Current Expected Credit Losses Methodology

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation is adopting amendments to the risk-based deposit insurance assessment system applicable to all large insured depository institutions (IDIs), including highly complex IDIs, to address the temporary deposit insurance assessment effects resulting from certain optional regulatory capital transition provisions relating to the implementation of the current expected credit losses (CECL) methodology. The final rule removes the double counting of a specified portion of the CECL transitional amount or the modified CECL transitional amount, as applicable (collectively, the CECL transitional amounts), in certain financial measures that are calculated using the sum of Tier 1 capital and reserves and that are used to determine assessment rates for large or highly complex IDIs. The final rule also adjusts the calculation of the loss severity measure to remove the double counting of a specified portion of the CECL transitional amounts for a large or highly complex IDI. This final rule does not affect regulatory capital or the regulatory capital relief provided in the form of transition provisions that allow banking organizations to phase in the effects of CECL on their regulatory capital ratios.

DATES: The final rule is effective April 1, 2021.

FOR FURTHER INFORMATION CONTACT: Scott Ciardi, Chief, Large Bank Pricing, (202) 898–7079 or *sciardi@fdic.gov;* Ashley Mihalik, Chief, Banking and Regulatory Policy, (202) 898–3793 or *amihalik@fdic.gov;* Nefretete Smith, Counsel, (202) 898–6851 or *nefsmith@fdic.gov;* Sydney Mayer, Senior Attorney, (202) 898–3669 or *smayer@fdic.gov.*

SUPPLEMENTARY INFORMATION:

I. Policy Objectives and Overview of Final Rule

The Federal Deposit Insurance Act (FDI Act) requires that the FDIC establish a risk-based deposit insurance assessment system for insured depository institutions (IDIs).[1] Consistent with this statutory requirement, the FDIC's objective in finalizing this rule is to ensure that IDIs are assessed in a manner that is fair and accurate. In particular, the primary objective of this final rule is to remove a double counting issue in several financial measures used to determine deposit insurance assessment rates for large or highly complex banks, which could result in a deposit insurance assessment rate for a large or highly complex bank that does not accurately reflect the bank's risk to the deposit insurance fund (DIF), all else equal.[2]

The final rule amends the assessment regulations to remove the double counting of a portion of the CECL transitional amounts, in certain financial measures used to determine deposit insurance assessment rates for large or highly complex banks. In particular, certain financial measures are calculated by summing Tier 1 capital, which includes the CECL transitional amounts, and reserves, which already reflects the implementation of CECL. As a result, a portion of the CECL transitional amounts is being double counted in these measures, which in turn affects assessment rates for large or highly complex banks. The final rule also adjusts the calculation of the loss severity measure to remove the double counting of a portion of the CECL transitional amounts for large or highly complex banks.

This final rule amends the deposit insurance system applicable to large banks and highly complex banks only, and it does not affect regulatory capital or the regulatory capital relief provided in the form of transition provisions that allow banking organizations to phase in the effects of CECL on their regulatory capital ratios.[3] Specifically, in calculating another measure used to determine assessment rates for all IDIs, the Tier 1 leverage ratio, the FDIC will continue to apply the CECL regulatory capital transition provisions, consistent with the regulatory capital relief provided to address concerns that despite adequate capital planning, unexpected economic conditions at the time of CECL adoption could result in higher-than-anticipated increases in allowances.[4]

The FDIC did not receive any comment letters in response to the proposal and is adopting the proposed rule as final without change. Under this final rule, amendments to the deposit insurance assessment system and changes to regulatory reporting requirements will be applicable only while the regulatory capital relief described above, or any potential future amendment that may affect the

[1] 12 U.S.C. 1817(b). As used in this final rule, the term ''insured depository institution'' has the same meaning as it is used in section 3(c)(2) of the FDI Act, 12 U.S.C. 1813(c)(2). Pursuant to this requirement, the FDIC first adopted a risk-based deposit insurance assessment system effective in 1993 that applied to all IDIs. *See* 57 FR 45263 (Oct. 1, 1992). The FDIC implemented this assessment system with the goals of making the deposit insurance system fairer to well-run institutions and encouraging weaker institutions to improve their condition, and thus, promote the safety and soundness of IDIs.

[2] As used in this final rule, the term ''small bank'' is synonymous with ''small institution,'' the term ''large bank'' is synonymous with ''large institution,'' and the term ''highly complex bank'' is synonymous with ''highly complex institution,'' as the terms are defined in 12 CFR 327.8. For assessment purposes, a large bank is generally defined as an institution with $10 billion or more in total assets, a small bank is generally defined as an institution with less than $10 billion in total assets, and a highly complex bank is generally defined as an institution that has $50 billion or more in total assets and is controlled by a parent holding company that has $500 billion or more in total assets, or is a processing bank or trust company. *See* 12 CFR 327.8(e), (f), and (g).

[3] Banking organizations subject to the capital rule include national banks, state member banks, state nonmember banks, savings associations, and top-tier bank holding companies and savings and loan holding companies domiciled in the United States not subject to the Federal Reserve Board's Small Bank Holding Company Policy Statement (12 CFR part 225, appendix C), but exclude certain savings and loan holding companies that are substantially engaged in insurance underwriting or commercial activities or that are estate trusts, and bank holding companies and savings and loan holding companies that are employee stock ownership plans. *See* 12 CFR part 3 (Office of the Comptroller of the Currency)); 12 CFR part 217 (Board); 12 CFR part 324 (FDIC). *See also* 84 FR 4222 (Feb. 14, 2019) and 85 FR 61577 (Sept. 30, 2020).

[4] *See* 84 FR 4225 (Feb. 14, 2019).

calculation of CECL transitional amounts and the double counting of these amounts for deposit insurance assessment purposes, is reflected in the regulatory reports of banks.

II. Background

A. Deposit Insurance Assessments

Pursuant to Section 7 of the FDI Act, the FDIC has established a risk-based assessment system in Part 327 of its Rules and Regulations.[5] In 2006, the FDIC adopted a final rule that created different risk-based assessment systems for large IDIs and small IDIs that combined supervisory ratings with other risk measures to differentiate risk and determine assessment rates.[6] In 2011, the FDIC amended the risk-based assessment system applicable to large IDIs to, among other things, better capture risk at the time the institution assumes the risk, to better differentiate risk among large IDIs during periods of good economic and banking conditions based on how they would fare during periods of stress or economic downturns, and to better take into account the losses that the FDIC may incur if a large IDI fails.[7]

The FDIC charges all IDIs an assessment amount for deposit insurance equal to the IDI's deposit insurance assessment base multiplied by its risk-based assessment rate.[8] An IDI's assessment base and assessment rate are determined each quarter based on supervisory ratings and information collected in the Consolidated Reports of Condition and Income (Call Report) or the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002), as appropriate. Generally, an IDI's assessment base equals its average consolidated total assets minus its average tangible equity.[9]

An IDI's assessment rate is calculated using different methods based on whether the IDI is a small, large, or highly complex bank.[10] A large or highly complex bank is assessed using a scorecard approach that combines CAMELS ratings and certain forward-looking financial measures to assess the risk that the bank poses to the DIF.[11] The score that each large or highly complex bank receives is used to determine its deposit insurance assessment rate. One scorecard applies to most large IDIs and another applies to highly complex banks. Both scorecards use quantitative financial measures that are useful in predicting a large or highly complex bank's long-term performance.[12]

As described in more detail below, the FDIC is finalizing amendments to the assessment regulations to remove the double counting of a specified portion of the CECL transitional amounts in the calculation of the loss severity measure and certain other financial measures that are calculated by summing Tier 1 capital and reserves, which are used to determine assessment rates for large or highly complex banks.

B. The Current Expected Credit Losses Methodology

In 2016, the Financial Accounting Standards Board (FASB) issued Accounting Standards Update (ASU) No. 2016–13, *Financial Instruments—Credit Losses, Topic 326, Measurement of Credit Losses on Financial Instruments.*[13] The ASU resulted in significant changes to credit loss accounting under U.S. generally accepted accounting principles (GAAP). The revisions to credit loss accounting under GAAP included the introduction of CECL, which replaces the incurred loss methodology for financial assets measured at amortized cost. For these assets, CECL requires banking organizations to recognize lifetime expected credit losses and to incorporate reasonable and supportable forecasts in developing the estimate of lifetime expected credit losses, while also maintaining the current requirement that banking organizations consider past events and current conditions.

CECL allowances cover a broader range of financial assets than the allowance for loan and lease losses (ALLL) under the incurred loss methodology. Under the incurred loss methodology, the ALLL generally covers credit losses on loans held for investment and lease financing receivables, with additional allowances for certain other extensions of credit and allowances for credit losses on certain off-balance sheet credit exposures (with the latter allowances presented as liabilities).[14] These exposures will be within the scope of CECL. In addition, CECL applies to credit losses on held-to-maturity (HTM) debt securities. ASU 2016–13 also introduces new requirements for available-for-sale (AFS) debt securities. The new accounting standard requires that a banking organization recognize credit losses on individual AFS debt securities through credit loss allowances, rather than through direct write-downs, as is currently required under U.S. GAAP. The credit loss allowances attributable to debt securities are separate from the credit loss allowances attributable to loans and leases.

C. The 2019 CECL Rule

Upon adoption of CECL, a banking organization will record a one-time adjustment to its credit loss allowances as of the beginning of its fiscal year of adoption equal to the difference, if any, between the amount of credit loss allowances required under the incurred loss methodology and the amount of credit loss allowances required under CECL. A banking organization's implementation of CECL will affect its retained earnings, deferred tax assets (DTAs), allowances, and, as a result, its regulatory capital ratios.

In recognition of the potential for the implementation of CECL to affect regulatory capital ratios, on February 14, 2019, the FDIC, the Office of the Comptroller of the Currency (OCC), and the Board of Governors of the Federal Reserve System (Board) (collectively, the agencies) issued a final rule that revised certain regulations, including the agencies' regulatory capital regulations (capital rule),[15] to account for the aforementioned changes to credit loss accounting under GAAP, including CECL (2019 CECL rule).[16] The 2019 CECL rule includes a transition provision that allows banking organizations to phase in over a three-year period the day-one adverse effects of CECL on their regulatory capital ratios.

[5] 12 CFR part 327.

[6] *See* 71 FR 69282 (Nov. 30, 2006).

[7] *See* 76 FR 10672 (Feb. 25, 2011).

[8] *See* 12 CFR 327.3(b)(1).

[9] *See* 12 CFR 327.5.

[10] *See* 12 CFR 327.16(a) and (b).

[11] *See* 12 CFR 327.16(b); *see also* 76 FR 10672 (Feb. 25, 2011) and 77 FR 66000 (Oct. 31, 2012).

[12] *See* 76 FR 10688. The FDIC uses a different scorecard for highly complex IDIs because those institutions are structurally and operationally complex, or pose unique challenges and risks in case of failure. 76 FR 10695.

[13] ASU 2016–13 covers measurement of credit losses on financial instruments and includes three subtopics within Topic 326: (i) Subtopic 326–10 Financial Instruments—Credit Losses—Overall; (ii) Subtopic 326–20: Financial Instruments—Credit Losses—Measured at Amortized Cost; and (iii) Subtopic 326–30: Financial Instruments—Credit Losses—Available-for-Sale Debt Securities.

[14] ''Other extensions of credit'' includes trade and reinsurance receivables, and receivables that relate to repurchase agreements and securities lending agreements. ''Off-balance sheet credit exposures'' includes off-balance sheet credit exposures not accounted for as insurance, such as loan commitments, standby letters of credit, and financial guarantees. The FDIC notes that credit losses for off-balance sheet credit exposures that are unconditionally cancellable by the issuer are not recognized under CECL.

[15] 12 CFR part 3 (OCC); 12 CFR part 217 (Board); 12 CFR part 324 (FDIC).

[16] 84 FR 4222 (Feb. 14, 2019).

D. The 2020 CECL Rule

As part of the efforts to address the disruption of economic activity in the United States caused by the spread of coronavirus disease 2019 (COVID–19), on March 31, 2020, the agencies adopted a second CECL transition provision through an interim final rule.[17] The agencies subsequently adopted a final rule (2020 CECL rule) on September 30, 2020, that is consistent with the interim final rule, with some clarifications and adjustments related to the calculation of the transition and the eligibility criteria for using the 2020 CECL transition provision.[18] The 2020 CECL rule provides banking organizations that adopt CECL for purposes of GAAP (as in effect January 1, 2020), for a fiscal year that begins during the 2020 calendar year, the option to delay for up to two years an estimate of CECL's effect on regulatory capital, followed by a three-year transition period (*i.e.,* a five-year transition period in total).[19] The 2020 CECL rule does not replace the three-year transition provision in the 2019 CECL rule, which remains available to any banking organization at the time that it adopts CECL.[20]

E. Double Counting of a Portion of the CECL Transitional Amounts in Certain Financial Measures Used To Determine Assessments for Large or Highly Complex Banks

An increase in a banking organization's allowances, including those estimated under CECL, generally will reduce the banking organization's earnings or retained earnings, and therefore, its Tier 1 capital. For banks electing the 2019 CECL rule, the CECL transitional amount is the difference between the closing balance sheet amount of retained earnings for the fiscal year-end immediately prior to the bank's adoption of CECL (pre-CECL amount) and the bank's balance sheet amount of retained earnings as of the beginning of the fiscal year in which it adopts CECL (post-CECL amount). For banks electing the 2020 CECL rule transition provision, retained earnings are increased for regulatory capital calculation purposes by a modified CECL transitional amount that is adjusted to reflect changes in retained earnings due to CECL that occur during the first two years of the five-year transition period. Under the 2020 CECL rule, the change in retained earnings due to CECL is calculated by taking the change in reported adjusted allowances for credit losses (AACL)[21] relative to the first day of the fiscal year in which CECL was adopted and applying a scaling multiplier of 25 percent during the first two years of the transition period. The resulting amount is added to the CECL transitional amount described above. Hence, the modified CECL transitional amount for banks electing the 2020 CECL rule is calculated on a quarterly basis during the first two years of the transition period. The bank reflects that modified CECL transitional amount, which includes 100 percent of the day-one impact of CECL on retained earnings plus a portion of the difference between AACL reported in the most recent regulatory report and AACL as of the beginning of the fiscal year that the banking organization adopts CECL, in the transitional amount applied to retained earnings in regulatory capital calculations.[22]

For banks electing the 2020 CECL rule transition provision that enter the third year of their transition period and for banks electing the three-year 2019 CECL rule transition provision, banks must calculate the transitional amount to phase into their retained earnings for purposes of their regulatory capital calculations over a three-year period. For banks electing the 2019 CECL rule, the CECL transitional amount is the difference between the pre-CECL amount of retained earnings and the post-CECL amount of retained earnings. For banks electing the 2020 CECL rule that enter the third year of their transition, the modified CECL transitional amount is the difference between the bank's AACL at the end of the second year of the transition period and its AACL as of the beginning of the fiscal year of CECL adoption multiplied by 25 percent plus the CECL transitional amount described above. The CECL transitional amount or, at the end of the second year of the transition period for banks electing the 2020 CECL rule, the modified CECL transitional amount, is fixed and must be phased in over the three-year transition period or the last three years of the transition period, respectively, on a straight-line basis, 25 percent in the first year (or third year for banks electing the 2020 CECL rule), and an additional 25 percent of the transitional amount over each of the next two years.[23] At the beginning of the sixth year for banks electing the 2020 CECL rule, or the beginning of the fourth year for banks electing the 2019 CECL rule, the electing bank would have completely reflected in regulatory capital the day-one effects of CECL (plus, for banks electing the 2020 CECL rule, an estimate of CECL's effect on regulatory capital, relative to the

[17] 85 FR 17723 (Mar. 31, 2020).

[18] *See* 85 FR 61577 (Sept. 30, 2020).

[19] A banking organization that is required to adopt CECL under GAAP in the 2020 calendar year, but chooses to delay use of CECL for regulatory reporting in accordance with section 4014 of the Coronavirus Aid Relief, and Economic Security Act (CARES Act), is also eligible for the 2020 CECL transition provision. The CARES Act (Pub. L. 116–136, 4014, 134 Stat. 281 (March 27, 2020)) provides banking organizations optional temporary relief from complying with CECL ending on the earlier of (1) the termination date of the current national emergency, declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 *et seq.*) concerning COVID–19; or (2) December 31, 2020. If a banking organization chooses to revert to the incurred loss methodology pursuant to the CARES Act in any quarter in 2020, the banking organization would not apply any transitional amounts in that quarter but would be allowed to apply the transitional amounts in subsequent quarters when the banking organization resumes use of CECL. The Consolidated Appropriations Act, 2021 (Pub. L. 116–260 (Dec. 27, 2020)) extended the optional temporary relief from complying with CECL afforded under the CARES Act, with an end date on the earlier of (1) the first day of the fiscal year of the IDI, bank holding company, or any affiliate thereof that begins after the date on which the national emergency concerning the COVID–19 outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 *et seq.*) terminates; or (2) January 1, 2022.

[20] *See* 85 FR 61578 (Sept. 30, 2020).

[21] The 2019 CECL rule defined a new term for regulatory capital purposes, adjusted allowances for credit losses (AACL). The meaning of the term AACL for regulatory capital purposes is different from the meaning of the term allowances of credit losses (ACL) used in applicable accounting standards. The term allowance for credit losses as used by the FASB in ASU 2016–13 applies to both financial assets measured at amortized cost and AFS debt securities. In contrast, the AACL definition includes only those allowances that have been established through a charge against earnings or retained earnings. Under the 2019 CECL rule, the term AACL, rather than ALLL, applies to a banking organization that has adopted CECL.

[22] *See* 85 FR 61580 (Sept. 30, 2020).

[23] Thus, when calculating regulatory capital, a bank electing the 2019 CECL rule transition provision would increase the retained earnings reported on its balance sheet by the applicable portion of its CECL transitional amount, *i.e.,* 75 percent of its CECL transitional amount during the first year of the transition period, 50 percent of its CECL transitional amount during the second year of the transition period, and 25 percent of its CECL transitional amount during the third year of the transition period. A bank electing the 2020 CECL rule transition provision would increase the retained earnings reported on its balance sheet by the applicable portion of its modified CECL transitional amount, *i.e.,* 100 percent of its modified CECL transitional amount during the first and second years of the transition period, 75 percent of its CECL modified transitional amount during the third year of the transition period, 50 percent of its modified CECL transitional amount during the fourth year of the transition period, and 25 percent of its CECL transitional amount during the fifth year of the transition period.

incurred loss methodology's effect on regulatory capital, during the first two years of CECL adoption).[24]

Certain financial measures that are used in the scorecard to determine assessment rates for large or highly complex banks are calculated using both Tier 1 capital and reserves. Tier 1 capital is reported in Call Report Schedule RC–R, Part I, item 26, and for banks that elect either the three-year transition provision contained in the 2019 CECL rule or the five-year transition provision contained in the 2020 CECL rule, Tier 1 capital includes (due to adjustments to the amount of retained earnings reported on the balance sheet) the applicable portion of the CECL transitional amount (or modified CECL transitional amount). For deposit insurance assessment purposes, reserves are calculated using the amount reported in Call Report Schedule RC, item 4.c, ''Allowance for loan and lease losses.'' For all banks that have adopted CECL, this Schedule RC line item reflects the allowance for credit losses on loans and leases.[25]

The issue of double counting arises in certain financial measures used to determine assessment rates for large or highly complex banks that are calculated using both Tier 1 capital and reserves because the allowance for credit losses on loans and leases is included during the transition period in both reserves and, as a portion of the CECL or modified CECL transitional amount, Tier 1 capital. For banks that elect either the three-year transition provision contained in the 2019 CECL rule or the five-year transition provision contained in the 2020 CECL rule, the CECL transitional amounts, as defined in section 301 of the regulatory capital rules, additionally include the effect on retained earnings, net of tax effect, of establishing allowances for credit losses in accordance with the CECL methodology on HTM debt securities, other financial assets measured at amortized cost, and off-balance sheet credit exposures as of the beginning of the fiscal year of adoption (plus, for banks electing the 2020 CECL rule, the change during the first two years of the transition period in reported AACLs for HTM debt securities, other financial assets measured at amortized cost, and off-balance sheet credit exposures relative to the balances of these AACLs as of the beginning of the fiscal year of CECL adoption multiplied by 25 percent). The applicable portions of the CECL transitional amounts attributable to allowances for credit losses on HTM debt securities, other financial assets measured at amortized cost, and off-balance sheet credit exposures are included in Tier 1 capital only and are not double counted with reserves for deposit insurance assessment purposes.

The CECL effective dates assigned by ASU 2016–13 as most recently amended by ASU No. 2019–10, the optional temporary relief from complying with CECL afforded by the CARES Act and as extended by the Consolidated Appropriations Act, 2021, and the transitions provided for under the 2019 CECL rule and 2020 CECL rule, provide that all banks will have completely reflected in regulatory capital the day-one effects of CECL (plus, if applicable, an estimate of CECL's effect on regulatory capital, relative to the incurred loss methodology's effect on regulatory capital, during the first two years of CECL adoption) by December 31, 2026. As a result, and as discussed below, the amendments to the deposit insurance assessment system and changes to reporting requirements pursuant to this final rule will be applicable only while the temporary regulatory capital relief described above, or any potential future amendment that may affect the calculation of CECL transitional amounts and the double counting of these amounts for deposit insurance assessment purposes, is reflected in the regulatory reports of banks.

F. The Proposed Rule

On December 7, 2020, the FDIC published in the **Federal Register** a notice of proposed rulemaking (the proposed rule, or proposal) [26] that would amend the risk-based deposit insurance assessment system applicable to all large IDIs, including highly complex IDIs, to address the temporary deposit insurance assessment effects resulting from certain optional regulatory capital transition provisions relating to the implementation of the CECL methodology. To address these temporary deposit insurance assessment effects, in calculating certain measures used in the scorecard for determining deposit insurance assessment rates for large or highly complex banks, the FDIC proposed to remove the applicable portions of the CECL transitional amounts added to retained earnings for regulatory capital purposes and attributable to the allowance for credit losses on loans and leases held for investment under the transitions provided for under the 2019 and 2020 CECL rules. Specifically, in certain scorecard measures which are calculated using the sum of Tier 1 capital and reserves, the FDIC proposed to remove a specified portion of the CECL transitional amount (or modified CECL transitional amount) that is added to retained earnings for regulatory capital purposes when determining deposit insurance assessment rates. The FDIC also proposed to adjust the calculation of the loss severity measure to remove the double counting of a specified portion of the CECL transitional amounts for a large or highly complex bank.

The FDIC did not receive any comment letters in response to the proposal and is adopting the proposed rule as final without change.

III. The Final Rule

A. Summary

As proposed, in certain scorecard measures which are calculated using the sum of Tier 1 capital and reserves, the FDIC will remove a specified portion of the CECL transitional amounts that is added to retained earnings for regulatory capital purposes when determining deposit insurance assessment rates. The FDIC also will adjust the calculation of the loss severity measure to remove the double counting of a specified portion of the CECL transitional amounts for a large or highly complex bank.

Absent the adjustments to the calculation of certain financial measures in the large or highly complex bank scorecards under this final rule, the inclusion of the applicable portions of the CECL transitional amounts added to retained earnings for regulatory capital purposes and attributable to the allowance for credit losses on loans and leases held for investment in regulatory capital and the implementation of CECL in calculating reserves would result in temporary double counting of a portion of the CECL transitional amounts in select financial measures used to determine assessment rates for large or highly complex banks. For example, in the denominator of the higher-risk assets to Tier 1 capital and reserves ratio, the applicable portions of the CECL transitional amounts added to retained earnings for regulatory capital purposes and attributable to the allowance for credit losses on loans and leases held for investment would be included in Tier 1 capital, and these portions also would be reflected in the calculation of reserves using the allowance amount reported in Call Report Schedule RC, item 4.c. If left

[24] *See* 84 FR 4228 (Feb. 14, 2019) and 85 FR 61580 (Sept. 30, 2020).

[25] The allowance for credit losses on loans and leases held for investment also is reported in item 7, column A, of Call Report Schedule RI–B, Part II, Changes in Allowances for Credit Losses.

[26] 85 FR 78794 (Dec. 7, 2020).

uncorrected, this temporary double counting could result in a deposit insurance assessment rate for a large or highly complex bank that does not accurately reflect the bank's risk to the DIF, all else equal.

In the following simplified, stylized example, illustrated in Table 1 below, consider a hypothetical large bank that has a CECL effective date of January 1, 2020, and elects a five-year transition.[27] On the closing balance sheet date immediately prior to adopting CECL (*i.e.,* December 31, 2019), the electing bank has $1 million of ALLL and $10 million of Tier 1 capital. On the opening balance sheet date immediately after adopting CECL (*i.e.,* January 1, 2020), the electing bank has $1.2 million of allowances for credit losses, of which the entire $1.2 million qualifies as AACL for regulatory capital purposes and is attributable to the allowance for credit losses on loans and leases held for investment.[28] The bank would recognize the adoption of CECL as of January 1, 2020, by recording an increase in its allowances for credit losses, and in its AACL for regulatory capital purposes, of $200,000, with a reduction in beginning retained earnings of $200,000, which flows through and results in Tier 1 capital of $9.8 million. For each of the quarterly reporting periods in year 1 of the five-year transition period (*i.e.,* 2020), the electing bank would increase the retained earnings reported on its balance sheet by $200,000 for purposes of calculating its regulatory capital ratios, resulting in an increase in its Tier 1 capital of $200,000 to $10 million, all else equal.[29]

In this example, in determining the hypothetical large bank's deposit insurance assessment rate, the bank's Tier 1 capital of $10 million would include the $200,000 addition to the bank's reported retained earnings due to the CECL transition (entirely attributable to the allowance for credit losses on loans and leases), and its reserves would equal $1.2 million, the entire amount of which is attributable to the allowance for credit losses on loans and leases held for investment. Its combined Tier 1 capital and reserves would equal $11.2 million ($10 million plus $1.2 million), reflecting double counting of the $200,000 applicable portion of the bank's CECL transitional amount attributable to the allowance for credit losses on loans and leases.[30]

Under the final rule, for purposes of calculating assessments for large or highly complex banks, the FDIC would subtract $200,000 from the denominator of financial measures that sum Tier 1 capital and reserves, since the amount of $200,000 is incorporated in both Tier 1 capital (as the applicable portion of the CECL transitional amount in year one of the five-year transition period) and reserves in the denominator. The bank's adjusted Tier 1 capital and reserves would equal $11 million. The FDIC also would adjust the calculation of the loss severity measure by $200,000, as described below.

TABLE 1—STYLIZED EXAMPLE[1] OF FIRST-QUARTER APPLICATION OF A FIVE-YEAR CECL TRANSITION IN CALCULATING TIER 1 CAPITAL AND RESERVES FOR DEPOSIT INSURANCE ASSESSMENT PURPOSES

In thousands	Dec. 31, 2019	Jan. 1, 2020
Reserves	$1,000 (ALLL)	$1,200 (AACL).
Tier 1 Capital	$10,000	$10,000.
Tier 1 Capital and Reserves *(absent final rule)*	$11,000	$11,200.
Applicable Portion of the CECL Transitional Amount		$200.
Tier 1 Capital and Reserves (*under final rule)*		$11,000.

[1] This stylized example reflects the first-quarter application of a hypothetical bank that has adopted a five-year CECL transition under the 2020 CECL rule and assumes that the full amount of the CECL transitional amount is attributable to the allowance for credit losses on loans and leases. The example does not reflect any changes over the course of the first quarter of 2020 (*i.e.,* no changes in the amounts reported on the bank's balance sheet between January 1 and March 31, 2020, the end of the reporting period for the first quarter). As a consequence, the bank's modified CECL transitional amount as of March 31, 2020, equals its CECL transitional amount. This stylized example omits the effects of deferred tax assets, which are addressed in the agencies' capital rule, the 2019 CECL rule, and the 2020 CECL rule.

The final rule amends the deposit insurance system applicable to large banks and highly complex banks only, and does not affect regulatory capital or the regulatory capital relief provided under the 2019 CECL rule or 2020 CECL

[27] This stylized example is included to illustrate the effect of the final rule and omits the effects of deferred tax assets on regulatory capital calculations, which are addressed in the agencies' capital rule, the 2019 CECL rule, and the 2020 CECL rule. The example reflects the first-quarter 2020 application by a hypothetical large bank (with no purchased credit-deteriorated assets) that has adopted the five-year CECL transition under the 2020 CECL rule and assumes that the full amount of the CECL transitional amount is attributable to the allowance for credit losses on loans and leases. The example does not reflect any changes over the course of the first quarterly reporting period in year 1 (*i.e.,* no changes in the amounts reported on the bank's balance sheet between January 1 and March 31, 2020, the end of the reporting period for the first quarter). As a consequence, the example bank's modified CECL transitional amount as of March 31, 2020 equals its CECL transitional amount. *See* 12 CFR part 3 (OCC); 12 CFR part 217 (Board); 12 CFR part 324 (FDIC). *See also* 84 FR 4222 (Feb. 14, 2019) and 85 FR 61577 (Sept. 30, 2020).

[28] While the CECL transitional amount is calculated using the difference between the closing balance sheet amount of retained earnings for the fiscal year-end immediately prior to a bank's adoption of CECL and the balance sheet amount of retained earnings as of the beginning of the fiscal year in which the bank adopts CECL, the FDIC calculates financial measures used to determine deposit insurance assessment rates using data reported as of each quarter end.

[29] Under the 2019 CECL rule, when calculating regulatory capital ratios during the first year of an electing bank's CECL adoption date, the bank must phase in 25 percent of the transitional amounts. The bank would phase in an additional 25 percent of the transitional amounts over each of the next two years so that the bank would have phased in 75 percent of the day-one adverse effects of adopting CECL during year three. At the beginning of the fourth year, the bank would have completely reflected in regulatory capital the day-one effects of CECL. Under the 2020 CECL rule, the modified CECL transitional amount is calculated on a quarterly basis during the first two years of the transition period. *See* 12 CFR part 3 (OCC); 12 CFR part 217 (Board); 12 CFR part 324 (FDIC). *See also* 84 FR 4222 (Feb. 14, 2019) and 85 FR 61577 (Sept. 30, 2020).

[30] In this stylized example, the entirety of the CECL transitional amount is attributable to the allowance for credit losses on loans and leases and it equals the modified CECL transitional amount during the first quarter of the transition period. The applicable portion of the CECL transitional amounts is the amount that is double counted in certain financial measures used to determine deposit insurance assessment rates and that the FDIC will remove from those financial measures. However, CECL transitional amounts may also include amounts attributable to allowances for credit losses under CECL on HTM debt securities, other financial assets measured at amortized cost, and off-balance sheet credit exposures. Under the final rule, in determining a large or highly complex bank's deposit insurance assessment rate, the FDIC will continue to include in Tier 1 capital the applicable portion of any CECL transitional amounts attributable to allowances for credit losses on items other than loans and leases held for investment.

rule.[31] The FDIC will continue the application of the transition provisions provided for under the 2019 and 2020 CECL rules to the Tier 1 leverage ratio used in determining deposit insurance assessment rates for all IDIs.

Temporary changes to the Call Report forms and instructions are required to implement the amendments to the assessment system to remove the double counting under the final rule. These changes are being effectuated in coordination with the other member entities of the Federal Financial Institutions Examination Council (FFIEC).[32] Changes to regulatory reporting requirements pursuant to this final rule will be required only while the regulatory capital relief is reflected in the regulatory reports of banks.

B. Adjustments to Certain Measures Used in the Scorecard Approach for Determining Assessment Rates for Large or Highly Complex Banks

Under the final rule, the FDIC will adjust the calculations of certain financial measures used to determine deposit insurance assessment rates for large or highly complex banks to remove the applicable portions of the CECL transitional amounts added to retained earnings that is attributable to the allowance for credit losses on loans and leases held for investment. The FDIC is removing this part of the CECL transitional amounts because, for large or highly complex banks that have adopted CECL, the measure of reserves used in the scorecard is the allowance for credit losses on loans and leases reported in Call Report Schedule RC, item 4.c.

This amount, which will be reported in a new line item in Schedule RC–O only on the FFIEC 031 and FFIEC 041 versions of the Call Report, will be removed from scorecard measures that are calculated using the sum of Tier 1 capital and reserves, as described in more detail below. The FDIC also will adjust the calculation of the loss severity measure to remove the double counting by removing the applicable portions of the CECL transitional amounts added to retained earnings for regulatory capital purposes and attributable to the allowance for credit losses on loans and leases held for investment for large or highly complex banks.

While the FDIC recognizes that by the April 1, 2021, effective date for this final rule, numerous large or highly complex banks will have implemented CECL and many will have elected the transition provided under either the 2019 CECL rule or 2020 CECL rule, the FDIC is not making adjustments to prior quarterly assessments.

1. Credit Quality Measure

The score for the credit quality measure, applicable to both large banks and highly complex banks, is the greater of (1) the ratio of criticized and classified items to Tier 1 capital and reserves score or (2) the ratio of underperforming assets to Tier 1 capital and reserves score.[33] The double counting results in lower ratios and a credit quality measure that reflects less risk than a bank actually poses to the DIF. Under the final rule, the FDIC is adjusting the denominator, Tier 1 capital and reserves, used in both ratios by removing the applicable portions of the CECL transitional amounts added to retained earnings for regulatory capital purposes and attributable to the allowance for credit losses on loans and leases held for investment.

2. Concentration Measure

For large banks, the concentration measure is the higher of (1) the ratio of higher-risk assets to Tier 1 capital and reserves or (2) the growth-adjusted portfolio concentration measure. The growth-adjusted portfolio concentration measure includes the ratio of concentration levels for several loan portfolios to Tier 1 capital and reserves.

For highly complex banks, the concentration measure is the highest of three measures: (1) The ratio of higher-risk assets to Tier 1 capital and reserves, (2) the ratio of top 20 counterparty exposures to Tier 1 capital and reserves, or (3) the ratio of the largest counterparty exposure to Tier 1 capital and reserves.[34]

The double counting results in lower ratios and a concentration measure that reflects less risk than a bank actually poses to the DIF. Under the final rule, the FDIC is adjusting the denominator, Tier 1 capital and reserves, used in each of these ratios by removing the applicable portions of the CECL transitional amounts added to retained earnings for regulatory capital purposes and attributable to the allowance for credit losses on loans and leases held for investment.

3. Loss Severity Measure

The loss severity measure estimates the relative magnitude of potential losses to the DIF in the event of an IDI's failure.[35] In calculating this measure, the FDIC applies a standardized set of assumptions based on historical failures regarding liability runoffs and the recovery value of asset categories to simulate possible losses to the FDIC, reducing capital and assets until the Tier 1 leverage ratio declines to 2 percent. The double counting results in a greater reduction of assets during the capital reduction phase and therefore a lower resolution value of assets at the time of failure, which in turn results in a higher loss severity measure that reflects more risk than a bank actually poses to the DIF. Under the final rule, the FDIC is adjusting the calculation of the capital adjustment in the loss severity measure to remove the double counting of the applicable portion of the CECL transitional amounts added to retained earnings for regulatory capital purposes and attributable to the allowance for credit losses on loans and leases held for investment for both large banks and highly complex banks.[36]

C. Other Conforming Amendments to the Assessment Regulations

Under the final rule, the FDIC is making conforming amendments to the FDIC's assessment regulations to effectuate the adjustments described above and consistent with the proposed rule. These conforming amendments ensure that the adjustments to the financial measures used to calculate a large or highly complex bank's assessment rate are properly incorporated into the assessment regulations.

D. Regulatory Reporting Changes

A bank electing a transition under either the 2019 CECL rule or the 2020 CECL rule must indicate its election to use the 3-year 2019 or the 5-year 2020 CECL transition provision in Call Report

[31] *See* 12 CFR part 3 (OCC); 12 CFR part 217 (Board); 12 CFR part 324 (FDIC). *See also* 84 FR 4222 (Feb. 14, 2019) and 85 FR 61577 (Sept. 30, 2020).

[32] As discussed in the section on the Paperwork Reduction Act below, the agencies published a joint notice and request for comment (85 FR 82580 (Dec. 18, 2020)) requesting one additional temporary item on the Call Report (FFIEC 031 and FFIEC 041 only) to make the adjustments described below.

[33] *See* 12 CFR 327.16(b)(ii)(A)(2)(iv).

[34] *See* Appendix A to subpart A of 23 CFR 327.

[35] Appendix D to subpart A of 12 CFR part 327 describes the calculation of the loss severity measure.

[36] The loss severity measure is an average loss severity ratio for the three most recent quarters of data available. It is anticipated that the temporary reporting changes proposed pursuant to this final rule would be implemented no earlier than the first applicable reporting period following the anticipated effective date of this final rule. As such, the FDIC will adjust the calculation of the loss severity measure to remove the double counting of the specified portion of the CECL transitional amounts for one of the three quarters averaged in the first reporting period following the effective date, for two of the three quarters averaged in the second reporting period following the effective date, and for all three quarters averaged in all subsequent reporting periods, as applicable.

Schedule RC–R, Part I, item 2.a. In addition, such an electing bank must report the applicable portions of the transitional amounts under the 2019 CECL rule or the 2020 CECL rule in the affected Call Report items during the transition period. For example, an electing bank would add the applicable portion of the CECL transitional amount (or the modified CECL transitional amount) when calculating the amount of retained earnings it would report in Schedule RC–R, Part I, item 2, of the Call Report.[37]

In calculating certain measures used in the scorecard approach for determining deposit insurance assessments for large or highly complex banks, under the final rule the FDIC will remove a specified portion of the CECL transitional amounts added to retained earnings under the transitions provided for under the 2020 and 2019 CECL rules. Specifically, in certain measures used in the scorecard approach for determining assessments for large or highly complex banks, the FDIC will remove the applicable portion of the CECL transitional amount (or modified CECL transitional amount) added to retained earnings for regulatory capital purposes (Call Report Schedule RC–R, Part I, Item 2), attributable to the allowance for credits losses on loans and leases held for investment and included in the amount reported on the Call Report balance sheet in Schedule RC, item 4.c.

However, large or highly complex banks that have elected a CECL transition provision do not currently report these specific portions of the CECL transitional amounts in the Call Report. Thus, implementing the finalized amendments to the risk-based deposit insurance assessment system applicable to large or highly complex banks requires temporary changes to the reporting requirements applicable to the Call Report and its related instructions. These reporting changes have been proposed and are being effectuated in coordination with the other member entities of the FFIEC.[38] As previously described, changes to reporting requirements for large or highly complex banks pursuant to this final rule will be required only while the temporary relief is reflected in banks' regulatory reports.

E. Expected Effects

The final rule removes the applicable portions of the CECL transitional amounts added to retained earnings for regulatory capital purposes and attributable to the allowance for credit losses on loans and leases held for investment from certain financial measures used in the scorecards that determine deposit insurance assessment rates for large or highly complex banks. Absent the final rule, this amount would be temporarily double counted and could result in a deposit insurance assessment rate for a large or highly complex bank that does not accurately reflect the bank's risk to the DIF, all else equal. Furthermore, the double counting could result in inequitable deposit insurance assessments, as a large or highly complex bank that has not yet implemented CECL or that does not utilize a transition provision could pay a higher or lower assessment rate than a bank that has implemented CECL and utilizes a transition provision, even if both banks pose equal risk to the DIF. The FDIC estimates that the majority of large or highly complex banks affected by the double counting are currently paying a lower rate than they would absent the final rule. However, the FDIC also estimates that a few banks are currently paying a higher rate than they otherwise would pay if the issue of double counting is corrected. The FDIC estimates that the rate these latter banks are paying is higher by only a *de minimis* amount, and occurs where the double counting on the loss severity measure more than offsets the effect of double counting on the other scorecard measures that are calculated using the sum of Tier 1 capital and reserves.

Based on FDIC data as of September 30, 2020, the FDIC estimates that this double counting could result in approximately $55 million in annual foregone assessment revenue, or 0.047 percent of the DIF balance as of that date. This estimate includes the majority of large or highly complex banks that are paying a lower rate due to the double counting and the few banks that are paying a higher rate absent correction of double counting. The FDIC expects that absent this final rule, the estimated amount of foregone assessment revenue would increase as additional large or highly complex banks adopt CECL, to the extent those large or highly complex banks elect to apply a transition. Absent the final rule, the FDIC expects that this amount of foregone assessment revenue also may increase as large or highly complex banks electing the 2020 CECL rule include in their modified CECL transitional amounts an estimate of CECL's effect on regulatory capital, relative to the incurred loss methodology's effect on regulatory capital, during the first two years of CECL adoption. As of September 30, 2020, the FDIC estimates that 109 of 139 large or highly complex banks had implemented CECL, and that 94 had elected a transition provided under either the 2019 CECL rule or the 2020 CECL rule. As banks phase out the transitional amounts over time, the assessment effect also will decline. As described previously, the optional temporary relief from CECL afforded by the CARES Act and as extended by the Consolidated Appropriations Act, 2021, and the transitions provided for under the 2019 CECL rule and 2020 CECL rule, provide that all banks will have completely reflected in regulatory capital the day-one effects of CECL (plus, if applicable, an estimate of CECL's effect on regulatory capital, relative to the incurred loss methodology's effect on regulatory capital, during the first two years of CECL adoption) by December 31, 2026, thereby eliminating the double counting effects from the scorecard for large or highly complex banks. These above estimates are subject to uncertainty given differing CECL implementation dates and the option for large or highly complex banks to choose between the transitions offered under the 2019 CECL rule or the 2020 CECL rule, or to recognize the full impact of CECL on regulatory capital upon implementation.

The final rule could pose some additional regulatory costs for large or highly complex banks that elect a transition under either the 2019 CECL rule or the 2020 CECL rule associated with changes to internal systems or processes, or changes to reporting requirements. It is the FDIC's understanding that banks already calculate, for internal purposes, the portion of the CECL transitional amount (or modified CECL transitional amount) added to retained earnings for regulatory capital purposes that is attributable to the allowance for credit losses on loans and leases held for investment. As such, the FDIC anticipates that the addition of this temporary item to the Call Report would not impose significant additional burden and any additional costs are likely to be *de minimis.*

IV. Effective Date of the Final Rule

The FDIC is issuing this final rule with an effective date of April 1, 2021, and applicable to the second quarterly assessment period of 2021 (*i.e.,* April 1–June 30, 2021). Based on this effective date, the temporary effects of the double counting of the applicable portions of the CECL transitional amounts in select financial measures used in the scorecard approach for determining assessments for large or highly complex banks will

[37] *See* 84 FR 4227 and 85 FR 17726.

[38] 85 FR 82580 (Dec. 18, 2020).

be corrected beginning with the second quarterly assessment period of 2021.

V. Administrative Law Matters

A. Administrative Procedure Act

Under the Administrative Procedure Act (APA),[39] ''[t]he required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except as otherwise provided by the agency for good cause found and published with the rule.'' [40]

An effective date of April 1, 2021 would mean that the temporary effects of the double counting of the applicable portions of the CECL transitional amounts in select financial measures used in the scorecard approach for determining assessments for large or highly complex banks are corrected, beginning with the second quarterly assessment period of 2021 (*i.e.,* April 1–June 30, 2021), with a payment due date of September 30, 2021.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* generally requires an agency, in connection with a final rule, to prepare and make available for public comment a final regulatory flexibility analysis that describes the impact of a final rule on small entities.[41] However, a regulatory flexibility analysis is not required if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The U.S. Small Business Administration (SBA) has defined ''small entities'' to include banking organizations with total assets of less than or equal to $600 million.[42] Certain types of rules, such as rules of particular applicability relating to rates, corporate or financial structures, or practices relating to such rates or structures, are expressly excluded from the definition of ''rule'' for purposes of the RFA.[43] Because the final rule relates directly to the rates imposed on IDIs for deposit insurance and to the deposit insurance assessment system that measures risk and determines each bank's assessment rate, the final rule is not subject to the RFA. Nonetheless, the FDIC is voluntarily presenting information in this RFA section.

Based on Call Report data as of September 30, 2020, the FDIC insures 5,042 depository institutions, of which 3,585 are defined as small entities by the terms of the RFA.[44] The final rule, however, only applies to institutions with $10 billion or greater in total assets. Consequently, small entities for purposes of the RFA will experience no economic impact as a result of the implementation of this final rule.

C. Riegle Community Development and Regulatory Improvement Act of 1994

Section 302(a) of the Riegle Community Development and Regulatory Improvement Act (RCDRIA) requires that the Federal banking agencies, including the FDIC, in determining the effective date and administrative compliance requirements of new regulations that impose additional reporting, disclosure, or other requirements on IDIs, consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. In addition, section 302(b) of RCDRIA requires new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on IDIs generally to take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form, with certain exceptions, including for good cause.[45]

The amendments to the FDIC's deposit insurance assessment regulations under this final rule do impose additional reporting, disclosures, or other new requirements. As discussed above, the FDIC is making temporary changes to the FFIEC 031 and FFIEC 041 Call Report forms and instructions to implement the amendments to the assessment system to remove the double counting under the final rule. These changes are being effectuated in coordination with the other member entities of the FFIEC. As such, the FDIC considered the requirements of the RCDRIA and are finalizing this rule with an effective date of April 1, 2021. The FDIC invited comments regarding the application of RCDRIA to the final rule, but did not receive comments on this topic.

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.[46] The FDIC's OMB control numbers for its assessment regulations are 3064–0057, 3064–0151, and 3064–0179. The final rule does not revise any of these existing assessment information collections pursuant to the PRA and consequently, no submissions in connection with these OMB control numbers will be made to the OMB for review. However, the final rule affects the agencies' current information collections for the Call Report (FFIEC 031 and FFIEC 041, but not FFIEC 051). The agencies' OMB control numbers for the Call Reports are: OCC OMB No. 1557–0081; Board OMB No. 7100–0036; and FDIC OMB No. 3064–0052. The changes to the Call Report forms and instructions have been addressed in a separate **Federal Register** notice or notices.[47]

E. Plain Language

Section 722 of the Gramm-Leach-Bliley Act [48] requires the Federal banking agencies to use plain language in all proposed and final rulemakings published in the **Federal Register** after January 1, 2000. The FDIC invited comment regarding the use of plain language, but did not receive any comments on this topic.

E. The Congressional Review Act

For purposes of Congressional Review Act, the OMB makes a determination as to whether a final rule constitutes a ''major'' rule. The OMB has determined that the final rule is not a major rule for purposes of the Congressional Review Act.

If a rule is deemed a ''major rule'' by the OMB, the Congressional Review Act generally provides that the rule may not take effect until at least 60 days following its publication. The Congressional Review Act defines a

[39] 5 U.S.C. 553.

[40] 5 U.S.C. 553(d).

[41] 5 U.S.C. 601 *et seq.*

[42] The SBA defines a small banking organization as having $600 million or less in assets, where an organization's ''assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.'' *See* 13 CFR 121.201 (as amended, effective August 19, 2019). In its determination, the SBA ''counts the receipts, employees, or other measure of size of the concern whose size is at issue and all of its domestic and foreign affiliates.'' 13 CFR 121.103. Following these regulations, the FDIC uses a covered entity's affiliated and acquired assets, averaged over the preceding four quarters, to determine whether the covered entity is ''small'' for the purposes of RFA.

[43] 5 U.S.C. 601.

[44] FDIC Call Report data, September 30, 2020.

[45] 5 U.S.C. 553(b)(B).

[45] U.S.C. 553(d).

[45] U.S.C. 601 *et seq.*

[45] U.S.C. 801 *et seq.*

[45] U.S.C. 801(a)(3).

[45] U.S.C. 804(2).

[45] U.S.C. 808(2).

[45] 12 U.S.C. 4802(a).

[45] 12 U.S.C. 4802(b).

[46] 4 U.S.C. 3501–3521.

[47] 85 FR 82580 (Dec. 18, 2020).

[48] 12 U.S.C. 4809.

''major rule'' as any rule that the Administrator of the Office of Information and Regulatory Affairs of the OMB finds has resulted in or is likely to result in—(A) an annual effect on the economy of $100,000,000 or more; (B) a major increase in costs or prices for consumers, individual industries, Federal, State, or Local government agencies or geographic regions, or (C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. As required by the Congressional Review Act, the FDIC will submit the final rule and other appropriate reports to Congress and the Government Accountability Office for review.

List of Subjects in 12 CFR Part 327

Bank deposit insurance, Banks, Banking, Savings associations.

Authority and Issuance

For the reasons stated in the preamble, the Federal Deposit Insurance Corporation amends 12 CFR part 327 as follows:

PART 327—ASSESSMENTS

■ 1. The authority citation for part 327 continues to read as follows:

Authority: 12 U.S.C. 1813, 1815, 1817–19, 1821.

■ 2. In Appendix A to Subpart A, revise the table under the heading, ''VI. Description of Scorecard Measures'' to read as follows:

Appendix A to Subpart A of Part 327—Method To Derive Pricing Multipliers and Uniform Amount

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VI. Description of Scorecard Measures

Scorecard measures [1]	Description
Leverage Ratio	Tier 1 capital for Prompt Corrective Action (PCA) divided by adjusted average assets based on the definition for prompt corrective action.
Concentration Measure for Large Insured depository institutions (excluding Highly Complex Institutions).	The concentration score for large institutions is the higher of the following two scores:
(1) Higher-Risk Assets/Tier 1 Capital and Reserves [2].	Sum of construction and land development (C&D) loans (funded and unfunded), higher-risk C&I loans (funded and unfunded), nontraditional mortgages, higher-risk consumer loans, and higher-risk securitizations divided by Tier 1 capital and reserves. See Appendix C for the detailed description of the ratio.
(2) Growth-Adjusted Portfolio Concentrations [2].	The measure is calculated in the following steps: (1) Concentration levels (as a ratio to Tier 1 capital and reserves) are calculated for each broad portfolio category: • C&D, • Other commercial real estate loans, • First lien residential mortgages (including non-agency residential mortgage-backed securities), • Closed-end junior liens and home equity lines of credit (HELOCs), • Commercial and industrial loans, • Credit card loans, and • Other consumer loans. (2) Risk weights are assigned to each loan category based on historical loss rates. (3) Concentration levels are multiplied by risk weights and squared to produce a risk-adjusted concentration ratio for each portfolio. (4) Three-year merger-adjusted portfolio growth rates are then scaled to a growth factor of 1 to 1.2 where a 3-year cumulative growth rate of 20 percent or less equals a factor of 1 and a growth rate of 80 percent or greater equals a factor of 1.2. If three years of data are not available, a growth factor of 1 will be assigned. (5) The risk-adjusted concentration ratio for each portfolio is multiplied by the growth factor and resulting values are summed. See Appendix C for the detailed description of the measure.
Concentration Measure for Highly Complex Institutions.	Concentration score for highly complex institutions is the highest of the following three scores:
(1) Higher-Risk Assets/Tier 1 Capital and Reserves [2].	Sum of C&D loans (funded and unfunded), higher-risk C&I loans (funded and unfunded), nontraditional mortgages, higher-risk consumer loans, and higher-risk securitizations divided by Tier 1 capital and reserves. See Appendix C for the detailed description of the measure.
(2) Top 20 Counterparty Exposure/Tier 1 Capital and Reserves [2].	Sum of the 20 largest total exposure amounts to counterparties divided by Tier 1 capital and reserves. The total exposure amount is equal to the sum of the institution's exposure amounts to one counterparty (or borrower) for derivatives, securities financing transactions (SFTs), and cleared transactions, and its gross lending exposure (including all unfunded commitments) to that counterparty (or borrower). A counterparty includes an entity's own affiliates. Exposures to entities that are affiliates of each other are treated as exposures to one counterparty (or borrower). Counterparty exposure excludes all counterparty exposure to the U.S. Government and departments or agencies of the U.S. Government that is unconditionally guaranteed by the full faith and credit of the United States. The exposure amount for derivatives, including OTC derivatives, cleared transactions that are derivative contracts, and netting sets of derivative contracts, must be calculated using the methodology set forth in 12 CFR 324.34(b), but without any reduction for collateral other than cash collateral that is all or part of variation margin and that satisfies the requirements of 12 CFR 324.10(c)(4)(ii)(C)(*1*)(*ii*) and (*iii*) and 324.10(c)(4)(ii)(C)(*3*) through (*7*). The exposure amount associated with SFTs, including cleared transactions that are SFTs, must be calculated using the standardized approach set forth in 12 CFR 324.37(b) or (c). For both derivatives and SFT exposures, the exposure amount to central counterparties must also include the default fund contribution.[3]

Scorecard measures [1]	Description
(3) Largest Counterparty Exposure/Tier 1 Capital and Reserves [2].	The largest total exposure amount to one counterparty divided by Tier 1 capital and reserves. The total exposure amount is equal to the sum of the institution's exposure amounts to one counterparty (or borrower) for derivatives, SFTs, and cleared transactions, and its gross lending exposure (including all unfunded commitments) to that counterparty (or borrower). A counterparty includes an entity's own affiliates. Exposures to entities that are affiliates of each other are treated as exposures to one counterparty (or borrower). Counterparty exposure excludes all counterparty exposure to the U.S. Government and departments or agencies of the U.S. Government that is unconditionally guaranteed by the full faith and credit of the United States. The exposure amount for derivatives, including OTC derivatives, cleared transactions that are derivative contracts, and netting sets of derivative contracts, must be calculated using the methodology set forth in 12 CFR 324.34(b), but without any reduction for collateral other than cash collateral that is all or part of variation margin and that satisfies the requirements of 12 CFR 324.10(c)(4)(ii)(C)(*1*)(*ii*) and (*iii*) and 324.10(c)(4)(ii)(C)(*3*) through (*7*). The exposure amount associated with SFTs, including cleared transactions that are SFTs, must be calculated using the standardized approach set forth in 12 CFR 324.37(b) or (c). For both derivatives and SFT exposures, the exposure amount to central counterparties must also include the default fund contribution.[3]
Core Earnings/Average Quarter-End Total Assets.	Core earnings are defined as net income less extraordinary items and tax-adjusted realized gains and losses on available-for-sale (AFS) and held-to-maturity (HTM) securities, adjusted for mergers. The ratio takes a four-quarter sum of merger-adjusted core earnings and divides it by an average of five quarter-end total assets (most recent and four prior quarters). If four quarters of data on core earnings are not available, data for quarters that are available will be added and annualized. If five quarters of data on total assets are not available, data for quarters that are available will be averaged.
Credit Quality Measure	The credit quality score is the higher of the following two scores:
(1) Criticized and Classified Items/Tier 1 Capital and Reserves [2].	Sum of criticized and classified items divided by the sum of Tier 1 capital and reserves. Criticized and classified items include items an institution or its primary federal regulator have graded "Special Mention" or worse and include retail items under Uniform Retail Classification Guidelines, securities, funded and unfunded loans, other real estate owned (ORE), other assets, and marked-to-market counterparty positions, less credit valuation adjustments.[4] Criticized and classified items exclude loans and securities in trading books, and the amount recoverable from the U.S. government, its agencies, or government-sponsored enterprises, under guarantee or insurance provisions.
(2) Underperforming Assets/Tier 1 Capital and Reserves [2].	Sum of loans that are 30 days or more past due and still accruing interest, nonaccrual loans, restructured loans (including restructured 1–4 family loans), and ORE, excluding the maximum amount recoverable from the U.S. government, its agencies, or government-sponsored enterprises, under guarantee or insurance provisions, divided by a sum of Tier 1 capital and reserves.
Core Deposits/Total Liabilities.	Total domestic deposits excluding brokered deposits and uninsured non-brokered time deposits divided by total liabilities.
Balance Sheet Liquidity Ratio.	Sum of cash and balances due from depository institutions, federal funds sold and securities purchased under agreements to resell, and the market value of available for sale and held to maturity agency securities (excludes agency mortgage-backed securities but includes all other agency securities issued by the U.S. Treasury, U.S. government agencies, and U.S. government-sponsored enterprises) divided by the sum of federal funds purchased and repurchase agreements, other borrowings (including FHLB) with a remaining maturity of one year or less, 5 percent of insured domestic deposits, and 10 percent of uninsured domestic and foreign deposits.[5]
Potential Losses/Total Domestic Deposits (Loss Severity Measure) [6].	Potential losses to the DIF in the event of failure divided by total domestic deposits. Appendix D describes the calculation of the loss severity measure in detail.
Market Risk Measure for Highly Complex Institutions.	The market risk score is a weighted average of the following three scores:
(1) Trading Revenue Volatility/Tier 1 Capital.	Trailing 4-quarter standard deviation of quarterly trading revenue (merger-adjusted) divided by Tier 1 capital.
(2) Market Risk Capital/Tier 1 Capital.	Market risk capital divided by Tier 1 capital.[7]
(3) Level 3 Trading Assets/Tier 1 Capital.	Level 3 trading assets divided by Tier 1 capital.
Average Short-term Funding/Average Total Assets.	Quarterly average of federal funds purchased and repurchase agreements divided by the quarterly average of total assets as reported on Schedule RC–K of the Call Reports.

[1] The FDIC retains the flexibility, as part of the risk-based assessment system, without the necessity of additional notice-and-comment rulemaking, to update the minimum and maximum cutoff values for all measures used in the scorecard. The FDIC may update the minimum and maximum cutoff values for the higher-risk assets to Tier 1 capital and reserves ratio in order to maintain an approximately similar distribution of higher-risk assets to Tier 1 capital and reserves ratio scores as reported prior to April 1, 2013, or to avoid changing the overall amount of assessment revenue collected. 76 FR 10672, 10700 (February 25, 2011). The FDIC will review changes in the distribution of the higher-risk assets to Tier 1 capital and reserves ratio scores and the resulting effect on total assessments and risk differentiation between banks when determining changes to the cutoffs. The FDIC may update the cutoff values for the higher-risk assets to Tier 1 capital and reserves ratio more frequently than annually. The FDIC will provide banks with a minimum one quarter advance notice of changes in the cutoff values for the higher-risk assets to Tier 1 capital and reserves ratio with their quarterly deposit insurance invoice.

[2] The applicable portions of the current expected credit loss methodology (CECL) transitional amounts attributable to the allowance for credit losses on loans and leases held for investment and added to retained earnings for regulatory capital purposes pursuant to the regulatory capital regulations, as they may be amended from time to time (12 CFR part 3, 12 CFR part 217, 12 CFR part 324, 85 FR 61577 (Sept. 30, 2020), and 84 FR 4222 (Feb. 14, 2019)), will be removed from the sum of Tier 1 capital and reserves.

[3] SFTs include repurchase agreements, reverse repurchase agreements, security lending and borrowing, and margin lending transactions, where the value of the transactions depends on market valuations and the transactions are often subject to margin agreements. The default fund contribution is the funds contributed or commitments made by a clearing member to a central counterparty's mutualized loss sharing arrangement. The other terms used in this description are as defined in 12 CFR part 324, subparts A and D, unless defined otherwise in 12 CFR part 327.

[4] A marked-to-market counterparty position is equal to the sum of the net marked-to-market derivative exposures for each counterparty. The net marked-to-market derivative exposure equals the sum of all positive marked-to-market exposures net of legally enforceable netting provisions and net of all collateral held under a legally enforceable CSA plus any exposure where excess collateral has been posted to the counterparty. For purposes of the Criticized and Classified Items/Tier 1 Capital and Reserves definition a marked-to-market counterparty position less any credit valuation adjustment can never be less than zero.

[5] Deposit runoff rates for the balance sheet liquidity ratio reflect changes issued by the Basel Committee on Banking Supervision in its December 2010 document, ''Basel III: International Framework for liquidity risk measurement, standards, and monitoring,'' *http://www.bis.org/publ/bcbs188.pdf*.

[6] The applicable portions of the CECL transitional amounts attributable to the allowance for credit losses on loans and leases held for investment and added to retained earnings for regulatory capital purposes will be removed from the calculation of the loss severity measure.

[7] *Market risk* is defined in 12 CFR 324.202.

* * * * *

■ 3. Amend Appendix C to Subpart A by:

■ a. Redesignating footnotes 2 through 16 as footnotes 3 through 17; and

■ b. Revising the paragraph under the heading, ''I. Concentration Measures,'' to read as follows:

Appendix C to Subpart A of Part 327—Description of Concentration Measures

I. Concentration Measures

The concentration score for large banks is the higher of the higher-risk assets to Tier 1 capital and reserves score or the growth-adjusted portfolio concentrations score.[1] The concentration score for highly complex institutions is the highest of the higher-risk assets to Tier 1 capital and reserves score, the Top 20 counterparty exposure to Tier 1 capital and reserves score, or the largest counterparty to Tier 1 capital and reserves score.[2] The higher-risk assets to Tier 1 capital and reserves ratio and the growth-adjusted portfolio concentration measure are described herein.

[1] For the purposes of this Appendix, the term ''bank'' means insured depository institution.

[2] As described in Appendix A to this subpart, the applicable portions of the current expected credit loss methodology (CECL) transitional amounts attributable to the allowance for credit losses on loans and leases held for investment and added to retained earnings for regulatory capital purposes pursuant to the regulatory capital regulations, as they may be amended from time to time (12 CFR part 3, 12 CFR part 217, 12 CFR part 324, 85 FR 61577 (Sept. 30, 2020), and 84 FR 4222 (Feb. 14, 2019)), will be removed from the sum of Tier 1 capital and reserves throughout the large bank and highly complex bank scorecards, including in the ratio of Higher-Risk Assets to Tier 1 Capital and Reserves, the Growth-Adjusted Portfolio Concentrations Measure, the ratio of Top 20 Counterparty Exposure to Tier 1 Capital and Reserves, and the Ratio of Largest Counterparty Exposure to Tier 1 Capital and Reserves.

* * * * *

■ 4. In Appendix D to Subpart A, revise the introductory text to read as follows:

Appendix D to Subpart A of Part 327—Description of the Loss Severity Measure

The loss severity measure applies a standardized set of assumptions to an institution's balance sheet to measure possible losses to the FDIC in the event of an institution's failure. To determine an institution's loss severity rate, the FDIC first applies assumptions about uninsured deposit and other unsecured liability runoff, and growth in insured deposits, to adjust the size and composition of the institution's liabilities. Assets are then reduced to match any reduction in liabilities.[1] The institution's asset values are then further reduced so that the Leverage ratio reaches 2 percent.[2] [3] In both cases, assets are adjusted pro rata to preserve the institution's asset composition. Assumptions regarding loss rates at failure for a given asset category and the extent of secured liabilities are then applied to estimated assets and liabilities at failure to determine whether the institution has enough unencumbered assets to cover domestic deposits. Any projected shortfall is divided by current domestic deposits to obtain an end-of-period loss severity ratio. The loss severity measure is an average loss severity ratio for the three most recent quarters of data available.

[1] In most cases, the model would yield reductions in liabilities and assets prior to failure. Exceptions may occur for institutions primarily funded through insured deposits which the model assumes to grow prior to failure.

[2] Of course, in reality, runoff and capital declines occur more or less simultaneously as an institution approaches failure. The loss severity measure assumptions simplify this process for ease of modeling.

[3] The applicable portions of the current expected credit loss methodology (CECL) transitional amounts attributable to the allowance for credit losses on loans and leases held for investment and added to retained earnings for regulatory capital purposes pursuant to the regulatory capital regulations, as they may be amended from time to time (12 CFR part 3, 12 CFR part 217, 12 CFR part 324, 85 FR 61577 (Sept. 30, 2020), and 84 FR 4222 (Feb. 14, 2019)), will be removed from the calculation of the loss severity measure.

* * * * *

■ 5. In Appendix E to subpart A, under the heading ''II. Mitigating the Assessment Effects of Paycheck Protection Program Loans for Large or Highly Complex Institutions'', revise Table E.2 and paragraph (a) to read as follows:

TABLE E.2—EXCLUSIONS FROM CERTAIN RISK MEASURES USED TO CALCULATE THE ASSESSMENT RATE FOR LARGE OR HIGHLY COMPLEX INSTITUTIONS

Scorecard measures [1]	Description	Exclusions
Leverage Ratio	Tier 1 capital for Prompt Corrective Action (PCA) divided by adjusted average assets based on the definition for prompt corrective action.	No Exclusion.
Concentration Measure for Large Insured depository institutions (excluding Highly Complex Institutions).	The concentration score for large institutions is the higher of the following two scores:	
(1) Higher-Risk Assets/ Tier 1 Capital and Reserves.	Sum of construction and land development (C&D) loans (funded and unfunded), higher-risk commercial and industrial (C&I) loans (funded and unfunded), nontraditional mortgages, higher-risk consumer loans, and higher-risk securitizations divided by Tier 1 capital and reserves. See Appendix C for the detailed description of the ratio.	No Exclusion.
(2) Growth-Adjusted Portfolio Concentrations.	The measure is calculated in the following steps:	
	(1) Concentration levels (as a ratio to Tier 1 capital and reserves) are calculated for each broad portfolio category:	

TABLE E.2—EXCLUSIONS FROM CERTAIN RISK MEASURES USED TO CALCULATE THE ASSESSMENT RATE FOR LARGE OR HIGHLY COMPLEX INSTITUTIONS—Continued

Scorecard measures [1]	Description	Exclusions
	• Constructions and land development (C&D), • Other commercial real estate loans, • First lien residential mortgages (including non-agency residential mortgage-backed securities), • Closed-end junior liens and home equity lines of credit (HELOCs), • Commercial and industrial loans (C&I), • Credit card loans, and • Other consumer loans. (2) Risk weights are assigned to each loan category based on historical loss rates. (3) Concentration levels are multiplied by risk weights and squared to produce a risk-adjusted concentration ratio for each portfolio.	
	(4) Three-year merger-adjusted portfolio growth rates are then scaled to a growth factor of 1 to 1.2 where a 3-year cumulative growth rate of 20 percent or less equals a factor of 1 and a growth rate of 80 percent or greater equals a factor of 1.2. If three years of data are not available, a growth factor of 1 will be assigned.	Exclude from C&I loan growth rate the outstanding amount of loans provided under the Paycheck Protection Program.
	(5) The risk-adjusted concentration ratio for each portfolio is multiplied by the growth factor and resulting values are summed. See Appendix C for the detailed description of the measure.	
Concentration Measure for Highly Complex Institutions.	Concentration score for highly complex institutions is the highest of the following three scores:	
(1) Higher-Risk Assets/Tier 1 Capital and Reserves.	Sum of C&D loans (funded and unfunded), higher-risk C&I loans (funded and unfunded), nontraditional mortgages, higher-risk consumer loans, and higher-risk securitizations divided by Tier 1 capital and reserves. See Appendix C for the detailed description of the measure.	No Exclusion.
(2) Top 20 Counterparty Exposure/Tier 1 Capital and Reserves.	Sum of the 20 largest total exposure amounts to counterparties divided by Tier 1 capital and reserves. The total exposure amount is equal to the sum of the institution's exposure amounts to one counterparty (or borrower) for derivatives, securities financing transactions (SFTs), and cleared transactions, and its gross lending exposure (including all unfunded commitments) to that counterparty (or borrower). A counterparty includes an entity's own affiliates. Exposures to entities that are affiliates of each other are treated as exposures to one counterparty (or borrower). Counterparty exposure excludes all counterparty exposure to the U.S. Government and departments or agencies of the U.S. Government that is unconditionally guaranteed by the full faith and credit of the United States. The exposure amount for derivatives, including OTC derivatives, cleared transactions that are derivative contracts, and netting sets of derivative contracts, must be calculated using the methodology set forth in 12 CFR 324.34(b), but without any reduction for collateral other than cash collateral that is all or part of variation margin and that satisfies the requirements of 12 CFR 324.10(c)(4)(ii)(C)(1)(ii) and (iii) and 324.10(c)(4)(ii)(C)(3) through (7). The exposure amount associated with SFTs, including cleared transactions that are SFTs, must be calculated using the standardized approach set forth in 12 CFR 324.37(b) or (c). For both derivatives and SFT exposures, the exposure amount to central counterparties must also include the default fund contribution.	No Exclusion.
(3) Largest Counterparty Exposure/Tier 1 Capital and Reserves.	The largest total exposure amount to one counterparty divided by Tier 1 capital and reserves. The total exposure amount is equal to the sum of the institution's exposure amounts to one counterparty (or borrower) for derivatives, SFTs, and cleared transactions, and its gross lending exposure (including all unfunded commitments) to that counterparty (or borrower). A counterparty includes an entity's own affiliates. Exposures to entities that are affiliates of each other are treated as exposures to one counterparty (or borrower). Counterparty exposure excludes all counterparty exposure to the U.S. Government and departments or agencies of the U.S. Government that is unconditionally guaranteed by the full faith and credit of the United States. The exposure amount for derivatives, including OTC derivatives, cleared transactions that are derivative contracts, and netting sets of derivative contracts, must be calculated using the methodology set forth in 12 CFR 324.34(b), but without any reduction for collateral other than cash collateral that is all or part of variation margin and that satisfies the requirements of 12 CFR 324.10(c)(4)(ii)(C)(1)(ii) and (iii) and 324.10(c)(4)(ii)(C)(3) through (7). The exposure amount associated with SFTs, including cleared transactions that are SFTs, must be calculated using the standardized approach set forth in 12 CFR 324.37(b) or (c). For both derivatives and SFT exposures, the exposure amount to central counterparties must also include the default fund contribution.	No Exclusion.

TABLE E.2—EXCLUSIONS FROM CERTAIN RISK MEASURES USED TO CALCULATE THE ASSESSMENT RATE FOR LARGE OR HIGHLY COMPLEX INSTITUTIONS—Continued

Scorecard measures [1]	Description	Exclusions
Core Earnings/Average Quarter-End Total Assets.	Core earnings are defined as net income less extraordinary items and tax-adjusted realized gains and losses on available-for-sale (AFS) and held-to-maturity (HTM) securities, adjusted for mergers. The ratio takes a four-quarter sum of merger-adjusted core earnings and divides it by an average of five quarter-end total assets (most recent and four prior quarters). If four quarters of data on core earnings are not available, data for quarters that are available will be added and annualized. If five quarters of data on total assets are not available, data for quarters that are available will be averaged.	Prior to averaging, exclude from total assets for the applicable quarter-end periods the outstanding balance of loans provided under the Paycheck Protection Program.
Credit Quality Measure. [2]	The credit quality score is the higher of the following two scores:	
(1) Criticized and Classified Items/Tier 1 Capital and Reserves.	Sum of criticized and classified items divided by the sum of Tier 1 capital and reserves. Criticized and classified items include items an institution or its primary federal regulator have graded ''Special Mention'' or worse and include retail items under Uniform Retail Classification Guidelines, securities, funded and unfunded loans, other real estate owned (ORE), other assets, and marked-to-market counterparty positions, less credit valuation adjustments. Criticized and classified items exclude loans and securities in trading books, and the amount recoverable from the U.S. government, its agencies, or government-sponsored enterprises, under guarantee or insurance provisions.	No Exclusion.
(2) Underperforming Assets/Tier 1 Capital and Reserves.	Sum of loans that are 30 days or more past due and still accruing interest, nonaccrual loans, restructured loans (including restructured 1–4 family loans), and ORE, excluding the maximum amount recoverable from the U.S. government, its agencies, or government-sponsored enterprises, under guarantee or insurance provisions, divided by a sum of Tier 1 capital and reserves.	No Exclusion.
Core Deposits/Total Liabilities	Total domestic deposits excluding brokered deposits and uninsured non-brokered time deposits divided by total liabilities.	Exclude from total liabilities outstanding borrowings from Federal Reserve Banks under the Paycheck Protection Program Liquidity Facility with a maturity of one year or less and outstanding borrowings from the Federal Reserve Banks under the Paycheck Protection Program Liquidity Facility with a maturity of greater than one year.
Balance Sheet Liquidity Ratio	Sum of cash and balances due from depository institutions, federal funds sold and securities purchased under agreements to resell, and the market value of available for sale and held to maturity agency securities (excludes agency mortgage-backed securities but includes all other agency securities issued by the U.S. Treasury, U.S. government agencies, and U.S. government sponsored enterprises) divided by the sum of federal funds purchased and repurchase agreements, other borrowings (including FHLB) with a remaining maturity of one year or less, 5 percent of insured domestic deposits, and 10 percent of uninsured domestic and foreign deposits.	Include in highly liquid assets the outstanding balance of PPP loans that exceed borrowings from the Federal Reserve Banks under the PPPLF, until September 30, 2020, or if extended by the Board of Governors of the Federal Reserve System and the Secretary of the Treasury, until such date of extension. Exclude from other borrowings with a remaining maturity of one year or less the balance of outstanding borrowings from the Federal Reserve Banks under the Paycheck Protection Program Liquidity Facility with a remaining maturity of one year or less.
Potential Losses/Total Domestic Deposits (Loss Severity Measure).	Potential losses to the DIF in the event of failure divided by total domestic deposits. Paragraph (a) of this section describes the calculation of the loss severity measure in detail.	Exclusions are described in paragraph (a) of this section.
Market Risk Measure for Highly Complex Institutions [2].	The market risk score is a weighted average of the following three scores:	

TABLE E.2—EXCLUSIONS FROM CERTAIN RISK MEASURES USED TO CALCULATE THE ASSESSMENT RATE FOR LARGE OR HIGHLY COMPLEX INSTITUTIONS—Continued

Scorecard measures [1]	Description	Exclusions
(1) Trading Revenue Volatility/Tier 1 Capital.	Trailing 4-quarter standard deviation of quarterly trading revenue (merger-adjusted) divided by Tier 1 capital.	No Exclusion.
(2) Market Risk Capital/Tier 1 Capital.	Market risk capital divided by Tier 1 capital	No Exclusion.
(3) Level 3 Trading Assets/Tier 1 Capital.	Level 3 trading assets divided by Tier 1 capital	No Exclusion.
Average Short-term Funding/Average Total Assets.	Quarterly average of federal funds purchased and repurchase agreements divided by the quarterly average of total assets as reported on Schedule RC–K of the Call Reports.	Exclude from the quarterly average of total assets the outstanding balance of loans provided under the Paycheck Protection Program.

[1] The applicable portions of the current expected credit loss methodology (CECL) transitional amounts attributable to the allowance for credit losses on loans and leases held for investment and added to retained earnings for regulatory capital purposes pursuant to the regulatory capital regulations, as they may be amended from time to time (12 CFR part 3, 12 CFR part 217, 12 CFR part 324, 85 FR 61577 (Sept. 30, 2020), and 84 FR 4222 (Feb. 14, 2019)), will be removed from the sum of Tier 1 capital and reserves throughout the large bank and highly complex bank scorecards, including in the ratio of Higher-Risk Assets to Tier 1 Capital and Reserves, the Growth-Adjusted Portfolio Concentrations Measure, the ratio of Top 20 Counterparty Exposure to Tier 1 Capital and Reserves, the Ratio of Largest Counterparty Exposure to Tier 1 Capital and Reserves, the ratio of Criticized and Classified Items to Tier 1 Capital and Reserves, and the ratio of Underperforming Assets to Tier 1 Capital and Reserves. All of these ratios are described in appendix A of this subpart.

[2] The credit quality score is the greater of the criticized and classified items to Tier 1 capital and reserves score or the underperforming assets to Tier 1 capital and reserves score. The market risk score is the weighted average of three scores—the trading revenue volatility to Tier 1 capital score, the market risk capital to Tier 1 capital score, and the level 3 trading assets to Tier 1 capital score. All of these ratios are described in appendix A of this subpart and the method of calculating the scores is described in appendix B of this subpart. Each score is multiplied by its respective weight, and the resulting weighted score is summed to compute the score for the market risk measure. An overall weight of 35 percent is allocated between the scores for the credit quality measure and market risk measure. The allocation depends on the ratio of average trading assets to the sum of average securities, loans and trading assets (trading asset ratio) as follows: (1) Weight for credit quality score = 35 percent * (1—trading asset ratio); and, (2) Weight for market risk score = 35 percent * trading asset ratio. In calculating the trading asset ratio, exclude from the balance of loans the outstanding balance of loans provided under the Paycheck Protection Program.

(a) *Description of the loss severity measure.* The loss severity measure applies a standardized set of assumptions to an institution's balance sheet to measure possible losses to the FDIC in the event of an institution's failure. To determine an institution's loss severity rate, the FDIC first applies assumptions about uninsured deposit and other liability runoff, and growth in insured deposits, to adjust the size and composition of the institution's liabilities. Exclude total outstanding borrowings from Federal Reserve Banks under the Paycheck Protection Program Liquidity Facility from short-and long-term secured borrowings, as appropriate. Assets are then reduced to match any reduction in liabilities. Exclude from an institution's balance of commercial and industrial loans the outstanding balance of loans provided under the Paycheck Protection Program. In the event that the outstanding balance of loans provided under the Paycheck Protection Program exceeds the balance of commercial and industrial loans, exclude any remaining balance of loans provided under the Paycheck Protection Program first from the balance of all other loans, up to the total amount of all other loans, followed by the balance of agricultural loans, up to the total amount of agricultural loans. Increase cash balances by outstanding loans provided under the Paycheck Protection Program that exceed total outstanding borrowings from Federal Reserve Banks under the Paycheck Protection Program Liquidity Facility, if any. The institution's asset values are then further reduced so that the Leverage Ratio reaches 2 percent. In both cases, assets are adjusted pro rata to preserve the institution's asset composition. Assumptions regarding loss rates at failure for a given asset category and the extent of secured liabilities are then applied to estimated assets and liabilities at failure to determine whether the institution has enough unencumbered assets to cover domestic deposits. Any projected shortfall is divided by current domestic deposits to obtain an end-of-period loss severity ratio. The loss severity measure is an average loss severity ratio for the three most recent quarters of data available. The applicable portions of the current expected credit loss methodology (CECL) transitional amounts attributable to the allowance for credit losses on loans and leases held for investment and added to retained earnings for regulatory capital purposes pursuant to the regulatory capital regulations, as they may be amended from time to time (12 CFR part 3, 12 CFR part 217, 12 CFR part 324, 85 FR 61577 (Sept. 30, 2020), and 84 FR 4222 (Feb. 14, 2019)), will be removed from the calculation of the loss severity measure.

* * * * *

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, on February 16, 2021.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2021–03456 Filed 2–23–21; 11:15 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0503; Product Identifier 2018–SW–006–AD; Amendment 39–21386; AD 2021–02–03]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.a. (Leonardo) Model AW189 helicopters. This AD requires various repetitive inspections of the

main rotor (MR) damper. This AD was prompted by reports of in-service MR damper failures and the development of an improved MR damper. This condition, if not corrected, could lead to loss of the lead-lag damping function of the MR blade, possibly resulting in damage to adjacent critical rotor components and subsequent loss control of the helicopter. The actions of this AD are intended to address the unsafe condition on these products.

DATES: This AD is effective April 1, 2021.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of April 1, 2021.

ADDRESSES: For service information identified in this final rule contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home.* You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0503.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0503; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, any service information that is incorporated by reference, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, AD Program Manager, Operational Safety Branch, Airworthiness Products Section, General Aviation & Rotorcraft Unit, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *matthew.fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Leonardo Model AW189 helicopters with MR damper part number (P/N) 4F6220V00251 installed. The NPRM published in the **Federal Register** on May 20, 2020 (85 FR 30664). The NPRM proposed to require reducing the installation torque of the nuts on the bolts attaching the MR damper to the MR hub. The NPRM also proposed to require, at specified intervals, replacing the affected MR damper; dye penetrant or eddy current inspecting the rod end and body end of each MR damper for a crack, visually inspecting the rod end and body end of each MR damper for a crack, and replacing any cracked MR damper. For certain helicopters, the NPRM also proposed to require inspecting each rod end and body end bearing for rotation, and replacing the rod end or MR damper as applicable if there is any rotation; inspecting the lag damper broached ring nut for damage, correct engagement, and alignment and removing the rod end and broached ring nut from service if any of those conditions exist. For all helicopters, the NPRM proposed to require, at specified intervals, inspecting the bearing friction torque of each MR damper body end and rod end, and replacing the MR damper if the torque value exceeds 30.0 Nm (265.5 lb in); inspecting the MR damper anti-rotation block for wear and replacing the anti-rotation block if there is wear beyond acceptable limits; and replacing each special washer P/N 3G6220A05051 with special washer P/N 3G6220A05052. For certain MR dampers, the NPRM proposed to require inspecting the broached ring for damage and alignment, removing the broached ring from service if there is damage, and replacing the broached ring if the rod end and broached ring cannot be aligned. Finally, the NPRM proposed to require inspecting certain serial-numbered MR dampers for correct torque of the broached ring prior to installation on any helicopter. The proposed requirements were intended to detect a crack in an MR damper, which if not detected and corrected, could lead to loss of the lead-lag damping function of the MR blade, resulting in damage of the MR damper, detachment of the MR damper in-flight, and subsequent loss of control of the helicopter.

The NRPM was prompted by EASA AD No. 2016–0145R1, dated January 17, 2018 (EASA AD 2016–0145R1), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Leonardo Model AW189 helicopters with MR damper P/N 4F6220V00251 installed. EASA advises that a MR damper failed, which resulted in complete seizure of the body end lug and an in-flight disconnection of the damper. EASA states that a combination of factors may have contributed to the MR damper disconnection, and that this condition could result in loss of the lead-lag damping function of the MR blade, damage to adjacent critical rotor components, and subsequent reduced control of the helicopter. The contributing factors include cracks, slippage marks, damaged broach ring teeth, and loss of torque.

According to EASA, the AW189 MR damper is a similar design to the MR dampers installed on Model AW139 helicopters, where multiple MR damper failures have been reported involving the body end lug, the eye end lug, and the rod end. To correct this condition, EASA issued a series of superseded and revised ADs to require repetitive inspections of certain MR dampers, and similar corrective actions as those for Model AW139 helicopters. EASA AD 2016–0145R1 requires various one-time and repetitive inspections of the MR damper, a torque check of the body end, and replacing any MR damper with a crack or that fails the torque check. EASA AD 2016–0145R1 also allows installation of a new MR damper, P/N 8G6220V00151, as an optional terminating action for the repetitive inspections.

Comments

The FAA gave the public the opportunity to participate in developing this final rule, but the FAA did not receive any comments on the NPRM or on the determination of the cost to the public.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA of the unsafe condition described in its AD. The FAA is issuing this AD after evaluating all of the information provided by EASA and determining the unsafe condition exists and is likely to exist or develop on other helicopters of the same type design and that air safety and the public interest require adopting these AD requirements as proposed.

Differences Between This AD and the EASA AD

The EASA AD requires contacting the manufacturer under certain conditions, while this AD does not.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Finmeccanica Bollettino Tecnico No. 189–080, Revision A, dated July 15, 2016, which contains procedures for visual and dye penetrant inspections of the MR damper for cracks and for verifying the torque of the damper body ends.

The FAA also reviewed Leonardo Helicopters Alert Service Bulletin No. 189–102, Revision A, dated December 21, 2017, which contains procedures for installing an MR damper with reduced torque values and specifies replacing MR damper P/N 4F6220V00251 with new MR damper P/N 8G6220V00151.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

The FAA reviewed Finmeccanica Bollettino Tecnico No. 189–069, dated February 12, 2016, which contains procedures for installing a special washer on the MR damper rod end, modifying the installation torque of the MR damper, and inspecting the rod end bearings.

Costs of Compliance

The FAA estimates that this AD affects 3 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour.

Adjusting the tightening torque takes about 10 work-hours, for an estimated cost of $850 per helicopter and $2,550 for the U.S. fleet.

Replacing an MR damper takes about 2 work-hours, and parts cost about $18,000, for an estimated cost of $18,170 per MR damper.

Performing a dye penetrant or eddy current inspection of the MR damper takes about 8 work-hours, for an estimated cost of $680 per helicopter and $2,040 for the U.S fleet.

Visually inspecting the rod ends and body ends takes about 0.5 hour, for an estimated cost of $43 per helicopter and $129 for the U.S. fleet, per inspection cycle.

Inspecting the rod ends and body ends for bearing rotation takes about 0.5 hour, for an estimated cost of $43 per helicopter and $129 for the U.S. fleet, per inspection cycle.

Inspecting the broached ring nut takes about 0.5 hour, for an estimated cost of $43 per helicopter and $129 for the U.S. fleet, per inspection cycle.

Inspecting for bearing friction takes about 2 hours, for an estimated cost of $170 per helicopter and $510 for the U.S fleet, per inspection cycle.

Inspecting the broached ring teeth for proper alignment and applying torque takes about 8 work-hours, for an estimated cost of $680 per helicopter and $2,040 for the U.S fleet.

Replacing a rod end takes about 3 work-hours and parts cost about $500, for an estimated cost of $755 per rod end.

Replacing a broached ring takes about 3 work-hours and parts cost about $100, for an estimated cost of $355 per broached ring.

Replacing a broached ring nut takes about 3 work-hours and parts cost about $125, for an estimated cost of $380 per broached ring nut.

Replacing an anti-rotation block takes about 3 work-hours and parts cost about $50, for an estimated cost of $305 per anti-rotation block.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on helicopters identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, 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.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 adding the following new airworthiness directive:

2021–02–03 Leonardo S.p.a: Amendment 39–21386; Docket No. FAA–2020–0503; Product Identifier 2018–SW–006–AD.

(a) Applicability

This airworthiness directive (AD) applies to Leonardo S.p.a. Model AW189 helicopters, certificated in any category, with a main rotor (MR) damper part number (P/N) 4F6220V00251 installed.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in an MR damper, which if not detected and corrected, could lead to loss of the lead-lag damping function of the MR blade, resulting in damage of the MR damper, detachment of the MR damper in-flight, and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective April 1, 2021.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 10 hours time-in-service (TIS), reduce the torque of the nut on the bolt attaching each MR damper to the MR hub by following paragraphs 4 through 7 of the Accomplishment Instructions, Part I, of Leonardo Helicopters Alert Service Bulletin No. 189–102, Revision A, dated December 21, 2017 (ASB 189–102).

(2) Within 30 hours TIS or before the MR damper body end (body end) accumulates 500 hours TIS, whichever occurs later, and thereafter at intervals not to exceed 500 hours TIS, replace the MR damper.

(3) Within 30 hours TIS, before the MR damper accumulates 300 hours TIS, or within 300 hours TIS since the last overhaul, whichever occurs later, dye penetrant inspect using a 5X power magnifying glass or eddy current inspect each MR damper rod end (rod

end) and body end for a crack in the areas depicted in Figure 2 of Finmeccanica Bollettino Tecnico No. 189–080, Revision A, dated July 15, 2016 (BT 189–080).

(i) If there is a crack on the body end, before further flight, replace the MR damper.

(ii) If there is a crack on the rod end, before further flight, replace the rod end and, within 300 hours TIS, dye penetrant or eddy current inspect the rod end for a crack as described in paragraph (e)(3) of this AD.

(iii) If there are no cracks, before further flight, mark the rod end and body end with a dot of black polyurethane paint as shown in Figure 13 of BT 189–080.

(iv) Thereafter, before the first flight of each day, using a mirror and a magnifying glass visually inspect each rod end and body end for a crack in the areas shown in Figure 14 of BT 189–080. If there is a crack in the rod end, before further flight, replace the rod end. If there is a crack on the body end, before further flight, replace the MR damper.

(4) Within the compliance times listed in paragraphs (e)(4)(i) and (ii) of this AD, inspect each rod end bearing and body end for bearing rotation in the damper seat. An example of rotation (misaligned slippage marks) is shown in Figure 4 of BT 189–080. If there is any bearing rotation in the rod end, before further flight, replace the rod end. If there is any bearing rotation in the body end, before further flight, replace the MR damper.

(i) For MR dampers that have accumulated less than 300 hours TIS since new or since the last overhaul, within 30 hours TIS and thereafter at intervals not to exceed 10 hours TIS.

(ii) For MR dampers that have accumulated 300 or more hours TIS since new or since the last overhaul, within 5 hours TIS and thereafter before the first flight of each day.

(5) For helicopters with an MR damper with a serial number (S/N) MCR0001 through MCR0154 and MCR0174 through MCR0195, within 30 hours TIS and thereafter at intervals not to exceed 20 hours TIS until the MR damper has accumulated 600 hours TIS, visually inspect each MR damper broached ring nut for broken teeth, proper engagement, and alignment as depicted in Figure 5 and shown in Figures 6, 7, and 8 of BT 189–080. If there is a broken tooth, improper engagement, or misalignment of the broached ring nut, before further flight, remove from service the rod end and broached ring nut.

(6) Within 50 hours TIS and thereafter at intervals not to exceed 100 hours TIS:

(i) Rotate the body end around the damper axis to put it near the middle position and determine the bearing friction torque value of the body end, using as a reference Figure 11 of BT 189–080.

Note 1 to Paragraph (e)(6)(i): Applying too much force while rotating the body end around the damper axis may cause damage.

(A) If the torque value of the body end is more than 30.0 Nm (265.5 in lb), before further flight, replace the MR damper.

(B) If the torque value of the body end is 30.0 Nm (265.5 in lb) or less, determine the bearing friction torque value of each rod end, using as a reference Figure 11 of BT 189–080. If the torque value of the rod end is more than 30.0 Nm (265.5 in lb), before further flight, replace the rod end.

(ii) Inspect each MR damper anti-rotation block for wear by following paragraphs 4.3 through 4.3.6 of the Compliance Instructions, Part VI, of BT 189–080. If there is wear, before further flight, replace the MR damper anti-rotation block.

(7) Within 50 hours TIS:

(i) On each MR damper, replace special washer P/N 3G6220A05051 with special washer P/N 3G6220A05052.

(ii) For helicopters with an MR damper with a S/N MCR0001 through MCR0041, MCR0043, MCR0045 through MCR0151, MCR0153 through MCR0157, MCR0159 through MCR 0179, and MCR0185 through MCR0370; and for MR dampers with a rod end P/N M006–01H004–045 or P/N M006–01H004–053 installed, do the following:

(A) Inspect each broached ring for wear, bent teeth, missing teeth, and stripped threads. Pay particular attention to the four pins that engage the piston grooves. If there is any wear or damage to the broached ring, before further flight, remove from service the broached ring. An example of an acceptable broached ring is shown in Figure 4, Annex A, of BT 189–080.

(B) Align each rod end and broached ring by applying a torque of 60 Nm (531 in lb) to 80 Nm (708 in lb). If the rod end and broached ring cannot be aligned, before further flight, replace the broached ring.

(8) Except for MR dampers with a S/N MCR0042, MCR0044, MCR0152, MCR0158, and MCR0180 through MCR0184, do not install an MR damper P/N 4F6220V00251 on any helicopter unless the MR damper has passed the requirements in paragraph (e)(7)(ii) of this AD.

(f) Credit For Previous Actions

(1) Actions accomplished before the effective date of this AD in accordance with the Compliance Instructions, Part II, of Finmeccanica Bollettino Tecnico No. 189–069, dated February 12, 2016 (BT 189–069), are considered acceptable for compliance with the corresponding actions in paragraph (e)(7)(i) of this AD.

(2) Actions accomplished before the effective date of this AD in accordance with the Compliance Instructions, Part III, of BT 189–069, are considered acceptable for compliance with the corresponding actions in paragraph (e)(7)(ii) of this AD.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Fuller, AD Program Manager, Operational Safety Branch, Airworthiness Products Section, General Aviation & Rotorcraft Unit, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

(1) Finmeccanica Bollettino Tecnico No. 189–069, dated February 12, 2016, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home.* You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) No. 2016–0145R1, dated January 17, 2018. You may view the EASA AD on the internet at *https://www.regulations.gov* in Docket No. FAA–2020–0503.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6200, Main Rotor System.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Finmeccanica Bollettino Tecnico No. 189–080, Revision A, dated July 15, 2016.

(ii) Leonardo Helicopters Alert Service Bulletin No. 189–102, Revision A, dated December 21, 2017.

(3) For service information identified in this AD, contact Leonardo S.p.a. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on January 6, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03658 Filed 2–24–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–1026; Project Identifier MCAI–2020–00745–R; Amendment 39–21418; AD 2021–03–15]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2020–13–02 for Leonardo S.p.A. (Leonardo) Model A119 and AW119 MKII helicopters. AD 2020–13–02 required inspecting for movement and the tightening torque of the tail rotor (T/R) plug, the installation of the outboard and inboard faces of the T/R duplex bearing, and the condition of the T/R duplex bearing, T/R plug threads, and nut threads. Depending on the inspection results, AD 2020–13–02 required corrective actions and reporting information. This new AD retains the requirements of AD 2020–13–02 except the reporting requirement, updates the service information, and requires repeating the inspection. This AD was prompted by Leonardo's update to the service information. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD is effective April 1, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 1, 2021.

ADDRESSES: For service information identified in this final rule, contact Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home.* You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1026.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* in Docket No. FAA–2020–1026; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Union Aviation Safety Agency (EASA) AD, any service information that is incorporated by reference, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: David Hatfield, Aviation Safety Engineer, Aircraft Systems Section, Technical Innovation Policy Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *david.hatfield@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to remove AD 2020–13–02, Amendment 39–21147 (85 FR 37551, June 23, 2020) (AD 2020–13–02), and add a new AD. AD 2020–13–02 applied to Leonardo Model A119 and AW119 MKII helicopters with a T/R duplex bearing part number (P/N) 129–0160–11–103 installed. The NPRM published in the **Federal Register** on November 18, 2020 (85 FR 73432). The NPRM proposed to retain all of the inspection requirements and the installation prohibition of AD 2020–13–02. The NPRM also proposed to require repeating the inspection for presence of the P/N and serial number (S/N) markings of the outboard and inboard faces of T/R duplex bearing every 200 hours time-in-service (TIS). The NPRM also proposed to remove the reporting requirements required by AD 2020–13–02.

The NPRM was prompted by EASA AD No. 2020–0128, dated June 4, 2020 (EASA AD 2020–0128), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Leonardo Model A119 and AW119MKII helicopters, S/N up to 14972 inclusive, except S/Ns 14950, 14957, 14961, 14962, 14964, 14965, 14967, and 14970. EASA AD 2020–0128 supersedes EASA Emergency AD No. 2019–0194–E, dated August 9, 2019 (EASA AD 2019–0194–E), which prompted AD 2020–13–02. EASA advises that after EASA AD 2019–0194–E was issued, Leonardo determined that additional serial-numbered helicopters are affected by the unsafe condition. EASA also advises that Leonardo canceled Emergency Alert Service Bulletin (EASB) No. 119–100, dated August 7, 2019 (EASB 119–100) and instead included the repetitive inspections in the maintenance manual (MM).

FAA AD 2020–13–02 did not require repeating the inspection of the T/R duplex bearing installation every 200 hours TIS, as there was sufficient time to allow for notice and comment prior to this long-term action going into effect. The FAA has determined that repeating the inspection is needed to address this unsafe condition. Although Leonardo has added this action to the MM, the FAA must mandate it through an AD in order to require it for all operators. Accordingly, the FAA included this long-term requirement in the NPRM.

Comments

The FAA gave the public the opportunity to participate in developing this final rule, but the FAA did not receive any comments on the NPRM or on the determination of the cost to the public.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA of the unsafe condition described in its AD. The FAA is issuing this AD after evaluating all of the information provided by EASA and determining the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Differences Between This AD and the EASA AD

The EASA AD is applicable to certain serial-numbered Model A119 and AW119MKII helicopters, whereas this AD applies to Model A119 and AW119 MKII helicopters with a T/R duplex bearing P/N 129–0160–11–103 installed instead. The EASA AD requires inspecting the tightening torque of the T/R plug in the range of 30.5–33.9 Nm, whereas this AD requires inspecting the tightening torque of the T/R plug to a minimum of 30.5 Nm instead. This AD requires repeating the inspections for the presence of the P/N and S/N markings, for rough rotation, brinelling, spalling, chipping, flaking, evidence of overheated bearing balls, and damage to the races, and for damaged threads of the T/R plug and nut, at intervals not to exceed 200 hours TIS, whereas the EASA AD does not require repeating

these inspections. The EASA AD requires inspecting the threads of nut P/N MS17825–7 for damage, but does not state what to do if the threads have damage. This AD requires inspecting for damage to the threads of the nut indicated by uneven threads, missing threads, or cross-threading, and if the nut has any damaged threads, removing the nut from service.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Leonardo EASB No. 119–105, Revision A, dated June 3. 2020 (EASB 119–105 Rev A), which specifies a one-time inspection of the tightening torque of T/R plug P/N 129–0160–45–103, and a one-time inspection for correct installation of the inboard and outboard faces of T/R duplex bearing P/N 129–0160–11–103, for damage to the threads of the T/R plug and nut P/N MS17825–7, and of the T/R duplex bearing for roughness, ease of rotation, and presence of brinelling, spalling, chipping, and flaking or traces of overheating of bearing balls, and general damage to races.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

The FAA also reviewed EASB 119–100, which specifies the same procedures as EASB 119–105 Rev A, except EASB 119–100 also specifies repeating the inspection for correct installation of the inboard and outboard faces of T/R duplex bearing P/N 129–0160–11–103, for damage to the threads of the T/R plug and nut P/N MS17825–7, and of the T/R duplex bearing for roughness, ease of rotation, and presence of brinelling, spalling, chipping, and flaking or traces of overheating of bearing balls, and general damage to races in conjunction every 200 hours TIS or at any removal, installation, or disassembly of the T/R duplex bearing.

The FAA also reviewed Leonardo Helicopters EASB No. 119–105, dated May 18, 2020, which contains the same procedures as EASB 119–105 Rev A, except EASB 119–105 Rev A applies to additional serial-numbered helicopters.

Costs of Compliance

The FAA estimates that this AD affects 89 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates that operators may incur the following costs in order to comply with this AD.

Inspecting the tightening torque of the T/R plug takes about 0.5 work-hour for an estimated cost of $43 per helicopter and $3,827 for the U.S. fleet.

Inspecting for correct installation of the outboard and inboard faces of the T/R duplex bearing and the condition of the T/R duplex bearing, T/R plug threads, and nut threads takes about 2 work-hours for an estimated cost of $170 per helicopter and $15,130 for the U.S. fleet, per inspection cycle.

Assembling and installing the T/R duplex bearing assembly takes about 2 work-hours for an estimated cost of $170 per helicopter and $15,130 for the U.S. fleet, per inspection cycle.

If required, the parts for replacing the T/R duplex bearing, internal spacer, external spacer, bearing liner assembly, and T/R control rod cost about $4,200, and parts for replacing the T/R plug cost about $171.

The FAA has included all known costs in this cost estimate. However, according to Leonardo, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA has determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, 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.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

■ a. Removing Airworthiness Directive (AD) 2020–13–02, Amendment 39–21147 (85 FR 37551, June 23, 2020); and

■ b. Adding the following new AD:

2021–03–15 Leonardo S.p.a.: Amendment 39–21418; Docket No. FAA–2020–1026; Project Identifier MCAI–2020–00745–R.

(a) Applicability

This airworthiness directive (AD) applies to Leonardo S.p.a. Model A119 and AW119 MKII helicopters, certificated in any category, with a tail rotor (T/R) duplex bearing part number (P/N) 129–0160–11–103 (T/R duplex bearing) installed.

(b) Unsafe Condition

This AD defines the unsafe condition as structural failure of the T/R assembly, possibly due to an incorrect installation. This condition could result in loss of T/R pitch change control and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD replaces AD 2020–13–02, Amendment 39–21147 (85 FR 37551, June 23, 2020) (AD 2020–13–02).

(d) Effective Date

This AD becomes effective April 1, 2021.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

(1) Within 10 hours time-in-service (TIS), remove the lockwire that secures the T/R plug P/N 129–0160–45–103 (T/R plug) to the bearing liner assembly P/N 109–0135–16–101 (bearing liner assembly). Without loosening the T/R plug first, inspect the tightening

torque of the T/R plug by increasing the torque up to 30.5 Nm and inspect for any movement the moment torque is applied.

(i) If there is no movement and the tightening torque is at least 30.5 Nm, before further flight, install lockwire by following the Accomplishment Instructions, part I, paragraph 4, of Leonardo Helicopters Emergency Alert Service Bulletin (EASB) No. 119–105, Revision A, dated June 3, 2020 (EASB 119–105 Rev A).

(ii) If there is any movement or the tightening torque is less than 30.5 Nm, before further flight, comply with paragraph (f)(2) of this AD.

(2) Within 50 hours TIS, unless required before further flight by paragraph (f)(1)(ii) of this AD, and thereafter at intervals not to exceed 200 hours TIS, inspect to determine whether the P/N and serial number (S/N) are visible on the outboard and inboard faces of the T/R duplex bearing by following the Accomplishment Instructions, part II, paragraphs 4 through 13 (except paragraphs 9.1, 13.1, and 13.2), of EASB 119–105 Rev A. Instead of the excluded steps, do the following:

Note 1 to paragraph (f)(2): You are not required to discard parts and you may use equivalent tooling to that identified in EASB 119–105 Rev A.

(i) If the P/N and S/N markings are visible on the outboard or inboard face of the T/R duplex bearing, before further flight, remove from service the T/R duplex bearing, internal spacer P/N 129–0160–43–101 (internal spacer), external spacer P/N 129–0160–44–101 (external spacer), bearing liner assembly, and T/R control rod P/N 109–0135–02–101 (T/R control rod).

(ii) If the P/N and S/N markings are not visible on the inboard face of the T/R duplex bearing, before further flight, inspect the T/R duplex bearing, T/R plug, and nut by following the Accomplishment Instructions, part II, paragraphs 14 and 15 (but not paragraphs 15.1 through 15.2), of EASB 119–105 Rev A. For purposes of this inspection, damage to the races may be indicated by non-movement of the inner race, movement of the outer race, deformation, roughness, or incorrect installation; and damage to the threads of the T/R plug and nut may be indicated by uneven threads, missing threads, or cross-threading.

(A) If the T/R duplex bearing has any rough rotation, brinelling, spalling, chipping, flaking, evidence of overheated bearing balls, or damage to the races, before further flight, remove from service the T/R duplex bearing, the internal spacer, the external spacer, the bearing liner assembly, and the T/R control rod.

(B) If the T/R plug or nut has any damaged threads, before further flight, remove from service the affected part.

(C) Reassemble the T/R duplex bearing assembly by following the Accomplishment Instructions, part II, paragraphs 16 through 31, of EASB 119–105 Rev A.

(3) As of the effective date of this AD, do not install a T/R duplex bearing P/N 129–0160–11–103 on any helicopter unless you have complied with the requirements in paragraph (f)(2) of this AD.

(g) Credit for Previous Actions

(1) Accomplishment of AD 2020–13–02 before the effective date of this AD is considered acceptable for compliance with paragraph (f)(1) and the initial inspection required by paragraph (f)(2) of this AD.

(2) Actions accomplished before the effective date of this AD in accordance with the procedures specified in Leonardo Helicopters EASB No. 119–100, dated August 7, 2019, or Leonardo Helicopters EASB No. 119–105, dated May 18, 2020, are considered acceptable for compliance with the corresponding actions specified in paragraph (f)(1) and the initial inspection required by paragraph (f)(2) of this AD.

(h) Special Flight Permits

Special flight permits are prohibited.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Strategic Policy Rotorcraft Section, FAA, may approve AMOCs for this AD. Send your proposal to: David Hatfield, Aviation Safety Engineer, Aircraft Systems Section, Technical Innovation Policy Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(j) Additional Information

(1) Leonardo Helicopters EASB No. 119–100, dated August 7, 2019, and Leonardo Helicopters EASB No. 119–105, dated May 18, 2020, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home.* You may view a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Union Aviation Safety Agency (EASA) AD No. 2020–0128, dated June 4, 2020. You may view the EASA AD on the internet at *https://www.regulations.gov* in Docket No. FAA–2020–1026.

(k) Subject

Joint Aircraft Service Component (JASC) Code: 6400, Tail Rotor System.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Leonardo Helicopters Emergency Alert Service Bulletin No. 119–105, Revision A, dated June 3, 2020.

(ii) [Reserved]

(3) For service information identified in this AD, Leonardo S.p.A. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on January 29, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–03663 Filed 2–24–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0649; Product Identifier 2019–SW–061–AD; Amendment 39–21410; AD 2021–03–07]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.a. (Leonardo) Model AB139 and AW139 helicopters. This AD requires removing certain engine mounting rods from service and prohibits their installation on any helicopter. This AD was prompted by a report of non-conforming engine mounting rods. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD is effective April 1, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of April 1, 2021.

ADDRESSES: For service information identified in this final rule, contact Leonardo S.p.a. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home.* You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0649.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0649; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Union Aviation Safety Agency (EASA) AD, any service information that is incorporated by reference, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Kristi Bradley, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *kristin.bradley@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Leonardo Model AB139 and AW139 helicopters with certain serial-numbered engine mounting rods part number (P/N) 3G7120V00132. The NPRM published in the **Federal Register** on July 9, 2020 (85 FR 41219). The NPRM proposed to require removing the affected engine mounting rods from service and proposed to prohibit installing an affected engine mounting rod on any helicopter. The proposed requirements were intended to prevent failure of an affected engine mounting rod, which could possibly result in loss of control of the helicopter.

The NPRM was prompted by EASA AD No. 2019–0149, dated June 24, 2019, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Leonardo S.p.a. (formerly Finmeccanica S.p.A., AgustaWestland S.p.A., Agusta S.p.A.; and AgustaWestland Philadelphia Corporation, formerly Agusta Aerospace Corporation) Model AB139 and AW139 helicopters with certain serial numbered engine mounting rods P/N 3G7120V00132 installed. EASA advises of reports of a production non-conformity on a specific batch of these engine mounting rods. EASA further advises that this non-conformity degrades the material strength of the engine mounting rods.

EASA states this condition, if not corrected, could lead to failure of an affected engine mounting rod, possibly resulting in loss of control of the helicopter. Accordingly, the EASA AD requires removing from service each affected engine mounting rod, emailing a completed ''Scrap Report'' to Leonardo Helicopters Division, and installing a serviceable engine mounting rod. The EASA AD also prohibits installing an affected engine mounting rod on any helicopter.

Comments

The FAA gave the public the opportunity to participate in developing this final rule, but the FAA did not receive any comments on the NPRM or on the determination of the cost to the public.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA of the unsafe condition described in its AD. The FAA is issuing this AD after evaluating all of the information provided by EASA and determining the unsafe condition exists and is likely to exist or develop on other helicopters of the same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Differences Between This AD and the EASA AD

The EASA AD requires emailing a completed ''Scrap Report'' to Leonardo Helicopters Division at the same compliance time as the engine mounting rod removal, whereas this AD does not.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Leonardo Helicopters Alert Service Bulletin (ASB) No. 139–593, Revision A, dated June 14, 2019 (ASB 139–593, Revision A), which specifies procedures to replace the engine outboard and inboard mounting rods from the Number 1 and Number 2 engines.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

The FAA reviewed Leonardo Helicopters ASB No. 139–593, dated June 11, 2019. This service information contains the same procedures as ASB 139–593, Revision A. However, ASB 139–593, Revision A expands the applicability from certain serial-numbered Model AB139 and AW139 helicopters to all Model AB139 and AW139 helicopters with affected engine mounting rods installed.

The FAA also reviewed Leonardo Helicopters AMP DM 39–A–71–21–05–00A–520A–B, AMP DM 39–A–71–21–05–00A–720A–B, AMP DM 39–A–71–21–06–00A–520A–B, AMP DM 39–A–71–21–06–00A–720A–B, AMP DM 39–A–71–21–07–00A–520A–B, AMP DM 39–A–71–21–07–00A–720A–B, AMP DM 39–A–71–21–08–00A–520A–B, and AMP DM 39–A–71–21–08–00A–720A–B, all dated October 4, 2019. This service information specifies instructions for removing and installing the outboard and inboard engine mounting rods.

Costs of Compliance

The FAA estimates that this AD affects up to 126 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour.

Replacing an engine mounting rod requires about 8 work-hours and parts cost about $1,000 for an estimated cost of $1,680 per engine mounting rod.

According to Leonardo Helicopter's service information, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage by Leonardo Helicopters. Accordingly, all costs are included in this cost estimate.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on helicopters identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, 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.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 adding the following new airworthiness directive:

2021–03–07 Leonardo S.p.a.: Amendment 39–21410; Docket No. FAA–2020–0649; Product Identifier 2019–SW–061–AD.

(a) Applicability

This airworthiness directive (AD) applies to Leonardo S.p.a. Model AB139 and AW139 helicopters, certificated in any category, with an engine mounting rod part number (P/N) 3G7120V00132 with a serial number (S/N) listed in Figures 2 or 3 of Leonardo Helicopters Alert Service Bulletin No. 139–593, Revision A, dated June 14, 2019 (ASB 139–593), installed.

(b) Unsafe Condition

This AD defines the unsafe condition as a non-conforming engine mounting rod. This condition could result in structural failure of the engine mounting rod and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective April 1, 2021.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Before further flight, determine the total hours time-in-service (TIS) of each engine mounting rod.

(2) Before reaching 225 total hours TIS or within 25 hours TIS, whichever occurs later, with the battery and any other electrical power supply disconnected, remove from service the engine mounting rod as follows:

(i) For the Number 1 engine outboard mounting rod, remove from service the Number 1 engine outboard mounting rod and install an airworthy Number 1 engine outboard mounting rod as shown in Detail ''B'' of Figure 1 of ASB 139–593 and by following the Accomplishment Instructions, paragraphs 3.1 and 3.2 of ASB 139–593, except you are not required to discard the Number 1 engine outboard mounting rod or comply with the ''Scrap Report'' instruction in paragraph 3.1 of ASB 139–593.

Note 1 to paragraphs (e)(2)(i) through (iv): Figure 1 of ASB 139–593 shows the engine outboard and inboard mounting rod assemblies for the left-hand side only, the right-hand side is symmetrical.

(ii) For the Number 1 engine inboard mounting rod, remove from service the Number 1 engine inboard mounting rod and install an airworthy Number 1 engine inboard mounting rod as shown in Detail ''C'' of Figure 1 of ASB 139–593 and by following the Accomplishment Instructions, paragraphs 3.3 and 3.4 of ASB 139–593, except you are not required to discard the Number 1 engine inboard mounting rod or comply with the ''Scrap Report'' instruction in paragraph 3.3 of ASB 139–593.

(iii) For the Number 2 engine outboard mounting rod, remove from service the Number 2 engine outboard mounting rod and install an airworthy Number 2 engine outboard mounting rod as shown in Detail ''B'' of Figure 1 of ASB 139–593 and by following the Accomplishment instructions, paragraphs 4.1 and 4.2 of ASB 139–593, except you are not required to discard the Number 2 engine outboard mounting rod or comply with the ''Scrap Report'' instruction in paragraph 4.1 of ASB 139–593.

(iv) For the Number 2 engine inboard mounting rod, remove from service the Number 2 engine inboard mounting rod and install an airworthy Number 2 engine inboard mounting rod as shown in Detail ''C'' of Figure 1 of ASB 139–593 and by following the Accomplishment instructions, paragraphs 4.3 and 4.4 of ASB 139–593, except you are not required to discard the Number 2 engine inboard mounting rod or comply with the ''Scrap Report'' instruction in paragraph 4.3 of ASB 139–593.

(3) As of the effective date of this AD, do not install on any helicopter an engine mounting rod with a P/N and S/N listed in paragraph (a) of this AD.

(f) Credit for Previous Actions

Actions accomplished before the effective date of this AD in accordance with the procedures specified in Leonardo Helicopters Alert Service Bulletin No. 139–593, dated June 11, 2019, are considered acceptable for compliance with the corresponding actions specified in paragraphs (e)(1) and (2) of this AD.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Kristi Bradley, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *9-AVS-AIR-730-AMOC@faa.gov*.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

(1) Leonardo Helicopters Alert Service Bulletin No. 139–593, dated June 11, 2019, and Leonardo Helicopters AMP DM 39–A–71–21–05–00A–520A–B, AMP DM 39–A–71–21–05–00A–720A–B, AMP DM 39–A–71–21–06–00A–520A–B, AMP DM 39–A–71–21–06–00A–720A–B, AMP DM 39–A–71–21–07–00A–520A–B, AMP DM 39–A–71–21–07–00A–720A–B, AMP DM 39–A–71–21–08–00A–520A–B, and AMP DM 39–A–71–21–08–00A–720A–B, all dated October 4, 2019, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Leonardo S.p.a. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home*. You may view a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Union Aviation Safety Agency (EASA) AD No. 2019–0149, dated June 24, 2019. You may view the EASA AD on the internet at *https://www.regulations.gov* in Docket No. FAA–2020–0649.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 7120, Engine Mount Section.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Leonardo Helicopters Alert Service Bulletin No. 139–593, Revision A, dated June 14, 2019.

(ii) [Reserved]

(3) For service information identified in this AD, contact Leonardo S.p.a. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://www.leonardocompany.com/en/home.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on January 27, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03660 Filed 2–24–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0983; Project Identifier MCAI–2020–00542–R; Amendment 39–21404; AD 2021–03–01]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2018–05–09, which applied to all Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters. AD 2018–05–09 required inspecting the tail rotor (T/R) flapping hinge link (hinge) and reporting the results. This AD requires repetitive inspections of the spindle bolts and the inner ring and needle bearings of each flapping hinge, corrective actions if necessary, and repetitive replacements of affected flapping hinge components, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. Replacement of all affected flapping hinge components on each flapping hinge is terminating action for the repetitive inspections. This AD also expands the applicability. This AD was prompted by a report of a damaged flapping hinge on a T/R blade. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 1, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 1, 2021.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0983.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0983; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Daniel Moore, Aviation Safety Engineer, Denver ACO Branch, Compliance & Airworthiness Division, FAA, 26805 E 68th Ave., Denver, CO 80249; telephone 303–342–1095; email *daniel.e.moore@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0086, dated April 14, 2020 (EASA AD 2020–0086) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, and SA330J helicopters.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2018–05–09, Amendment 39–19218 (83 FR 10360, March 9, 2018) (AD 2018–05–09). AD 2018–05–09 applied to all Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters. The NPRM published in the **Federal Register** on November 4, 2020 (85 FR 70087). The NPRM was prompted by report of a damaged flapping hinge on a T/R blade. The NPRM proposed to require repetitive inspections of the spindle bolts and the inner ring and needle bearings of each flapping hinge, corrective actions if necessary, and repetitive replacements of affected flapping hinge components, as specified in an EASA AD. Replacement of all affected flapping hinge components on each flapping hinge is terminating action for the repetitive inspections. The NPRM also proposed to expand the applicability.

The FAA is issuing this AD to address failure of a T/R flapping hinge. This condition could result in unbalance of the T/R, detachment of the T/R gearbox and hub, and subsequent loss of control of the helicopter. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0086 describes procedures for repetitive replacement of the flapping hinge components and repetitive inspections of the spindle bolts, inner ring, and needle bearings of each flapping hinge, and corrective action. The inspection procedures include repetitive inspections of the spindle bolts for cracking; repetitive inspections of the inner ring for spalling, brinelling, and cracking; and repetitive inspections of the needle bearings for spalling. The corrective actions include replacement of any affected component with a serviceable part. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Differences Between This AD and the MCAI

Although the service information referenced in EASA AD 2020–0086 specifies to return affected parts and submit a form to the manufacturer, this AD does not include those requirements.

Where paragraph (1) of EASA AD 2020–0086 refers to a compliance time of ''within 25 flight hours or during the next scheduled 50 FH inspection, whichever occurs later . . . ,'' for the initial replacement, this AD requires completion within 25 hours time-in-service after the effective date of this AD.

Costs of Compliance

The FAA estimates that this AD affects 26 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
8 work-hours × $85 per hour = $680	$11,630	$12,310	$320,060

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, 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.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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) 2018–05–09, Amendment 39–19218 (83 FR 10360, March 9, 2018), and adding the following new AD:

2021–03–01 Airbus Helicopters: Amendment 39–21404; Docket No. FAA–2020–0983; Project Identifier MCAI–2020–00542–R.

(a) Effective Date

This Airworthiness Directive (AD) is effective April 1, 2021.

(b) Affected ADs

This AD removes AD 2018–05–09, Amendment 39–19218 (83 FR 10360, March 9, 2018) (AD 2018–05–09).

(c) Applicability

This AD applies to all Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, and SA330J helicopters, certificated in any category, all manufacturer serial numbers.

(d) Subject

Joint Aircraft System Component (JASC) Codes 6420, Tail Rotor Head; 6720, Tail Rotor Control System.

(e) Reason

This AD was prompted by a report of a damaged flapping hinge link (hinge) on a tail rotor (T/R) blade. The FAA is issuing this AD to address failure of a T/R flapping hinge. This condition could result in unbalance of the T/R, detachment of the T/R gearbox and hub, and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0086, dated April 14, 2020 (EASA AD 2020–0086).

(h) Exceptions to EASA AD 2020–0086

(1) Where EASA AD 2020–0086 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0086 does not apply to this AD.

(3) Although the service information referenced in EASA AD 2020–0086 specifies to return affected parts and submit a form to the manufacturer, this AD does not include those requirements.

(4) Where paragraph (9) of EASA AD 2020–0086 refers to ''any discrepancy,'' for the purposes of this AD, discrepancies include spalling, brinelling, and cracking on the inner ring, and spalling on the bearing needles.

(5) Where EASA AD 2020–0086 refers to flight hours (FH), this AD requires using hours time-in-service.

(6) Where paragraph (1) of EASA AD 2020–0086 refers to a compliance time of ''within 25 flight hours or during the next scheduled 50 FH inspection, whichever occurs later . . . ,'' for the initial replacement, this AD requires completion within 25 hours time-in-service after the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Strategic Policy Rotorcraft Section, 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 Strategic Policy Rotorcraft Section, send it to: Manager, Strategic Policy Rotorcraft Section, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110. Information may be emailed to: *9-ASW-FTW-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.

(j) Related Information

For more information about this AD, contact Daniel Moore, Aviation Safety Engineer, Denver ACO Branch, Compliance & Airworthiness Division, FAA, 26805 E 68th Ave., Denver, CO 80249; telephone 303–342–1095; email *daniel.e.moore@faa.gov.*

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2020–0086, dated April 14, 2020.

(ii) [Reserved]

(3) For EASA AD 2020–0086, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0983.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on January 21, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03662 Filed 2–24–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0860; Product Identifier 2019–SW–005–AD; Amendment 39–21416; AD 2021–03–13]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited) Helicopters

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bell Textron Canada Limited (type certificate previously held by Bell Helicopter Textron Canada Limited) Model 429 helicopters. This AD was prompted by the introduction of a new life limit for the centrifugal force bearing (CFB). This AD requires determining the accumulated retirement index number (RIN) and removing each affected CFB from service before it accumulates 8,000 total RIN. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 1, 2021.

ADDRESSES: For service information identified in this final rule, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J 1R4; telephone 450–437–2862 or 800–363–8023; fax 450–433–0272; or at *https://www.bellcustomer.com.* You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0860; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, AD Program Manager, Continued Operational Safety Branch, Airworthiness Products Section, General Aviation and Rotorcraft Unit, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *matthew.fuller@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, issued Transport Canada AD CF–2019–03, dated January 31, 2019 (referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Bell Helicopter Textron Canada Limited (now Bell Textron Canada Limited) Model 429 helicopters. TCCA advises that an airworthiness limitations schedule document introduces a new life limit for CFB part number (P/N) 429–310–003–103, a component that was not previously included. Failure to observe the CFB life limit could result in excessive vibration and loss of control of the helicopter. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0860.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bell Helicopter Textron Canada Limited (now Bell Textron Canada Limited) Model 429 helicopters. The NPRM published in the **Federal Register** on October 1, 2020 (85 FR 61879). The NPRM was prompted by the introduction of a new life limit for the CFB. The NPRM proposed to require determining the accumulated RIN and removing each affected CFB from service before it accumulates 8,000 total RIN. The FAA is issuing this AD to address a CFB remaining in service beyond its fatigue life. Failure to observe the CFB life limit could result in excessive vibration and loss of control of the helicopter. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Other Related Service Information

Bell Helicopter has issued Bell Model 429 Maintenance Planning Information BHT–429–MPI, Chapter 4, Airworthiness Limitations Schedule, DMC–429–A–04–00–00–00A–288A–A, Issue 1, dated January 10, 2019. This service information describes new maintenance requirements and airworthiness limitations.

Costs of Compliance

The FAA estimates that this AD affects 85 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per helicopter	Cost on U.S. operators
28 work-hours × $85 per hour = $2,380	$42,576 ($10,644 per bearing × 4 blades)	$44,956	$3,821,260

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, 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.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 adding the following new airworthiness directive:

2021–03–13 Bell Textron Canada Limited (Type Certificate Previously Held by Bell Helicopter Textron Canada Limited): Amendment 39–21416; Docket No. FAA–2020–0860; Product Identifier 2019–SW–005–AD.

(a) Effective Date

This airworthiness directive (AD) is effective April 1, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bell Textron Canada Limited (type certificate previously held by Bell Helicopter Textron Canada Limited) Model 429 helicopters, certificated in any category, serial numbers 57001 through 57351 inclusive.

(d) Subject

Joint Aircraft Service Component (JASC) Code 6200, Main rotor system.

(e) Reason

This AD was prompted by the introduction of a new life limit for the centrifugal force bearing (CFB). The FAA is issuing this AD to address a CFB remaining in service beyond its fatigue life. Failure to observe the CFB life limit could result in excessive vibration and loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

For each CFB having part number 429–310–003–103 (the affected CFB): Within 50 hours time-in-service, determine the accumulated retirement index number (RIN). For purposes of this AD, count 1 RIN each time one or both engines are started. If any affected CFB has accumulated 8,000 or more total RIN, before further flight, remove the affected CFB from service. If any affected CFB has accumulated less than 8,000 total RIN, create a component history card or equivalent record indicating a life limit of 8,000 total RIN. Thereafter, continue to count RIN and record the life limit of the affected CFB on its component history card or equivalent record and remove the affected CFB from service before accumulating 8,000 total RIN.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Strategic Policy Rotorcraft Section, 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 Strategic Policy Rotorcraft Section, send it to: Manager, Strategic Policy Rotorcraft Section, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110. Information may be emailed to: *9-ASW-FTW-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.

(i) Related Information

(1) The subject of this AD is addressed in Transport Canada AD CF–2019–03, dated January 31, 2019. This Transport Canada AD may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0860.

(2) For more information about this AD, contact Matt Fuller, AD Program Manager, Continued Operational Safety Branch, Airworthiness Products Section, General Aviation and Rotorcraft Unit, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(3) Bell Model 429 Maintenance Planning Information BHT–429–MPI, Chapter 4, Airworthiness Limitations Schedule, DMC–429–A–04–00–00–00A–288A–A, Issue 1, dated January 10, 2019, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD that is not incorporated by reference, contact Bell Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J 1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *https://www.bellcustomer.com.*

(j) Material Incorporated by Reference

None.

Issued on January 28, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–03659 Filed 2–24–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–1036; Project Identifier MCAI–2020–01430–R; Amendment 39–21409; AD 2021–03–06]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Helicopters Model SA–365N, SA–365N1, AS–365N2, AS 365 N3, EC 155B, and EC155B1 helicopters. This AD was prompted by the FAA's determination that to improve the process and performance in collecting metal particles in the main gear box (MGB) certain existing magnetic plugs (electrical and nonelectrical) installed in the MGB pump intake must be replaced with improved non-electrical magnetic plugs. This AD requires replacing the existing magnetic plug with an improved non-electrical magnetic plug, as specified in a European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 1, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 1, 2021.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1036.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1036; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mahmood Shah, Aviation Safety Engineer, Fort Worth ACO Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5538; email *mahmood.g.shah@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0176, dated August 21, 2018 (EASA AD 2018–0176) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus Helicopters Model SA–365N, SA–365N1, AS–365N2, AS 365 N3, EC 155B, and EC155B1 helicopters.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Helicopters Model SA–365N, SA–365N1, AS–365N2, AS 365 N3, EC 155B, and EC155B1 helicopters. The NPRM published in the **Federal Register** on November 30, 2020 (85 FR 76495). The NPRM was prompted by the FAA's determination that to improve the process and performance in collecting metal particles in the MGB certain existing magnetic plugs (electrical and non-electrical) installed in the MGB pump intake must be replaced with improved non-electrical magnetic plugs. The NPRM proposed to require replacing the existing magnetic plug with an improved non-electrical magnetic plug, as specified in an EASA AD.

The FAA is issuing this AD to address metal particles causing seizure of the MGB, loss of power to the main rotor, and subsequent loss of control of the helicopter. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

EASA AD 2018–0176 describes procedures for replacing the existing magnetic plug (electrical and non-electrical) installed in the MGB pump intake with an improved non-electrical magnetic plug. This material is reasonably available because the interested parties have access to it through their normal course of business

or by the means identified in the **ADDRESSES** section.

Interim Action

The FAA considers this AD interim action. If final action is later identified, the FAA might consider further rulemaking then.

Costs of Compliance

The FAA estimates that this AD affects 52 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 7.5 work-hours × $85 per hour = $637.50	$55	Up to $692.50	Up to $36,010

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, 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.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 adding the following new airworthiness directive:

2021–03–06 Airbus Helicopters: Amendment 39–21409; Docket No. FAA–2020–1036; Project Identifier MCAI–2020–01430–R.

(a) Effective Date

This airworthiness directive (AD) is effective April 1, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model SA–365N, SA–365N1, AS–365N2, AS 365 N3, EC 155B, and EC155B1 helicopters, certificated in any category, equipped with magnetic plugs, part number (P/N) 1B7807 or P/N 704A34543017 (electrical), or P/N 365A32–1711–00 (non-electrical), as applicable, installed in the main gearbox (MGB) pump intake.

(d) Subject

Joint Aircraft System Component (JASC) Code 6320, Main Rotor Gearbox.

(e) Reason

This AD was prompted by the FAA's determination that to improve the process and performance in collecting metal particles in MGB certain existing magnetic plugs (electrical and non-electrical) installed in the MGB pump intake must be replaced with improved non-electrical magnetic plugs. The FAA is issuing this AD to address metal particles causing seizure of the MGB, loss of power to the main rotor, and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2018–0176, dated August 21, 2018 (EASA AD 2018–0176).

(h) Exceptions to EASA AD 2018–0176

(1) Where EASA AD 2018–0176 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2018–0176 does not apply to this AD.

(3) Although the service information referenced in EASA AD 2018–0176 specifies to discard certain parts, this AD does not include that requirement.

(4) Where EASA AD 2018–0176 refers to flight hours (FH), this AD requires using hours time-in-service.

(i) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the helicopter can be modified (if the operator elects to do so), provided the helicopter is operated using day visual flight rules and no passengers are onboard.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Strategic Policy Rotorcraft Section, 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 Strategic Policy Rotorcraft Section, send it to: Manager, Strategic Policy Rotorcraft Section, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110. Information may be emailed to: *9-ASW-FTW-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.

(k) Related Information

For more information about this AD, contact Mahmood Shah, Aviation Safety Engineer, Fort Worth ACO Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX

76177; telephone 817 222 5538; email *mahmood.g.shah@faa.gov.*

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Aviation Safety Agency (EASA) AD 2018–0176 dated August 21, 2018.

(ii) [Reserved]

(3) For EASA AD 2018–0176, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1036.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on January 27, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03664 Filed 2–24–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0907; Product Identifier 2017–SW–072–AD; Amendment 39–21429; AD 2021–04–08]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Airbus Helicopters Model AS350B3 helicopters. This AD requires modifying the electrical system of the throttle twist grip, inspecting the routing of a microswitch electrical harness, and correcting the electrical harness routing if it is incorrect. This AD was prompted by reports of the engine remaining in idle when the twist grip was turned from the ''forced idle'' position to the ''flight'' position. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD is effective April 1, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of April 1, 2021.

ADDRESSES: For service information identified in this final rule, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0907.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0907; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, any service information that is incorporated by reference, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Ronnea Derby, Aviation Safety Engineer, Denver ACO Branch, FAA, 26805 E 68th Ave., Denver, CO 80249; telephone 303–342–1093; email *ronnea.l.derby@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Airbus Helicopters Model AS350B3 helicopters with a Turbomeca ARRIEL 2B engine installed. The NPRM published in the **Federal Register** on October 15, 2020 (85 FR 65285). The NPRM proposed to require, based on helicopter configuration, modifying the electrical system of the throttle twist grip. The proposed AD also proposed to require inspecting the routing of a microswitch electrical harness, and depending on the routing of that electrical harness, correcting the routing. The proposed requirements were intended to prevent failure of the electrical operation of the throttle twist grip, which can prevent switching from ''IDLE'' mode to ''FLIGHT'' mode. During autorotation training or during governor failure training (when the throttle grip is turned in the low flow direction), this condition prohibits recovery from a practice autorotation and compels the pilot to continue the autorotation to the ground. This condition could result in unintended touchdown to the ground at a flight-idle power setting, damage to the helicopter, and injury to occupants.

The NPRM was prompted by EASA AD No. 2017–0035, dated February 20, 2017 (EASA AD 2017–0035), to correct an unsafe condition for Airbus Helicopters (formerly Eurocopter) Model AS 350 B3 helicopters with ARRIEL 2B engines installed. EASA advises of an initial report of the microswitch pin jammed in the pushed-in position resulting in the engine remaining in idle when the twist grip had been turned back to the ''flight'' position during an autorotation training exercise. This condition could also occur during governor failure training when the twist grip is turned in the low flow rate direction. EASA also advises of two later reports of this condition, with one of those reports related to an incorrectly routed electrical harness. EASA advises that this condition, if not detected and corrected, could lead to reduced control of the helicopter.

EASA initially issued AD No. 2006–0094, dated April 21, 2006, which required repetitive testing of the microswitch and established a life limit for the microswitch. Subsequent EASA AD action required reducing that life limit, inspecting the travel of the collective lever, performing an additional check of the collective lever for free travel, and installing a terminating action modification that was available for certain helicopter configurations. That modification gave priority to the HydroMechanical Unit (HMU) flight position when the microswitch failed to operate correctly at forced idle. EASA most recently issued AD 2017–0035, which prompted this AD action, to include all of the previous AD requirements and expand the terminating action modification to other helicopter configurations.

Comments

The FAA gave the public the opportunity to participate in developing this final rule, but the FAA did not receive any comments on the NPRM or on the determination of the cost to the public.

FAA's Determination

This helicopter has been approved by EASA and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA of the unsafe condition described in its AD. The FAA is issuing this AD after evaluating all of the information provided by EASA and determining the unsafe condition exists and is likely to exist or develop on other helicopters of the same type design and that air safety and the public interest require adopting the AD requirements as proposed, except for a minor editorial change. The FAA has determined that this minor editorial change is consistent with the intent that was proposed in the NPRM for addressing the unsafe condition and does not add any additional burden upon the public than was already proposed in the NPRM.

Differences Between This AD and the EASA AD

The EASA AD specifies a repetitive test of the microswitch, a life limit for the microswitch, and inspecting the travel of the collective lever, until the terminating action of modifying the electrical system of the throttle twist grip and inspecting the routing of a microswitch electrical harness are completed. This AD only requires modifying the electrical system of the throttle twist grip and inspecting the routing of a microswitch electrical harness. The EASA AD specifies performing that terminating action in a compliance time of calendar months. This AD requires performing the required actions before the next practice autorotation, before the next simulated governor failure, or within 330 hours time-in service, whichever occurs first.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Airbus Helicopters Alert Service Bulletin (ASB) No. AS350–67.00.43, Revision 3, dated June 16, 2016, which specifies procedures, based on different configurations, to modify the electrical operation to give priority to the HMU flight position when the microswitch does not operate correctly at forced idle (corresponds to Airbus Helicopters Modification (MOD) 073357). This service information also specifies instructions to inspect the routing of microswitch electrical harness number ''53K''.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

The FAA also reviewed Eurocopter ASB No. 05.00.49, Revision 3, dated March 8, 2012. This service information specifies procedures, for helicopters without MOD 073357 installed, for repetitive testing of the microswitch, a life limit for the microswitch, inspecting the travel of the collective lever, and verifying correct wiring harness installation.

Costs of Compliance

The FAA estimates that this AD affects 517 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour. Modifying the electrical system and inspecting the electrical harness routing takes about 30 work-hours and parts will cost about $9,692 for an estimated cost of $12,242 per helicopter and $6,329,114 for the U.S. fleet.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on helicopters identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, 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.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 adding the following new airworthiness directive:

2021–04–08 Airbus Helicopters: Amendment 39–21429; Docket No. FAA–2020–0907; Product Identifier 2017–SW–072–AD.

(a) Applicability

This airworthiness directive (AD) applies to Airbus Helicopters Model AS350B3 helicopters, certificated in any category, with a Turbomeca ARRIEL 2B engine installed.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of the electrical operation of the throttle twist grip, which can prevent switching from ''IDLE'' mode to ''FLIGHT'' mode. During autorotation training or during governor failure training (when the throttle grip is turned in the low flow direction), this condition prohibits recovery from a practice autorotation and compels the pilot to continue the autorotation to the ground. This condition could result in unintended touchdown to the ground at a flight-idle power setting, damage to the helicopter, and injury to occupants.

(c) Effective Date

This AD becomes effective April 1, 2021.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

Before the next practice autorotation, before the next simulated governor failure, or

within 330 hours time-in-service, whichever occurs first, modify the electrical operation of the throttle twist grip to give priority to the HydroMechanical Unit flight position when the microswitch does not operate correctly at forced idle (corresponds to Airbus Helicopters Modification (MOD) 073357) as follows:

(1) For helicopters without MOD 073087 and without MOD 073135 installed:

(i) Install box ''69K'' on the Full Authority Digital Engine Control plate, relay ''81K'' on frame X1310, install fuses on the console end comprising circuit-breaker panels ''31 ALPHA'' and ''32 ALPHA,'' and modify the electrical wiring by following the Accomplishment Instructions, paragraph 3.B.2.a. of Airbus Helicopters Alert Service Bulletin No. AS350–67.00.43, Revision 3, dated June 16, 2016 (ASB AS350–67.00.43), except you are not required to discard parts.

(ii) Inspect the routing of microswitch electrical harness ''53K'' for correct installation by following paragraph 3.B.2.e. of ASB AS350–67.00.43. If the wiring routing is incorrect, before further flight, correct the wiring routing by following paragraph 3.B.2.f. of ASB AS350–67.00.43.

(2) For helicopters with MOD 073087 (series) and without MOD 073135 installed:

(i) Install relays ''54K'' and ''81K'' on frame X1310 and modify the electrical wiring by following paragraph 3.B.2.b. of ASB AS350–67.00.43.

(ii) Inspect the routing of microswitch electrical harness ''53K'' for correct installation by following paragraph 3.B.2.e. of ASB AS350–67.00.43. If the wiring routing is incorrect, before further flight, correct the wiring routing by following paragraph 3.B.2.f. of ASB AS350–67.00.43.

(3) For helicopters with MOD 073087 (retrofit) and without MOD 073135 installed:

(i) Install relay ''81K'' on frame X1310 and modify the electrical wiring by following paragraph 3.B.2.c. of ASB AS350–67.00.43.

(ii) Inspect the routing of microswitch electrical harness ''53K'' for correct installation by following paragraph 3.B.2.e. of ASB AS350–67.00.43. If the wiring routing is incorrect, before further flight, correct the wiring routing by following paragraph 3.B.2.f. of ASB AS350–67.00.43.

(4) For helicopters with MOD 073087 and with MOD 073135 installed:

(i) Install relay ''81K'' on frame X1310 and modify the electrical wiring by following paragraph 3.B.2.d. of ASB AS350–67.00.43.

(ii) Inspect the routing of microswitch electrical harness ''53K'' for correct installation by following paragraph 3.B.2.e. of ASB AS350–67.00.43. If the wiring routing is incorrect, before further flight, correct the wiring routing by following paragraph 3.B.2.f. of ASB AS350–67.00.43.

(5) For helicopters with MOD 073084 and with MOD 073222 installed:

(i) Install relay ''81K'' on frame X1310 and modify the electrical wiring by following paragraph 3.B.2.g. of ASB AS350–67.00.43, except you are not required to scrap parts.

(ii) Inspect the routing of microswitch electrical harness ''53K'' for correct installation by following paragraph 3.B.2.e. of ASB AS350–67.00.43. If the wiring routing is incorrect, before further flight, correct the wiring routing by following paragraph 3.B.2.f. of ASB AS350–67.00.43.

(6) For helicopters with optional Autopilot ''81K'' and without MOD 073222 installed:

(i) Position relay ''81K'' on frame X1310 by following paragraph 3.B.2.h. of ASB AS350–67.00.43.

(ii) Inspect the routing of microswitch electrical harness ''53K'' for correct installation by following ASB AS350–67.00.43, paragraph 3.B.2.e. If the wiring routing is incorrect, before further flight, correct the wiring routing by following paragraph 3.B.2.f. of ASB AS350–67.00.43.

(f) Special Flight Permits

Special flight permits are prohibited.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Strategic Policy Rotorcraft Section, 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 Strategic Policy Rotorcraft Section, send it to: Manager, Strategic Policy Rotorcraft Section, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *9-ASW-FTW-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.

(h) Additional Information

(1) Eurocopter Alert Service Bulletin No. 05.00.49, Revision 3, dated March 8, 2012, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD No. 2017–0035, dated February 20, 2017. You may view the EASA AD on the internet at *https://www.regulations.gov* in the AD Docket.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 7697, Engine Control System Wiring.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Airbus Helicopters Alert Service Bulletin No. AS350–67.00.43, Revision 3, dated June 16, 2016.

(ii) [Reserved]

(3) For service information identified in this AD, Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on February 4, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03657 Filed 2–24–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2013–1063; Airspace Docket No. 13–ASO–25]

RIN 2120–AA66

Amendment of Restricted Areas R–3008A, R–3008B, R–3008C, and R–3008D; Grand Bay Weapons Range, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the time of designation for restricted areas R–3008A, R–3008B, R–3008C, and R–3008D; Grand Bay Weapons Range, GA, by expanding the timeframe during which the areas may be activated without prior issuance of a Notice to Airmen (NOTAM). The expansion of the published designated times for these restricted areas reflects their routine actual use. This change better informs the flying public of actual routine use periods of the restricted areas and reduces NOTAM System workload.

DATES: Effective date 0901 UTC, April 22, 2021.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence

Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. 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 the 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 amends restricted areas R–3008A, R–3008B, R–3008C, and R–3008D; Grand Bay Weapons Range, GA, by expanding the timeframe during which the areas may be activated reducing the need for the using agency to issue NOTAMs when necessary to activate the restricted areas outside the published ''core hours.''

Background

The published time of designation for restricted areas R–3008A, R–3008B, R–3008C, and R–3008D is ''0700–2200 local time, Monday–Friday; other times by NOTAM 6 hours in advance.'' For many years, the using agency has routinely extended use of the restricted areas past the designated 2200 local time (as authorized by the NOTAM provision). To exercise this provision, the using agency must issue NOTAMs daily in order to activate the airspace beyond the published ''core hours'' (*i.e.,* 0700–2200 local time). Amending the time of designation to match the routine, actual usage of the airspace reduces NOTAM System workload and better informs the flying public of expected times the restricted areas will be active.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2013–1063 in the **Federal Register** (79 FR 6504; February 4, 2014), amending the time of designation for restricted areas R–3008A, R–3008B, R–3008C, and R–3008D; Grand Bay Weapons Range, GA.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. Two comments were received. Both commenters expressed support for the proposal.

Differences From the NPRM

The NPRM proposed to change the time of designation of restricted areas R–3008A, R–3008B, R–3008C, and R–3008D from ''0700–2200 local time, Monday–Friday; other times by NOTAM 6 hours in advance,'' to ''0800–0130 local time, Monday–Thursday; 0700–2200 local time Friday; other times by NOTAM 6 hours in advance.'' This rule amends the time of designation for Friday to read ''0800–2200 local time; other times by NOTAM 6 hours in advance.''

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by changing the time of designation for restricted areas R–3008A, R–3008B, R–3008C, and R–3008D from ''0700–2200 local time, Monday–Friday; other times by NOTAM 6 hours in advance,'' to ''0800–0130 local time, Monday–Thursday; 0800–2200 Friday; other times by NOTAM 6 hours in advance.'' The change captures the vast majority of the routine operations currently occurring in the restricted areas. The amendment provides more accurate notice to the flying public of when to expect that the restricted areas will be in use. Additionally, it reduces the using agency's workload by eliminating the need to issue daily NOTAMs for routine operations.

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. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does 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 of amending the time of designation for restricted areas R–3008A, R–3008B, R–3008C, and R–3008D; Grand Bay Weapons Range, GA, to match the times that the areas are routinely activated outside the ''core hours'' through the issuance of a NOTAM qualifies for categorical exclusion under the National Environmental Policy Act and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5c, actions to return all or part of special use airspace (SUA) to the National Airspace System (NAS), such as revocation of airspace, a decrease in dimensions, or a reduction in times of use (*e.g.,* from continuous to intermittent, or use by a Notice to Airmen (NOTAM)). As such, this action is not expected to cause any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 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.

§ 73.30 Georgia (Amended)

■ 2. § 73.30 is amended as follows:

* * * * *

R–3008A, Grand Bay Weapons Range, GA [Amended]

By removing the current time of designation and inserting the following in its place:

Time of designation. 0800–0130 local time Monday–Thursday; 0800–2200 local time Friday; other times by NOTAM 6 hours in advance.

R–3008B, Grand Bay Weapons Range, GA [Amended]

By removing the current time of designation and inserting the following in its place:

Time of designation. 0800–0130 local time Monday–Thursday; 0800–2200 local time Friday; other times by NOTAM 6 hours in advance.

R–3008C, Grand Bay Weapons Range, GA [Amended]

By removing the current time of designation and inserting the following in its place:

Time of designation. 0800–0130 local time Monday–Thursday; 0800–2200 local time Friday; other times by NOTAM 6 hours in advance.

R–3008D, Grand Bay Weapons Range, GA [Amended]

By removing the current time of designation and inserting the following in its place:

Time of designation. 0800–0130 local time Monday–Thursday; 0800–2200 local time Friday; other times by NOTAM 6 hours in advance.

* * * * *

Issued in Washington, DC, on January 12, 2021.

George Gonzalez,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–01021 Filed 2–24–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2020–1197; Airspace Docket No. 20–AGL–38]

RIN 2120–AA66

Amendment of Restricted Area R–4305; Lake Superior, MN

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This action amends the using agency listed for Restricted Area R–4305, Lake Superior, MN. Specifically, this action changes the using agency from ''USAF, 55th Wing, Offutt AFB, NE'' (55th Wing), to ''U.S. Air Force, 148th Fighter Wing, Duluth International Airport, MN'' (148th Fighter Wing). There are no changes to the boundaries, designated altitudes, time of designation, or activities conducted within the restricted area.

DATES: Effective date 0901 UTC, April 22, 2021.

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. 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 the 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 updates the using agency for Restricted Area R–4305, Lake Superior, MN.

Background

The U.S. Air Force requested that the Federal Aviation Administration amend the Restricted Area R–4305, Lake Superior, MN, description by changing the using agency from the ''USAF, 55th Wing, Offutt AFB, NE'', to the ''U.S. Air Force, 148th Fighter Wing, Duluth International Airport, MN''. Both military organizations use the restricted area and support the using agency change. Since 2011, the 148th Fighter Wing has fulfilled the scheduling and utilization reporting responsibilities for R–4305, even though the 55th Wing was the using agency of record in the R–4305 description.

As such, changing the R–4305 using agency from the 55th Wing, Offutt AFB, NE, to the 148th Fighter Wing, Duluth International Airport, MN, reflects the existing responsibilities of the 148th Fighter Wing for accomplishing the scheduling and utilization reporting for the restricted area. Additionally, this change supports the U.S. Air Force's efforts to align the using agency for R–4305 and the surrounding Military Operations Areas under the same using agency to ensure efficient use of the special use airspace complex.

There are no changes to the boundaries, designated altitudes, time of designation, or activities conducted within the affected restricted area as a result of changing the R–4305 using agency.

The Rule

This action amends title 14 Code of Federal Regulations (14 CFR) part 73 by changing the using agency name listed for restricted area R–4305 over Lake Superior, MN, from ''USAF, 55th Wing, Offutt AFB, NE'' to ''U.S. Air Force, 148th Fighter Wing, Duluth International Airport, MN''. This action is necessary in order to reflect the current military organization tasked with using agency responsibilities for the restricted area.

This is an administrative change that does not affect the overall R–4305 restricted area boundaries, designated altitudes, time of designation, or activities conducted within the restricted area; therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

Regulatory Notices and Analyses

The FAA has determined that this action only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (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, will 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 of updating the using agency information for R–4305, Lake Superior, MN, qualifies for categorical exclusion under the National Environmental Policy Act, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5.d. This airspace action is an administrative change to the description of restricted area R–4305, Lake Superior, MN, to update the using agency name. It does not alter the restricted area dimensions, designated altitudes, time of designation, or use of the airspace. Therefore, this airspace action is not expected to result in any significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, this action has been reviewed for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis, and it is determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 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.

§ 73.43 [Amended]

■ 2. Section 73.43 is amended as follows:

* * * * *

R–4305 Lake Superior, MN [Amended]

By removing the current using agency and adding the following in its place:

Using Agency. U.S. Air Force, 148th Fighter Wing, Duluth International Airport, MN.

Issued in Washington, DC, on February 22, 2021.

George Gonzalez,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–03878 Filed 2–24–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 381

[Docket No. RM21–4–000]

Annual Update of Filing Fees

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Final rule; annual update of Commission filing fees.

SUMMARY: In accordance with the Commission's regulations, the Commission issues this update of its filing fees. This document provides the yearly update using data in the Commission's Financial System to calculate the new fees. The purpose of updating is to adjust the fees on the basis of the Commission's costs for Fiscal Year 2020.

DATES: *Effective Date:* March 29, 2021.

FOR FURTHER INFORMATION CONTACT: Maryam Khan, Office of the Executive Director, Federal Energy Regulatory Commission, 999 North Capitol St. NE, Room 22–02, Washington, DC 20426, 202–502–6683.

SUPPLEMENTARY INFORMATION:

Document Availability: 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 FERC'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 the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020.

From FERC's website on the internet, this information is available in the 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 and follow other directions on the search page.

User assistance is available for eLibrary and other aspects of FERC's website during normal business hours. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Annual Update of Filing Fees

(February 17, 2021)

The Federal Energy Regulatory Commission (Commission) is issuing this document to update filing fees that the Commission assesses for specific services and benefits provided to identifiable beneficiaries. Pursuant to 18 CFR 381.104, the Commission is establishing updated fees on the basis of the Commission's Fiscal Year 2020 costs. The adjusted fees announced in this document are effective March 29, 2021. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, that this final rule is not a major rule within the meaning of section 251 of Subtitle E of Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 804(2). The Commission is submitting this final rule to both houses of the United States Congress and to the Comptroller General of the United States.

The new fee schedule is as follows:

Fees Applicable to the Natural Gas Policy Act	
1. Petitions for rate approval pursuant to 18 CFR 284.123(b)(2). (18 CFR 381.403)	$15,510
Fees Applicable to General Activities	
1. Petition for issuance of a declaratory order (except under Part I of the Federal Power Act). (18 CFR 381.302(a))	31,160
2. Review of a Department of Energy remedial order:	
Amount in controversy	
$0–9,999. (18 CFR 381.303(b))	100
$10,000–29,999. (18 CFR 381.303(b))	600
$30,000 or more. (18 CFR 381.303(a))	45,480
3. Review of a Department of Energy denial of adjustment:	
Amount in controversy	
$0–9,999. (18 CFR 381.304(b))	100
$10,000–29,999. (18 CFR 381.304(b))	600
$30,000 or more. (18 CFR 381.304(a))	23,850
4. Written legal interpretations by the Office of General Counsel. (18 CFR 381.305(a))	8,940

Fees Applicable to Natural Gas Pipelines	
1. Pipeline certificate applications pursuant to 18 CFR 284.224. (18 CFR 381.207(b))	*1,000
Fees Applicable to Cogenerators and Small Power Producers	
1. Certification of qualifying status as a small power production facility. (18 CFR 381.505(a))	26,790
2. Certification of qualifying status as a cogeneration facility. (18 CFR 381.505(a))	30,330

*This fee has not been changed.

List of Subjects in 18 CFR Part 381

Electric power plants, Electric utilities, Natural gas, Reporting and recordkeeping requirements.

Issued: February 17, 2021.

Anton C. Porter,

Executive Director.

In consideration of the foregoing, the Commission amends part 381, chapter I, title 18, Code of Federal Regulations, as set forth below.

PART 381—FEES

■ 1. The authority citation for part 381 continues to read as follows:

Authority: 15 U.S.C. 717–717w; 16 U.S.C. 791–828c, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

§ 381.302 [Amended]

■ 2. In § 381.302, paragraph (a) is amended by removing ''$ 30,060'' and adding ''$ 31,160'' in its place.

§ 381.303 [Amended]

■ 3. In § 381.303, paragraph (a) is amended by removing ''$ 43,880'' and adding ''$ 45,480'' in its place.

§ 381.304 [Amended]

■ 4. In § 381.304, paragraph (a) is amended by removing ''$ 23,010'' and adding ''$ 23,850'' in its place.

§ 381.305 [Amended]

■ 5. In § 381.305, paragraph (a) is amended by removing ''$ 8,620'' and adding ''$ 8,940'' in its place.

§ 381.403 [Amended]

■ 6. Section § 381.403 is amended by removing ''$ 14,960'' and adding ''$ 15,510'' in its place.

§ 381.505 [Amended]

■ 7. In § 381.505, paragraph (a) is amended by removing ''$ 25,850'' and adding ''$ 26,790'' in its place and by removing ''$ 29,260'' and adding ''$ 30,330'' in its place.

[FR Doc. 2021–03857 Filed 2–24–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF LABOR

Benefits Review Board

20 CFR Part 802

RIN 1290–AA35

Rules of Practice and Procedure

AGENCY: Benefits Review Board, Department of Labor.

ACTION: Direct final rule; withdrawal.

SUMMARY: Due to the receipt of significant adverse comment on the conforming Office of Administrative Law Judges (OALJ) rulemaking in which commenters noted that they also practice before the Benefits Review Board (BRB), the Department of Labor is withdrawing the January 11, 2021 direct final rule (DFR) that would have provided for electronic filing (e-filing) and electronic service (e-service) of papers and required e-filing for persons represented by attorneys or non-attorney representatives unless good cause is shown justifying a different form of filing.

DATES: Effective February 25, 2021, the direct final rule published at 86 FR 1795 on January 11, 2021, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Shepherd, Clerk of the Appellate Boards, at (202) 693–6319 or *Contact-Boards@dol.gov.* Individuals with hearing or speech impairments may access this telephone number by TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: In the DFR, the Department stated that if a significant adverse comment was submitted by February 10, 2021, the Department would publish a timely withdrawal in the **Federal Register** informing the public that the DFR will not take effect. The Department also issued an identical notice of proposed rulemaking (NPRM) on the same day (86 FR 1857). The Department received significant adverse comment prior to the close of the comment period on the conforming Office of Administrative Law Judges (OALJ) rulemaking (86 FR 1862) in which commenters noted that they also practice before the Benefits Review Board (BRB). Therefore, out of an abundance of caution, the Department is withdrawing the DFR. The Department also received a request to extend the comment period of the OALJ rule and will reopen the comment period for the BRB NPRM for 15 days in a future document. In issuing a final action, the Department will consider comments received on the DFR and NPRM during the initial comment period as well as comments received during the subsequent comment period. The Department will also provide at least 30 days' notice between promulgating a final rule that requires e-filing and the date on which e-filing will become mandatory under such a rule. Furthermore, the Department notes that several comments raised concerns with the Department's electronic filing system and not the requirements of the proposed or direct final rules. To better understand and address these concerns, the Department plans to hold listening sessions during the coming weeks for users to provide feedback on the system. Information about those sessions will be announced at *https://efile.dol.gov.*

List of Subjects in 20 CFR Part 802

Administrative practice and procedure, Black lung benefits, Longshore and harbor workers, Workers' compensation.

PART 802—RULES OF PRACTICE AND PROCEDURE

Accordingly, the amendments to 20 CFR part 802, published in the **Federal Register** on January 11, 2021 (86 FR 1795), are withdrawn as of February 25, 2021.

Milton A. Stewart,

Acting Secretary of Labor.

[FR Doc. 2021–04008 Filed 2–23–21; 4:15 pm]

BILLING CODE 4510–HT–P

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 18

RIN 1290–AA36

Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges

AGENCY: Office of the Secretary, Department of Labor.

ACTION: Direct final rule; withdrawal.

SUMMARY: Due to the receipt of significant adverse comment, the Department of Labor is withdrawing the January 11, 2021 direct final rule (DFR) that would have provided for electronic filing (e-filing) and electronic service (e-service) of papers, required e-filing for persons represented by attorneys or non-attorney representatives unless good cause is shown justifying a different form of filing, and required advance notice to the parties of the manner of a hearing or prehearing conference.

DATES: Effective February 25, 2021, the direct final rule published at 86 FR 1800 on January 11, 2021, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Todd Smyth, General Counsel, U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street NW, Washington, DC 20001–8002; telephone (513) 684–3252. Individuals with hearing or speech impairments may access the telephone number above by TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: In the DFR, the Department stated that if a significant adverse comment was submitted by February 10, 2021, the Department would publish a timely withdrawal in the **Federal Register** informing the public that the DFR will not take effect. The Department also issued an identical notice of proposed rulemaking (NPRM) on the same day (86 FR 1862). The Department received significant adverse comment prior to the close of the comment period and is therefore withdrawing the DFR. The Department also received a request to extend the comment period and will reopen the comment period for the NPRM for 15 days in a future document. In issuing a final action, the Department will consider comments received on the DFR and NPRM during the initial comment period as well as comments received during the subsequent comment period. The Department will also provide at least 30 days' notice between promulgating a final rule that requires e-filing and the date on which e-filing will become mandatory under such a rule. Furthermore, the Department notes that several comments raised concerns with the Department's electronic filing system and not the requirements of the proposed or direct final rules. To better understand and address these concerns, the Department plans to hold listening sessions during the coming weeks for users to provide feedback on the system. Information about those sessions will be announced at *https://efile.dol.gov.*

List of Subjects in 29 CFR Part 18

Administrative practice and procedure, Labor.

PART 18—RULES OF PRACTICE AND PROCEDURE FOR ADMINISTRATIVE HEARINGS BEFORE THE OFFICE OF ADMINISTRATIVE LAW JUDGES

Accordingly, the amendments to 29 CFR part 18, published in the **Federal Register** on January 11, 2021 (86 FR 1800), are withdrawn as of February 25, 2021.

Milton A. Stewart,

Acting Secretary of Labor.

[FR Doc. 2021–04005 Filed 2–23–21; 4:15 pm]

BILLING CODE 4510–HW–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0098]

RIN 1625–AA00

Safety Zone; Ohio River, New Richmond, OH

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary safety zone for all navigable waters of the Ohio River from mile marker (MM) 452.0 to MM 454.0 near New Richmond, OH. This action is necessary to provide for the safety of life on these navigable waters near New Richmond, OH, during a demolition project. Entry into, transiting through, or anchoring within this zone is prohibited unless authorized by the Captain of the Port Sector Ohio Valley (COTP) or a designated representative.

DATES: This rule is effective on February 26, 2021 through February 28, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0098 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST1 Matthew Roberts, Waterways Department Marine Safety Detachment Cincinnati, U.S. Coast Guard; telephone 513–921–9033, email *msdcincinnati@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because doing so would be impracticable and contrary to the public interest. On February 15, 2021, the Coast Guard was notified of a demolition event that will take place on the Ohio River, between Mile Marker (MM) 452.0 to MM 454.0 near New Richmond, OH from 9:30 a.m. through 10:30 a.m. on February 26, 2021 or if inclement weather is present the demotion event will take place on February 27, 2021 or February 28, 2021, from 9:30 a.m. through 10:30 a.m. Notice of the demolition event did not give the Coast Guard enough time to publish an NPRM, take public comments, and issue a final rule before the demolition work is set to begin. It would be impracticable and contrary to the public interest to delay promulgating this rule as it is necessary to establish this safety zone on February 26, 2021 to protect the safety of anyone within a two mile radius of the area associated with the demolition. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this

rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is necessary to respond to the potential safety hazards associated with the demolition.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Ohio Valley (COTP) has determined that potential hazards associated with the demolition occuring on February 26, 2021, will be a safety concern for anyone near the demolition site. The purpose of this rule is to ensure safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a safety zone from 9:30 a.m. through 10:30 a.m. on February 26, 2021. The back up dates will be February 27, 2021 or February 28, 2021, from 9:30 a.m. through 10:30 a.m. The temporary safety zone would cover all navigable waters on the Ohio River extending from MM 452.0 to MM 454.0 near New Richmond, OH. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 9:30 a.m. through 10:30 a.m. demolition. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, and duration of the temporary safety zone. The temporary safety zone would only be in effect for 1 hour and limit access to a two-mile stretch of the Ohio River near New Richmond, OH. The Coast Guard expects minimum adverse impact to mariners. Also, mariners would be permitted to request authorization from the COTP or a designated representative to transit the temporary safety zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting 1 hour, which would prohibit entry within a 2-mile stretch of the Ohio River near New Richmond, OH. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket,

see the **ADDRESSES** section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T08–0098 to read as follows:

§ 165.T08–0098 Safety Zone; Ohio River, New Richmond, OH.

(a) *Location.* The following area is a temporary safety zone: All navigable waters of the Ohio River between MM 452.0 to MM 454.0 in New Richmond, OH.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Ohio Valley (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Ohio Valley (COTP) or a designated representative. Persons or vessels desiring to enter into or pass through the zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM radio channel 16 or phone at 1–800–253–7465.

(2) Persons and vessels permitted to enter this safety zone must transit at the slowest safe speed and comply with all lawful directions issued by the COTP or a designated representative.

(d) *Enforcement period.* This section will be enforced from 9:30 a.m. until 10:30 a.m. on February 26, 2021. The back up dates will be February 27, 2021 or February 28, 2021, from 9:30 a.m. until 10:30 a.m.

(e) *Informational broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners and the Local Notice to Mariners of the enforcement period for the temporary safety zone as well as any changes in the planned schedule.

Dated: February 19, 2021.

A.M. Beach,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2021–03974 Filed 2–24–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 410, 411, 412, 414, 416, 419, 482, 485, 512

[CMS–1736–CN]

RIN 0938–AU12

Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; New Categories for Hospital Outpatient Department Prior Authorization Process; Clinical Laboratory Fee Schedule: Laboratory Date of Service Policy; Overall Hospital Quality Star Rating Methodology; Physician-Owned Hospitals; Notice of Closure of Two Teaching Hospitals and Opportunity To Apply for Available Slots; Radiation Oncology Model; and Reporting Requirements for Hospitals and Critical Access Hospitals (CAHs) to Report COVID–19 Therapeutic Inventory and Usage and To Report Acute Respiratory Illness During the Public Health Emergency (PHE) for Coronavirus Disease 2019 (COVID–19); Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), Health and Human Services (HHS).

ACTION: Final rule with comment period and interim final rule; correction.

SUMMARY: This document corrects technical and typographical errors in the final rule with comment period and interim final rule with comment period published in the **Federal Register** on December 29, 2020, titled ''Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; New Categories for Hospital Outpatient Department Prior Authorization Process; Clinical Laboratory Fee Schedule: Laboratory Date of Service Policy; Overall Hospital Quality Star Rating Methodology; Physician-owned Hospitals; Notice of Closure of Two Teaching Hospitals and Opportunity To Apply for Available Slots; Radiation Oncology Model; and Reporting Requirements for Hospitals and Critical Access Hospitals (CAHs) to Report COVID–19 Therapeutic Inventory and Usage and to Report Acute Respiratory Illness During the Public Health Emergency (PHE) for Coronavirus Disease 2019 (COVID–19)''.

DATES: *Effective date:* This correction is effective February 25, 2021.

Applicability date: The corrections in this correcting document are applicable beginning January 1, 2021.

FOR FURTHER INFORMATION CONTACT: Elise Barringer via email *Elise.Barringer@cms.hhs.gov* or at (410) 786–9222.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2020–26819 of December 29, 2020 (85 FR 85866), there were a number of technical and typographical errors that are identified and corrected in the Correction of Errors section below. The corrections in this correction document are applicable as if they had been included in the document that was issued on December 4, 2020, and published December 29, 2020. Accordingly, each correction is applicable on January 1, 2021.

II. Summary of Errors

A. Summary of Errors in the Preamble

1. Hospital Outpatient Prospective Payment System (OPPS) Corrections

On page 85987 of the ''OPPS APC-Specific Policies'' section, we inadvertently omitted a summary of a public comment and response related to existing CPT codes 0607T and 0608T. Therefore, we are adding a new subsection titled ''31. Other Procedures/Services'' that includes a summary of this public comment and our response.

On page 86033, we are correcting an inadvertent reference to the quarter for which ASP data will be used to calculate payment rates for HCPCS codes for separately payable drugs and biologicals included in Addenda A and B: It is the second quarter of CY 2020, not the third quarter of CY 2020.

On Page 86035, we inadvertently referred to CY 2018, rather than CY

2021, as the year in which the proposed packaging status of each drug and biological with HCPCS codes that describe different dosages of the same drug or biological would apply.

On Page 86063, in Table 42: Skin Substitute Assignments to High Cost and Low Cost Groups for CY 2021, we inadvertently stated in the column titled ''Final CY 2021 High/Low Cost Assignment'' that HCPCS code Q4222 is assigned to the ''Low'' cost group rather than ''High'' cost group.

On Page 86273, we inadvertently described the increase in total OPPS payments in CY 2021 as a result of the update to the conversion factor, the CY 2021 frontier wage index adjustment, and other adjustments (not including the effects of outlier payments or the pass-through payment estimates) as 0.2 percent, rather than 2.6 percent.

2. Ambulatory Surgical Center (ASC) Payment System Corrections

On pages 86154 and 86165, in Tables 59 and 60, we incorrectly listed the final CY 2021 ASC payment indicator for CPT code 0404T (Transcervical uterine fibroid(s) ablation with ultrasound guidance, radiofrequency) as ''G2'' instead of ''J8''. As stated on page 86016, we assigned device-intensive status to CPT code 0404T and finalized a default device offset percentage of 31 percent to reflect the device costs associated with that code for CY 2021. However, we inadvertently did not assign device-intensive status to CPT code 0404T or utilize the default device offset percentage under the ASC payment system for CPT code 0404T when calculating ASC payment rates for CY 2021.

On page 86175, we inadvertently did not refer to the revised modifications to the labor market areas contained in OMB Bulletins 18–03 and 18–04. While we used these updated delineations to calculate the ASC wage index for CY 2021, which we used to calculate the ASC payment system rates, we unintentionally did not include conforming language in the ASC wage index section of the preamble to refer to these bulletins. Therefore, we are correcting the ASC wage index section by including language referring to the revised labor market areas issued in the OMB Bulletins 18–03 and 18–04.

On pages 86176 and 86282, we are correcting references to the weight scalar used in ASC payment rate calculations from ''0.8591'' to ''0.8547'' to include the effect of our policy to unpackage HCPCS code J1097 (phenylephrine 10.16 mg/ml and ketorolac 2.88 mg/ml ophthalmic irrigation solution, 1 ml) for CY 2021 (85 FR 86172). We also inadvertently omitted prospective expenditures related to HCPCS code J1097 for CY 2021 in our calculation of the ASC budget neutrality adjustment. We note that the ASC weight scalar of 0.8547 includes this correction, the correction noted above for CPT code 0404T, and accounts for the increase in CY 2021 Medicare Physician Fee Schedule payment amounts of 3.75 percent, which is required by section 101(a) of Division N, Title I of the Consolidated Appropriations Act (CAA), 2021 (Pub. L. 116–260). For office-based covered surgical procedures and certain covered ancillary radiology services and diagnostic tests under the ASC payment system, the payment rate is the lower of the final CY 2021 MPFS nonfacility PE RVU-based amount multiplied by the MPFS conversion factor or the OPPS-relative weight-based CY 2021 ASC payment amount, and accordingly, it was necessary to update the MPFS-based ASC rates for CY 2021.

3. Hospital Outpatient Quality Reporting Program Correction

On page 86182, in footnote 107, the url in the following reference is corrected: ''The data reviewed are maintained in the CMS Integrated Data Repository (IDR). The IDR is a high volume data warehouse integrating Medicare Parts A, B, C, and D, and DME claims, beneficiary and provider data sources, along with ancillary data such as contract information and risk scores. Additional information is available at *https://www.cms.gov/Research-Statistics-DataandSystems/Computer-Data-and-Systems/IDR/index.html.*'' The url is corrected to read: *https://www.cms.gov/Research-Statistics-Data-and-Systems/Computer-Data-and-Systems/IDR.*

4. Ambulatory Surgical Center Quality Reporting Program Correction

On page 86192, in footnote 110, the url in the following reference is not correct: ''For more information on the ECE policy, we refer stakeholders to the QualityNet website at *https://www.qualitynet.org/asc/datasubmission#tab2.*'' The url is corrected to read: *https://www.qualitynet.org/asc/ascqr/participation#tab2.*

B. Summary of Errors and Corrections to the OPPS and ASC Addenda Posted on the CMS Website

1. OPPS Addenda Posted on the CMS Website

In Addendum A of the CY 2021 OPPS/ASC final rule with comment period, APC 9370 had an incorrect payment rate of $0.752. We corrected the following:

- For APC 9370 (Fluoroestradiol f 18), we included an incorrect payment rate. Specifically, we are correcting the payment rate from $0.752 to $626.583.

In Addendum B of the CY 2021 OPPS/ASC final rule with comment period, HCPCS codes G2061, G2062, and G2063 are incorrectly shown as active codes with status indicator ''A'' to indicate that they should be paid under a fee schedule or payment system other than the OPPS. These codes have been deleted effective December 31, 2020, and therefore should be assigned status indicator ''D'' to indicate that they are discontinued codes. These codes have been replaced with CPT codes 98970, 98971, and 98972, respectively. CPT codes 98970, 98971, and 98972 were incorrectly assigned to status indicator ''B'' to indicate that another more appropriate code should be reported. But because these codes are replacing HCPCS codes G2061, G2062, and G2063, they should be assigned status indicator ''A''. Therefore, in the Addendum B (Final OPPS Payment by HCPCS code for CY 2021), we corrected the following:

- HCPCS code G2061 (Qual nonmd est pt 5–10m): We made a typographical error in the status indicator assignment. Specifically, we are correcting the status indicator from ''A'' to ''D''.
- HCPCS code G2062 (Qual nonmd est pt 11–20m): We made a typographical error in the status indicator assignment. Specifically, we are correcting the status indicator from ''A'' to ''D''.
- HCPCS code G2063 (Qual nonmd est pt 21>min): We made a typographical error in the status indicator assignment. Specifically, we are correcting the status indicator from ''A'' to ''D''.
- CPT code 98970 (Qnhp ol dig assmt&mgmt 5–10): We made a typographical error in the status indicator assignment. Specifically, we are correcting the status indicator from ''B'' to ''A''. We are also assigning 98970 to comment indicator ''CH'' to indicate that its status indicator has changed.
- CPT code 98971 (Qnhp ol dig assmt&mgmt 11–20): We made a typographical error in the status indicator assignment. Specifically, we are correcting the status indicator from ''B'' to ''A''. We are also assigning 98971 to comment indicator ''CH'' to indicate that its status indicator has changed.
- CPT code 98972 (Qnhp ol dig assmt&mgmt 21+): We made a typographical error in the status indicator assignment. Specifically, we

are correcting the status indicator from ''B'' to ''A''. We are also assigning 98972 to comment indicator ''CH'' to indicate that its status indicator has changed.

In Addendum B of the CY 2021 OPPS/ASC final rule with comment period, HCPCS codes G2010 and G2012 were incorrectly assigned to status indicator ''A'' to indicate that they should be paid under a fee schedule or payment system other than the OPPS. However, because these codes were replaced with HCPCS codes G2250 and G2251 for certain non-physician practitioners, including rehabilitation therapists, effective January 1, 2021, we assigned them to status indicator ''B'' under the OPPS to indicate that other more appropriate codes should be reported. Therefore, in the Addendum B (Final OPPS Payment by HCPCS code for CY 2021), we corrected the following:

- HCPCS code G2010 (Remote evaluation of recorded video and/or images submitted by an established patient (*e.g.,* store and forward), including interpretation with follow-up with the patient within 24 business hours, not originating from a related e/m service provided within the previous 7 days nor leading to an e/m service or procedure within the next 24 hours or soonest available appointment). We made a typographical error in the status indicator assignment. Specifically, we are correcting the status indicator from ''A'' to ''B''.
- HCPCS code G2012 (Brief communication technology-based service, *e.g.,* virtual check-in, by a physician or other qualified health care professional who can report evaluation and management services, provided to an established patient, not originating from a related e/m service provided within the previous 7 days nor leading to an e/m service or procedure within the next 24 hours or soonest available appointment; 5–10 minutes of medical discussion). We made a typographical error in the status indicator assignment. Specifically, we are correcting the status indicator from ''A'' to ''B''.

In Addendum B of the CY 2021 OPPS/ASC final rule with comment period, HCPCS code G2211 was incorrectly assigned to status indicator ''N'' to indicate that it should be packaged under the OPPS. We intended to assign this code to status indicator ''B'' to indicate that it should not be payable under the OPPS because this code is an add-on code to existing Evaluation and Management code(s) that are assigned to status indicator ''B''. Therefore, in the Addendum B (Final OPPS Payment by HCPCS code for CY 2021), we corrected the following:

- HCPCS code G2211 (Visit complexity inherent to evaluation and management associated with medical care services that serve as the continuing focal point for all needed health care services and/or with medical care services that are part of ongoing care related to a patient's single, serious condition or a complex condition. (add-on code, list separately in addition to office/outpatient evaluation and management visit, new or established)). We made a typographical error in the status indicator assignment. Specifically, we are correcting the status indicator from ''N'' to ''B''.

In Addendum B of the CY 2021 OPPS/ASC final rule with comment period, HCPCS code A9591 had an incorrect payment rate of $0.752. We corrected the following:

- For HCPCS A9591 (Fluoroestradiol f 18, diagnostic, 1 millicurie), we included an incorrect payment rate. Specifically, we are correcting the payment rate from $0.752 to $626.583.

In Addendum C of the CY 2021 OPPS/ASC final rule with comment period, APC 9370, HCPCS code A9591 had an incorrect payment rate of $0.752. We corrected the following:

- For APC 9370 (Fluoroestradiol f 18), HCPCS code A9591 (Fluoroestradiol f 18, diagnostic, 1 millicurie), we included an incorrect payment rate. Specifically, we are correcting the payment rate from $0.752 to $626.583.

In Addendum P, in the tab titled ''2021 FR Device Intensive List'', we inadvertently omitted CPT code 0404T from this list. CPT code 0404T was finalized as a device-intensive procedure for CY 2021 with a device offset percentage of 31 percent. We have added this procedure to the list of device-intensive procedures on this tab in Addendum P.

To view the corrected CY 2021 OPPS status indicators, comment indicators, APC assignments, relative weights, payment rates, copayment rates, device-intensive status, and short descriptors in Addenda A, B, C, and P, we refer readers to the Addenda and supporting files that are posted on the CMS website at: *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/HospitalOutpatientPPS/index.html.* Select ''CMS–1736–CN'' from the list of regulations. All corrected Addenda for this correcting document are contained in the zipped folder titled ''2021 OPPS Final Rule Addenda'' at the bottom of the page for CMS–1736–CN.

2. ASC Payment System Addenda Posted on the CMS Website

In Addenda AA and BB, we inadvertently applied an incorrect ASC weight scalar to calculate payment rates under the ASC payment system. In our CY 2021 OPPS/ASC final rule with comment period, we finalized a policy to unpackage HCPCS code J1097 (phenylephrine 10.16 mg/ml and ketorolac 2.88 mg/ml ophthalmic irrigation solution, 1 ml) for CY 2021 (85 FR 86172). However, in our budget neutrality adjustment calculation, we inadvertently omitted prospective expenditures related to J1097 for CY 2021. This error impacted the calculation of the ASC weight scalar and ASC payment rates. Accordingly, we have updated Addenda AA and BB to accurately reflect the ASC payment rates based on the revised ASC weight scalar, as corrected in this notice and updated to include the increased MPFS rates required by section 101(a) of Division N, Title I of the Consolidated Appropriations Act, 2021.

In Addendum BB of the CY 2021 OPPS/ASC final rule with comment period, HCPCS code A9591 had an incorrect payment rate of $0.75. We corrected the following:

- For HCPCS A9591 (Fluoroestradiol f 18, diagnostic, 1 millicurie), we included an incorrect payment rate. Specifically, we are correcting the payment rate from $0.75 to $626.58.

To view the corrected final CY 2021 ASC payment indicators, payment weights, payment rates, and multiple procedure discounting indicator in Addenda AA and BB, we refer readers to the Addenda and supporting files on the CMS website at: *https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ASCPayment/ASC-Regulations-and-Notices.html.* Select ''CMS–1736–CN'' from the list of regulations. All corrected ASC addenda for this correcting document are contained in the zipped folder titled ''Addendum AA, BB, DD1, DD2, and EE'' at the bottom of the page for CMS–1736–CN.

III. Waiver of Proposed Rulemaking, 60-Day Comment Period, and Delay in Effective Date

Under 5 U.S.C. 553(b) of the Administrative Procedure Act (APA), the agency is required to publish a notice of proposed rulemaking in the **Federal Register** before the provisions of a rule take effect. Similarly, section 1871(b)(1) of the Act requires the Secretary to provide notice of the proposed rulemaking in the **Federal Register** and a period of not less than 60 days for public comment. In addition, section 553(d) of the APA and section 1871(e)(1)(B)(i) of the Act mandate a 30-day delay in effective date after issuance or publication of a rule. Sections

553(b)(B) and 553(d)(3) of the APA provide for exceptions from the notice and comment and delay in effective date APA requirements; in cases in which these exceptions apply, sections 1871(b)(2)(C) and 1871(e)(1)(B)(ii) of the Act provide exceptions from the notice and 60-day comment period and delay in effective date requirements of the Act as well. Section 553(b)(B) of the APA and section 1871(b)(2)(C) of the Act authorize an agency to dispense with normal rulemaking requirements for good cause if the agency makes a finding that the notice and comment process are impracticable, unnecessary, or contrary to the public interest. In addition, both sections 553(d)(3) of the APA and section 1871(e)(1)(B)(ii) of the Act allow the agency to avoid the 30-day delay in effective date where such delay is contrary to the public interest and an agency includes a statement of support.

We believe that this correcting document does not constitute a rule that would be subject to the notice and comment or delayed effective date requirements. This document corrects technical and typographic errors in the preamble, addenda, payment rates, tables, and appendices included or referenced in the CY 2021 OPPS/ASC final rule with comment period, but does not make substantive changes to the policies or payment methodologies that were adopted in the final rule with comment period. As a result, this correcting document is intended to ensure that the information in the CY 2021 OPPS/ASC final rule with comment period accurately reflects the policies adopted in that document.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the final rule or delaying the effective date would be contrary to the public interest because it is in the public's interest for providers to receive appropriate payments in as timely a manner as possible, and to ensure that the CY 2021 OPPS/ASC final rule accurately reflects our policies as of the date they take effect and are applicable.

Furthermore, such procedures would be unnecessary, as we are not altering our payment methodologies or policies, but rather, we are simply correctly implementing the policies that we previously proposed, received comment on, and subsequently finalized. This correcting document is intended solely to ensure that the CY 2021 OPPS/ASC final rule with comment period accurately reflects these payment methodologies and policies. For these reasons, we believe we have good cause to waive the notice and comment and effective date requirements. Moreover, even if these corrections were considered to be retroactive rulemaking, they would be authorized under section 1871(e)(1)(A)(ii) of the Act, which permits the Secretary to issue a rule for the Medicare program with retroactive effect if the failure to do so would be contrary to the public interest. As we have explained previously, we believe it would be contrary to the public interest not to implement the corrections in this correcting document because it is in the public's interest for providers to receive appropriate payments in as timely a manner as possible, and to ensure that the CY 2021 OPPS/ASC final rule with comment period accurately reflects our policies.

IV. Correction of Errors

In FR Doc. 2020–26819 of December 29, 2020 (85 FR 85866), make the following corrections:

1. On page 85987, third column, after the second full paragraph ending with ''Addendum B is available via the internet on the CMS website.'' and before the section titled ''IV. OPPS Payment for Devices,'' the following section and text are added:

31. Other Procedures/Services

For CY 2021, we proposed to continue to assign CPT code 0607T to APC 5012 (Clinic Visits and Related Services) with status indicator ''V'' (Clinic or Emergency Department Visit. Paid under OPPS; separate APC payment) and a proposed payment rate of $120.88. In addition, we proposed to continue to assign CPT code 0608T to APC 5741 (Level 1 Electronic Analysis of Devices) with status indicator ''S'' (Procedure or Service, Not Discounted When Multiple. Paid under OPPS; separate APC payment) and a proposed payment rate of $37.76. Below are the long descriptors for CPT codes 0607T and 0608T:

- 0607T: Remote monitoring of an external continuous pulmonary fluid monitoring system, including measurement of radiofrequency-derived pulmonary fluid levels, heart rate, respiration rate, activity, posture, and cardiovascular rhythm (*e.g.,* ECG data), transmitted to a remote 24-hour attended surveillance center; set-up and patient education on use of equipment; and
- 0608T: Remote monitoring of an external continuous pulmonary fluid monitoring system, including measurement of radiofrequency-derived pulmonary fluid levels, heart rate, respiration rate, activity, posture, and cardiovascular rhythm (*e.g.,* ECG data), transmitted to a remote 24-hour attended surveillance center; analysis of data received and transmission of reports to the physician or other qualified health care professional.

Comment: A commenter requested that we reassign CPT codes 0607T and 0608T to non-payable OPPS status indicators because the commenter contended that the service associated with the codes is not provided to hospital outpatients during a hospital outpatient encounter. The commenter specifically requested that both codes be reassigned to either status indicator ''B'' (Codes that are not recognized by OPPS. Not paid under OPPS) or ''M'' (Items and Services Not Billable to the MAC. Not paid under OPPS) for both codes. The commenter reported that the services are prescribed by individual physicians, and are not currently provided to either hospital inpatients or outpatients, or in conjunction with any hospital service. According to the commenter, there is no hospital in the U.S. that possesses the technology to provide a remote pulmonary fluid monitoring system and further stated that ambulatory fluid monitoring system is only available through a single Independent Diagnostic Testing Facility (IDTF) in Pittsburgh, Pennsylvania. The commenter explained that an individual physician will prescribe the ambulatory fluid monitoring device for their patient and submit the medical order to the IDTF. Thereafter, the IDTF is ultimately responsible for the transmission, analysis, and creation of reports to the prescribing physician.

Response: Based on our review of the codes and input from our medical advisors, the services described by CPT codes 0607T and 0608T may be provided in an HOPD setting. While the commenter has indicated that the services described by the codes are currently performed by one IDTF, we believe that the services can be performed by HOPDs. Consequently, for CY 2021, we believe that we should continue to assign these codes to APCs 5012 and 5741 so that HOPDs can be paid separately if they provide these services in the HOPD setting. Therefore, we are finalizing our proposal, without modification, to assign CPT codes 0607T and 0608T to APCs 5012 and 5741, respectively. The final CY 2021 payment rate for the codes can be found in Addendum B to this final rule with comment period (which is available via the internet on the CMS website).

2. On page 86033, first column, first full paragraph, in line 5 and 6, ''third quarter of CY 2020'' is corrected to read ''second quarter of CY 2020''.

3. On page 86035, third column, first partial paragraph, in line 4, the year ''CY 2018'' is corrected to read ''CY 2021''.

4. On Page 86063, Table 42, in the entry for HCPCS code Q4222, under the column for ''Final CY 2021 High/Low Cost Assignment,'' ''Low'' is corrected to read ''High''.

5. On page 86154, Table 59, in the entry for CPT code 0404T, under the column ''Final CY 2021 ASC Payment Indicator,'' ''G2'' is corrected to read ''J8''.

6. On page 86165, Table 60, in the entry for CPT code 0404T, under the column ''Final CY 2021 ASC Payment Indicator,'' ''G2'' is corrected to read ''J8''.

7. On page 86175, third column, after the first partial paragraph, add the following text:

On April 10, 2018, OMB issued OMB Bulletin No. 18–03 which superseded the August 15, 2017 OMB Bulletin No. 17–01. On September 14, 2018, OMB issued OMB Bulletin 18–04 which superseded the April 10, 2018 OMB Bulletin No. 18–03. A copy of OMB Bulletin No. 18–04 may be obtained at *https://www.whitehouse.gov/wpcontent/uploads/2018/90/Bulletin-18-04.pdf.* We are utilizing the revised delineations as set forth in the April 10, 2018 OMB Bulletin No. 18–03 and the September 14, 2018 OMB Bulletin No. 18–04 to calculate the CY 2021 ASC wage index effective beginning January 1, 2021.''

8. On page 86176, third column, first full paragraph, in line 10, the figure ''0.8591'' is corrected to read ''0.8547.''

9. On page 86182, in footnote 107, the url ''*https://www.cms.gov/Research-Statistics-DataandSystems/Computer-Data-and-Systems/IDR/index.html*'' is corrected to read ''*https://www.cms.gov/Research-Statistics-Data-and-Systems/Computer-Data-and-Systems/IDR*''.

10. On page 86192, in footnote 110, the url ''*https://www.qualitynet.org/asc/data-submission#tab2*'' is corrected to read: ''*https://www.qualitynet.org/asc/ascqr/participation#tab2*''.

11. On page 86273, second column, third full paragraph, in lines 7 and 8, the figure ''0.2 percent'' is corrected to read ''2.6 percent''.

12. On page 86282, second column, in the first paragraph under ''2. Estimated Effects of CY 2021 ASC Payment System Changes,'' in line 10, the figure ''0.8591'' is corrected to read ''0.8547.''

Dated: February 19, 2021.

Wilma M. Robinson,

Deputy Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2021–03852 Filed 2–22–21; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WT Docket No. 19–71; FCC 21–10; FRS 17395]

FCC Modernizes Siting Rule for Small Hub and Relay Wireless Antennas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communication's Commission (''Commission'') updates its rule for over-the-air reception devices (OTARD) to expand its coverage to include hub and relay antennas that are used for the distribution of broadband-only fixed wireless services to multiple customer locations, regardless of whether they are primarily used for this purpose, provided the antennas satisfy other conditions of the OTARD rule. The *Report and Order* will allow fixed wireless service providers to bring faster internet speeds, lower latency, and advanced applications to rural and underserved communities in particular.

DATES: Effective March 29, 2021.

FOR FURTHER INFORMATION CONTACT: Georgios Leris, *Georgios.Leris@fcc.gov,* Competition & Infrastructure Policy Division, Wireless Telecommunications Bureau, (202) 418–1994.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* in WT Docket No. 19–71, FCC 21–10, adopted on January 7, 2021 and released on January 7, 2021. The full text of this document is available for public inspection online at *https://docs.fcc.gov/public/attachments/FCC-21-10A1.pdf.* Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format, etc.), and reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) may be requested by sending an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Synopsis

1. The Commission in this document updates its rule for over-the-air reception devices (OTARD) to expand its coverage to include hub and relay antennas that are used for the distribution of broadband-only fixed wireless services to multiple customer locations, regardless of whether they are primarily used for this purpose, provided the antennas satisfy other conditions of the rule.[1] By making this modest adjustment to the Commission's rule while maintaining the other existing OTARD restrictions, it places fixed wireless broadband-only service providers on similar competitive footing with other service providers. This rule change should allow fixed wireless service providers to bring faster internet speeds, lower latency, and advanced applications—like the Internet of Things, telehealth, and remote learning—to all areas of the country, and to rural and underserved communities in particular.

2. The Commission's OTARD rule prohibits laws, regulations, or restrictions imposed by State or local governments or private entities that impair the ability of antenna users to install, maintain, or use over-the-air reception devices. The Commission adopted the rule as directed by section 207 of the Telecommunications Act of 1996, pursuant to the Commission's authority under section 303 of the Communications Act of 1934. The rule prohibits restrictions that unreasonably delay or prevent installation, maintenance, or use of an antenna; unreasonably increase the cost of installation, maintenance, or use of an antenna; or preclude reception of an acceptable quality signal. For the OTARD rule to apply, the antenna must be installed ''on property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership or leasehold interest in the property'' upon which the antenna is located.

3. The original OTARD rule applied only to antennas used to receive video programming signals, but in the *2000 Competitive Networks First Report and Order* the Commission expanded the rule to apply to ''customer-end antennas

[1] The Commission notes that the scope of the revisions in this *Report and Order* is limited and that it declines to adopt at this time any of the other proposals submitted by commenters or advanced by the Commission in its *Notice of Proposed Rulemaking. See, e.g.,* Letter from Claude Aiken, President and CEO, WISPA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 17–79 (filed Aug. 27, 2018); *Updating the Commission's Rule for Over-the-Air Reception Devices,* WT Docket No. 19–71, Notice of Proposed Rulemaking, 34 FCC Rcd 2695 (2019) (*Notice*).

used for transmitting or receiving fixed wireless signals.'' The Commission found that unreasonable restrictions on the placement of customer premises antennas disadvantage providers of fixed wireless services as compared to their wireline competitors and unreasonably discriminated among providers of functionally equivalent services. The Commission defined fixed wireless signals as ''any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location.'' The Commission stated that the extension of the OTARD rule would apply ''only to antennas at the customer end of the wireless transmission, *i.e.,* to antennas placed at the customer location for the purpose of providing fixed wireless service . . . to one or more customers at that location.'' The Commission reasoned that these antennas were customer premises equipment and that section 332 of the Communications Act did not act as a bar to OTARD protection because the antennas were not used to provide personal wireless services. The Commission concluded that it did ''not intend the rules to cover hub or relay antennas used to transmit signals to and/or receive signals from multiple customer locations.''

4. In its *2004 Competitive Networks Reconsideration Order,* the Commission revised its previous finding and determined that the OTARD rule applies to hub and relay antennas that are ''installed in order to serve the customer on such premises,'' but that it does not apply to hub and relay antennas designed ''*primarily*'' for use as hubs for distribution of service to multiple customer locations. The Commission's reconsideration responded to a petition from a licensee that ''deploy[ed] its networks using a 'point-to-point-to-point' architecture in which each customer device also serv[ed] as a relay device.'' The Commission, noting that it had not considered ''those network configurations and technologies in which customer-end equipment performs both functions'' and offered ''advanced services,'' found that, ''[f]or the purposes of the OTARD protections, the equipment deployed in such networks shares the same physical characteristics of other customer-end equipment, distinguished only by the additional functionality of routing service to additional users.'' The Commission ''[did] not believe that [the Commission's] rules should serve to disadvantage more efficient technologies.'' The Commission consequently found that ''the OTARD protections would apply to installations serving the premises customer that also relays signals to other customers, such as is typical in mesh networks, but would not apply to installations that are designed primarily for use as hubs for distribution of service.''

5. In 2018, the Wireless Internet Service Providers Association (WISPA) asked the Commission to update the OTARD rule to apply to ''all fixed wireless transmitters and receivers, regardless of whether the equipment is used for reception, transmission, or both, so long as the equipment meets the existing size restrictions for customer-end equipment.'' WISPA argues that extending the OTARD rule to all fixed wireless equipment ''would be consistent with the original intent of OTARD, will accelerate the deployment of competitive broadband services in markets across the country, and will empower consumers to help bring competitive wireless broadband to their communities by hosting hub sites.''

6. WISPA asserts that updating the OTARD rule is necessary to accommodate changes in fixed wireless architecture. While fixed wireless systems historically relied on relatively large coverage areas with fewer hub sites per customer, ''over time, as both the cost of technology fell and subscriber data increased, fixed wireless providers began to reduce the size of the area covered per base station.'' Because of these changes in technology and network design, WISPA contends, ''fixed wireless providers have much less choice in where they can locate hub sites.'' WISPA further contends that, ''in the absence of Commission action to modernize the OTARD rules, fixed wireless operators will continue to face significant hurdles to siting, perpetuating barriers to new investment and employment.'' WISPA further argues that the Commission originally declined to extend OTARD protections to hub sites based on ''its opinion at the time that fixed wireless hubs were covered under section 332'' of the Communications Act—an opinion that WISPA says does not apply to modern networks because hub sites used for fixed wireless broadband do not necessarily include an offering of telecommunications service.

7. In response to WISPA's letter, the Commission issued a Notice of Proposed Rulemaking (*Notice*) seeking comment on extending the OTARD protections to fixed wireless facilities that operate primarily as hub and relay antennas, but do not qualify as personal wireless service facilities under section 332(c)(7) because they are not used to provide telecommunications services. In this *Report and Order,* the Commission updates the OTARD rule to reflect the current technological landscape by eliminating the restriction that excludes some hub and relay antennas from the scope of the OTARD protections if they are used primarily for the distribution of service to multiple customer locations. In the *2004 Competitive Networks Reconsideration Order,* the Commission determined that customer-end equipment possessing ''the additional functionality of routing service to additional users'' (such as a node in a mesh network) would not lose OTARD protection, so long as the equipment was ''installed in order to serve the customer on [its] premises,'' but that it ''would not apply to installations that are designed primarily for use as hubs for distribution of service.''

8. The revised OTARD rule applies to all hub and relay antennas that are used for the distribution of fixed wireless services to multiple customer locations, regardless of whether they are ''primarily'' used for this purpose, as long as: (1) The antenna serves a customer on whose premises it is located, and (2) the service provided over the antenna is broadband-only.[2] The Commission's order here does not modify any other aspects of the current OTARD rule. Thus, the rule's requirements that antennas must be less than one meter in diameter or diagonal measurement, that they apply to property ''where the user has a direct or indirect ownership or leasehold interest,'' and that restrictions necessary for safety and historic preservation are excepted, remain in place.

9. *Policy Considerations.* The Commission finds that this limited expansion of the OTARD rule to fixed wireless hub and relay antennas will align the Commission's rules with the current fixed wireless technological landscape and accelerate the deployment of competitive fixed wireless services to consumers. The record supports the conclusion that the fixed wireless technologies have shifted from using larger antennas that transmit over greater distances—that were in use at the time the Commission adopted the hub and relay antenna restriction—to the use of smaller antennas that are located much closer to each other. As numerous commenters emphasize, today's fixed wireless networks rely on smaller antennas located in close proximity to each other. Even in rural areas, these networks are deployed in

[2] Accordingly, the Commission amends 47 CFR 1.4000 by revision subparagraph (a)(1) and adding subparagraph (a)(5) to reflect its clarification to the definition of hub and relay antennas.

this way so as to increase broadband capacity. These smaller antennas meet the OTARD size restriction, but some are excluded from OTARD protection due to their ''primary'' function as fixed wireless hub and relay antennas. If these antennas continue to be excluded from OTARD protection, this could prevent fixed wireless service providers from maintaining or expanding service, particularly broadband-only service, as changes in technology require more dense deployments.

10. The Commission's updated rule will help spur the rapid deployment of fixed wireless networks needed for 5G and other fixed wireless high-speed internet services. This will benefit consumers by offering faster access to advanced communications services and greater competition among service providers. These fixed wireless networks rely on the installation of hub and relay antennas to transmit and receive signals from multiple customer locations to overcome propagation distance limitations and signal obstructions in delivering fixed wireless high-speed internet services. Further, modern fixed wireless antennas are multi-purpose, and can function as receivers, repeaters, and transmitters, thereby eliminating the distinction between fixed wireless hub and relay antennas that the Commission previously relied on in deciding to exclude some of these antennas from OTARD protection. As long as the antennas meet the other requirements of the Commission's rule, its revised rule applies equally to all fixed wireless antennas, no matter whether they operate primarily as receivers, hubs, or relays, or whether they operate on licensed or unlicensed spectrum. There is no longer any reason to maintain the definitional distinction in the Commission's rule between these types of antennas and, accordingly, the Commission eliminates it.[3]

11. The Commission's revision will increase competitive parity among fixed wireless service providers and other service providers. Specifically, broadband-only fixed wireless service providers that use this equipment will now be on similar footing as service providers whose services and facilities (specifically those offering telecommunications services and commingled services) qualify for protections under sections 253 and 332. And it will facilitate the offering of advanced services to consumers by expanding deployment options and reducing costs for fixed wireless service providers. Without this change, broadband-only fixed wireless service providers will continue to face significant hurdles to siting, perpetuating barriers to new investment and deployment. In taking this action, the Commission embraces its longstanding policy objective of promoting competition among broadband and video providers and giving consumers, including those in rural and remote areas, more choices among wireless providers, products, and services.

12. The record illustrates that fixed wireless service providers face unreasonable barriers to deployment. The Commission is not persuaded by the claim of Local Governments and Municipal Organizations that there is no evidence that zoning or private restrictive covenants have hindered the deployment of fixed wireless hub and relay antennas, nor by their argument that WISPA has offered only anecdotal examples of zoning restrictions and private restrictive covenants that have impacted the installation of hub and relay antennas. Rather, based on the totality of the record, the Commission finds that local zoning laws and reviews have discouraged the deployment of modern hub and relay antennas and that extending OTARD to cover this equipment will significantly advance deployment.

13. The Commission's expanded application of the OTARD rule to additional fixed wireless hub and relay antennas protects against restrictions that result in unreasonable delays or prevent the installation, maintenance or use of this equipment. Starry, a fixed wireless broadband-only provider, estimates that, if its base stations are covered by OTARD, it can activate 25% to 30% more sites in the coming year, which should enable it to pass more than one million additional homes. Starry asserts that across all its markets it takes on average 100 days to complete the permitting process for a single base station, which accounts for about 80% of the time that it spends in activating a site. Another fixed wireless internet service provider, *Wisp.net,* initially provided service only to tenants in the building where its antenna was located. It subsequently was denied a permit to operate a wireless hub and relay facility to provide fixed wireless service to customers outside the range of *Wisp.net's* original footprint. Many consumers filed comments with the Commission claiming that *Wisp.net* was their only option for receiving service and urging the Commission to grant *Wisp.net's* petition to expand the OTARD rule for hub and relay antennas. Similarly, WISPA provides several examples of where zoning or private homeowner restrictive covenants have hindered the deployment of fixed wireless hub and relay antennas. By updating OTARD, the Commission provides fixed wireless broadband providers protection from unreasonable delays in the installation of fixed wireless hub and relay antennas or the unreasonable prevention of such installations or deployments.

14. The record also shows that restrictions in the application of the current rule to hub and relay antennas have raised costs for fixed wireless providers, which incur excessive permitting costs. Az Airnet, a wireless internet service provider in Arizona, asserts that in some jurisdictions the same permit fee applies to both a major cellular tower and a small internet relay site. New Wave, a wireless internet service provider operating in rural Illinois, claims that unreasonably high permit fees prohibit it from expanding its service. Az Airnet, New Wave, and other fixed wireless service providers will now be protected from unreasonable fees. Section 1.4000(a)(3)(ii) provides that a law, regulation, or restriction impairs installation, maintenance, or use of fixed wireless hub and relay antennas if it unreasonably increases the cost of installation, maintenance, or use of the equipment. Further, section 1.4000(a)(4) provides that ''[a]ny fee or cost imposed on a user by a rule, law, regulation, or restriction must be reasonable in light of the cost of the equipment or services and the rule, law, regulation or restriction's treatment of comparable devices.'' The Commission's expanded application of the OTARD rule extends these protections against unreasonable fees to the installation of all covered customer premises equipment, even equipment whose primary purpose is to serve as hub and relay antennas. The expanded application of this rule will allow fixed wireless service providers to install such equipment more quickly, efficiently, and at reduced cost, which should reduce construction timelines.

15. The revised OTARD rule provides fixed wireless service providers with greater certainty and predictability because it prohibits restrictions that impair the installation, maintenance, or use of covered antennas. Google states that municipal zoning laws and community association rules not only have the potential to delay or impede antenna installation, but also have the

[3] This decision is an extension of long-standing Commission precedent to apply to antennas used to supply unlicensed services so long as the antenna is placed on property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership or leasehold interest in the property.

potential to discourage service expansion due to a lack of certainty and predictability. Likewise, OUTFRONT asserts that fixed wireless service providers face uncertain delays and costs due to local regulations that impact their ability to deploy networks efficiently by using all available sites. The protections the Commission adopts in this document provide broadband-only service providers with the certainty and predictability they need to build out and deploy fixed wireless networks.

16. The Commission's revised rule also enhances the ability of fixed wireless service providers to deliver reliable high speed internet access to a greater number of unserved or underserved customers. WISPA cites a number of examples where the limits of the existing OTARD rule have precluded the provision of fixed wireless broadband service to areas where access is limited or non-existent. Common, a wireless internet service provider offering service in the San Francisco Bay Area, maintains that expanding the OTARD rule will enable it to deploy more quickly on residential rooftops to serve more people in suburban neighborhoods that do not otherwise have service. Wav Speed, a wireless internet service provider, claims that extending the OTARD rule to cover all fixed wireless hub and relay antennas will allow it to serve customers in areas where reliable high speed internet is unavailable or inconsistent, providing customers with the educational, vocational, and entertainment benefits that a modern internet connection permits. Az Airnet asserts that there ''is a vast public need, especially in rural areas, for the use of small rooftops, or towers to bring internet service to those that cannot currently get it, or can only get substandard service.'' Ionia, a wireless internet service provider serving rural Ionia County, Michigan, and surrounding areas, observes that ''[z]oning and landlord restrictions prevent the installation of equipment that would allow the relay of fixed wireless signals to nearby residents.'' Ionia indicates that modifying the OTARD rule to allow the placement of antennas at a customer's property ''would allow WISPs to provide high speed broadband services to customers that currently cannot be reached by other means due to terrain or vegetation.'' MJM Telecom states that it is hampered by current state and local regulations and has ''turned down thousands of potential customers due to the fact that [it] cannot put up a small relay hub site allowing them to receive these services.'' By extending the protections of the OTARD rule to fixed wireless hub and relay antennas, the Commission promotes rural prosperity by enabling efficient, modern communications among rural households, businesses, schools, libraries, healthcare centers, and other important community institutions.

17. The record also indicates that updating the OTARD rule will enable consumers to access competing video programming providers. Consumers increasingly stream video services over the internet, instead of consuming such programming through traditional video programming services such as cable or broadcast. As WISPA indicates, the primary benefit of fixed wireless antennas is to secure viewers' access to broadband service, which is the world's largest distributor of video programming services, including those of traditional television stations and networks. INCOMPAS agrees that updating OTARD to take into account the need for hub and relay antennas for broadband via fixed wireless networks will benefit consumers with better online video distribution. CTIA provides additional evidence that consumers are increasingly relying on wireless services for video streaming, citing an NTIA internet Use Survey indicating that the proportion of internet users watching video online has grown from 45% in 2013 to 70% in 2017. CTIA explains that video streaming across wireless networks requires multiple antennas to receive programming, including antennas that connect to other antennas or serve other customer locations. Reducing restrictions on the use of fixed wireless hub and relay equipment is therefore consistent with the OTARD rule's original goal of increasing consumer access to video programing services.

18. The Commission emphasizes that its revision is narrow in scope and that it maintains the other existing OTARD restrictions.[4] For the OTARD rule to apply, the antenna must be installed ''on property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership or leasehold interest in the property'' upon which the antenna is located. The OTARD provisions also apply only to those antennas measuring one meter or less in diameter or diagonal measurement. In addition, the OTARD rule is subject to an exception for State, local, or private restrictions that are necessary to accomplish a clearly defined, legitimate safety objective, or to preserve prehistoric or historic places that are eligible for inclusion on the National Register of Historic Places, provided such restrictions impose as little burden as necessary to achieve the foregoing objectives, and apply in a nondiscriminatory manner throughout the regulated area. Given that the OTARD rule only applies to antennas meeting the rule's size restriction and only to antennas placed in areas where the antennas' user has exclusive use or control, the Commission's rule revisions will minimize any potential visual impact on properties, which some commenters raise.

19. The Commission finds the opponents' arguments unpersuasive. First, the Commission continues to recognize property owners' rights under the OTARD rule. Because the Commission maintains the ''exclusive use or control'' and ''direct or indirect ownership or leasehold interest'' restrictions, fixed wireless service providers will still need to negotiate agreements with appropriate parties for the placement of their antennas in areas where the property owner or lessee has exclusive use or control. Contrary to the assertion of MBC and Real Estate Associations, this change does not undermine access negotiations. Rather, the revision expands OTARD protections to a larger class of agreements negotiated by property owners and lessees, in that the rule will cover more fixed wireless equipment than was previously allowed. For example, the new rule would not apply to the placement of hub and relay antennas on a building rooftop unless the building owner is a customer of the provider, or unless a customer other than the building owner already has a leasehold right to rooftop space and the placement is within that customer's exclusive use and control. In the former circumstance, to the extent that the concern is that application of the rule would prevent a building owner from charging a market-based rate for placement of a hub antenna on the rooftop, the Commission notes that will not be the case.[5] The revised rule will

[4] The Commission also notes that installations under the OTARD rule may not constitute an ''existing wireless tower or base station'' for purposes of section 6409(a) of the Spectrum Act of 2012. *See* Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, Title VI, § 6409(a), 126 Stat. 156, 232–33 (Feb. 22, 2012) (codified at 47 U.S.C. 1455(a)); 47 CFR 1.6100(b)(5). Such installations may not have been reviewed and approved under the local zoning or siting process, or under another state or local regulatory review process, and therefore future modifications of these installations may not qualify for section 6409(a) streamlined treatment.

[5] The Commission therefore disagrees with the National Multifamily Housing Council's claim that

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not treat service providers as ''antenna users,'' and their agreements with building owners therefore would be subject to OTARD protection only if the building owner is itself a customer. Further, in that case, OTARD would serve to protect the antenna placement from third-party restrictions and would not limit the right of a provider and building owner customer to freely negotiate the terms of antenna placement in an area within the building owner's exclusive use or control. If the provider wishes to place a device within the leasehold premises of a rooftop tenant, the placement would not intrude on the building owner's property rights since the placement would be located within an area the building owner has already provided the tenant with a contractual right to occupy. In addition, fixed wireless hub and relay antenna manufacturers and service providers that use this equipment must continue to comply with other applicable Commission regulations, such as RF emissions requirements.[6]

20. The Commission finds that potential economic costs of its rule change raised by commenters are both speculative and negligible. LMC claims that the installation of the new antennas contemplated in the *Notice* ''would dramatically change the aesthetic of a neighborhood and be in contrast with their established character.'' First, although there is no ''aesthetics exception'' under the OTARD rule, commenters have not provided factual support explaining how the Commission's update to the rule would cause these harms. Further, the Commission maintains the existing restrictions in the OTARD rule that impose limits on the dimensions and location of equipment, so the visual appearance of the hub and relay equipment and antennas are the same as those deployments already covered under the OTARD rule. Relatedly, NATOA claims that, ''[f]reed from the current obligation that the antenna be used for the owner or tenant to receive services, a property owner or tenant could affix an unlimited number of antennas anywhere on its property.'' That claim is misplaced, as the Commission's rule revision requires that an antenna must be deployed in a location where the customer has exclusive use or control. Moreover, the customer fixed wireless devices, including the antennas, are small, and a provider may only need a few additional units to relay the signals in different directions, if and where applicable. In addition, the Commission's revision leaves unchanged the OTARD rule's exemption and waiver frameworks, which permit limiting antenna installations for specific reasons. Finally, the Commission maintains the historical preservation exception in the OTARD rule, which limits installations of fixed wireless hubs and relays antennas under certain circumstances. In these circumstances, the Commission determines that the limited adjustment adopted here is appropriate.

21. The Commission also finds that other arguments raised by commenters are unfounded. MBC argues that any revision to the OTARD rule would cast uncertainty on ''tens of thousands'' of existing rooftop antenna leases. The Commission's revision is narrowly focused on hub and relay antennas that presently are not covered by OTARD and, therefore, rather than disrupting commercial and residential lease transactions, it should encourage parties to negotiate more lease transactions in the future. The rule will not affect existing rooftop leases unless the antenna placement is located in an area within the exclusive use and control of a customer, in which case the parties to the placement agreement would be the provider and the customer. The OTARD rule does not affect the provider-customer relationship; rather, it prohibits certain public and third-party restrictions on placements located at the customer's premises. If a property owner is the customer, then the terms of the placement will be freely negotiable without limitation by the OTARD rule. Similarly, contrary to Oklahoma Cities' claims, it is implausible that the Commission's changes will spur such a large increase in exploitative contracts between service providers and homeowners and renters that new consumer protections are necessary, especially because providers might be enticed to offer consumers discounts to meet the new wording of the OTARD rule. Local jurisdictions, however, can rely on the provisions of sections 1.4000(a)(3) and (4) and the safety provisions of subsection (b)(1) to protect the public as long as their rules meet the standards of these sections. Taking into consideration all of the above, the Commission finds that the clear economic benefits of the rule change outweigh the negligible, and in some cases unfounded, economic costs.

22. *Legal Authority.* In the *Notice,* the Commission proposed to rely on the legal authority the Commission originally relied on in the *2000 Competitive Networks First Report and Order* in extending the application of the OTARD rule to antennas used in connection with fixed wireless services. The Commission noted that it in 2000 assumed all hub sites were ''personal wireless service facilities'' covered by section 332(c)(7) of the Act—defined by the Act to include only facilities that provide ''telecommunications services''—and therefore beyond the scope of the Commission's OTARD provisions. The Commission indicated that this assumption no longer appeared accurate. The Commission therefore sought comment on extending relief to those relay antennas and hub sites that are not ''telecommunications services'' and/or ''personal wireless service facilities''—*i.e.,* those that fall into the gap between the Commission's current OTARD provisions and the protections of sections 253 and/or 332(c)(7) of the Act, and those that WISPA claims are needed for modern high-speed broadband wireless networks.

23. The Commission finds that modifying the OTARD rule is necessary for the effective exercise of its spectrum management authority under Title III of the Communications Act. Specifically, the Commission finds that section 303 of the Act provides authority for the Commission to modify the OTARD rule as it applies to fixed wireless devices.

24. Congress has specifically recognized that section 303 provides authority to the Commission to adopt OTARD rules. While the directive in section 207 of the 1996 Act mandated the exercise of the Commission's Title III authority only to certain kinds of video programming, section 207 directed the Commission to address such video programming using its existing authority under section 303. Specifically, section 207 states that ''[w]ithin 180 days after the date of enactment of this Act, the Commission shall, pursuant to section 303 of the Communications Act of 1934,

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the ''proposed amendments would grant wireless carriers and any other entity that leases rooftop space the right to install fixed wireless equipment without paying any more in rent or amending any other lease terms.'' NMHC Dec. 3, 2020 *Ex Parte* Letter at 2. The *Report and Order* continues to recognize property owners' rights under the OTARD rule, and rooftop deployments remain unaffected in most circumstances.

[6] Fixed wireless providers are subject to equipment authorization rules that require radio frequency (RF) devices to operate effectively without causing harmful interference. RF devices must be properly authorized under 47 CFR part 2 prior to being marketed or imported in the United States. Fixed wireless providers that use unlicensed spectrum are subject to Part 15 rules governing unlicensed operation. Part 15 of the Rules allows devices employing low-level RF signals to operate without individual licenses, provided that their operation causes no harmful interference to licensed services and the devices do not generate emissions or field strength levels greater than a specified limit.

promulgate regulations to prohibit restrictions that impair a viewer's ability to receive video programming services through devices designed for over-the-air reception. . . .'' As the Commission recognized in extending the OTARD rule to fixed wireless services in the *2000 Competitive Networks First Report and Order,* ''this statutory language reflects Congress' recognition that, pursuant to section 303, the Commission has always possessed authority to promulgate rules addressing OTARDs.'' The Commission has used its section 303 authority to limit State and local regulation of the placement of antennas both before and after section 207 was enacted.

25. Courts have held that the Commission's statutory authority pursuant to Title III is broad. The Commission's authority under section 303 allows it, when necessary to serve the public interest, to allocate spectrum for specific uses, adopt rules governing services that use spectrum as well as rules applicable to antennas and other apparatus, and take action to encourage the larger and more effective use of spectrum. More generally, the Commission may ''[m]ake such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of'' the Act. Fixed wireless service providers offer services using spectrum and are subject to the Commission's rules governing the use of spectrum.[7] Evidence in the record shows that fixed wireless service providers seek to broaden their offerings of competitive broadband internet access services but are subject to State, local and private restrictions that increase the costs associated with deploying service and dampen investment. The record shows that modifying the OTARD rule to allow wireless internet service providers to deploy necessary infrastructure more readily will serve the public interest and promote larger and more efficient use of spectrum by increasing siting opportunities for wireless internet service providers, decreasing costs associated with deploying needed infrastructure, and encouraging wireless internet service providers to deploy broadband internet access services in additional areas across the country.[8]

26. Several commenters argue that the Commission cannot rely on the authority it relied on previously to modify the OTARD rule because the Commission's determinations regarding its authority in the *2000 Competitive Networks First Report and Order* were based on an ''outdated ancillary jurisdiction analysis.'' The Commission acknowledges that the Commission's *Competitive Networks Order* was issued prior to the D.C. Circuit's decision in *Comcast* v. *FCC,* 600 F.3d 642 (D.C. Cir. 2010), which rejected the Commission's reliance on ancillary authority in the absence of any express delegation of authority. Nevertheless, the Commission's action here is based on its well recognized broad authority under Title III (most specifically section 303).[9]

27. The Commission's action also is consistent with the requirements imposed upon the Commission in RAY BAUM'S Act. RAY BAUM'S Act requires the Commission, in the Communications Marketplace Report, to assess the state of competition in the communications marketplace, assess the state of deployment of communications capabilities, and to assess whether laws, regulations, regulatory practices or demonstrated marketplace practices pose a barrier to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications services. It also requires the Commission to describe how it will address ''the challenges and opportunities in the communications marketplace that were identified through the assessments.''

28. The Commission also disagrees with commenters who argue that the Commission lacks authority to modify the OTARD rule because hub and relay antennas are already governed by section 332 of the Act. Commenters such as the Municipal Organizations and Local Governments point out that, in the *2000 Competitive Networks First Report and Order,* the Commission found that hub and relay antennas were outside the scope of customer-end equipment covered by the OTARD rule. The Municipal Organizations argue that because hub and relay antennas are covered under section 332(c)(7), no other provision of the Act may ''support an action that 'limit[s] or affect[s] the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of' these facilities.'' To the contrary, the Commission finds that section 332(c)(7) does not bar it from modifying the OTARD rule because it does not apply to antennas used in connection with the broadband-only services many fixed wireless providers offer.

29. Evidence in the record shows that wireless internet service providers use hub and relay antennas to provide services that do not fall within the scope of services covered under section 332(c)(7). With certain exceptions, section 332(c)(7) provides for limited federal preemption of State and local zoning restrictions ''that prohibit or have the effect of prohibiting'' ''the provision of 'personal wireless service.' '' ''Personal wireless service'' is defined under section 332(c)(7) to mean ''commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.'' ''Unlicensed wireless service'' in turn, is defined under section 332(c)(7) to mean ''the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services . . . .'' Section 253

[7] For example, among other requirements, fixed wireless providers, are subject to equipment authorization rules that require radio frequency (RF) devices to operate effectively without causing harmful interference. RF devices must be properly authorized under 47 CFR part 2 prior to being marketed or imported in the United States. Fixed wireless providers that use unlicensed spectrum are subject to Part 15 rules governing unlicensed operation. Part 15 of the Rules allows devices employing low-level RF signals to operate without individual licenses, provided that their operation causes no harmful interference to licensed services and the devices do not generate emissions or field strength levels greater than a specified limit. Fixed wireless providers also are subject to current OTARD requirements.

[8] This exercise of the Commission's Title III authority will thus further promote the Commission's statutory mission of ''mak[ing] available, so far as possible, to all of the people of the United States . . . a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges,'' and ''encourag[ing] the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans . . . by utilizing, in a manner consistent with the public interest, convenience, and necessity . . . measures that promote competition in the local telecommunications market, or other regulating methods that remove barriers to infrastructure investment.'' 47 U.S.C. 151, 1302(a). Based on the Commission's findings regarding its authority under Title III of the Act, the Commission rejects National Multifamily Housing Council's argument that the Commission has no statutory authority to revise the OTARD rule.

[9] Moreover, the Commission's action is reasonably ancillary to its express authority to manage the radio spectrum and related apparatus. 47 U.S.C. 154(i), 303(r). Section 4(i) provides that ''[t]he Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions.'' Section 303(r) authorizes the Commission to ''[m]ake such rules . . . as may be necessary to carry out the provisions of this the Act.'' As noted above, the Commission's modest expansion of the existing application of the OTARD rules to additional hub and relay antennas is necessary to address the kinds of substantial obstacles to deployment of Title III services described above. *See United States* v. *Southwestern Cable Co.,* 392 U.S. 157, 172–78, 180–81 (1968). The decision will also provide a level-playing field for broadband-only fixed wireless providers which lack the regulatory protections in this regard available only to their competitors under sections 253 and 332. *See Mobile Communications Corp. of America* v. *FCC,* 77 F.3d 1399 (D.C. Cir. 1996).

similarly provides for limited federal preemption of state and local statute or regulations that ''prohibit or have the effect of prohibiting'' ''the ability of any entity to provide any interstate or intrastate telecommunications service.''

30. Many fixed wireless providers offer broadband-only services that are outside the scope of these provisions. In this *Report and Order,* the Commission takes action to address those hub and relay antennas that are used in connection with the provision of broadband-only services that fall into the gap between its current OTARD provisions and the protections of sections 332(c)(7) and 253 of the Act. In response to the request from WISPA for clarification about whether the Commission's prior sections 253 and 332 interpretations cover their offering of commingled services, the Commission reiterates what it already decided and the Ninth Circuit Court of Appeals affirmed: The scope of Commission preemption over commingled services is covered by sections 253 and 332 of the Act and its implementing regulations. Expansion of the OTARD rule to cover commingled services thus is unnecessary. Accordingly, this *Report and Order* does not address hub or relay antennas that are used for such commingled services, other than to point out that they are covered for preemption purposes under sections 253 and 332 of the Act.

31. The Commission also rejects arguments that revising the OTARD rule as described herein would constitute a taking. The Community Associations Institute (CAI) argues that ''a rule allowing commercial communications equipment to be sited on common property without the association's explicit consent is a compelled physical occupation of such property'' and that such a rule ''would constitute a taking for which compensation must be made.'' The Real Estate Associations contend that while the revised rule would not say so on its face, its practical effect would be to ''give fixed wireless providers the ability to install and operate equipment without the consent of the owner of the property.'' They contend that, even though the hub or relay antenna might serve the needs of the end-user customer, it would ''also have other features that meet only the needs of the third-party service provider'' and argue that requiring property owners to accept the installation of such equipment would potentially equate to forced acquiescence to subleasing to fixed wireless service providers and would therefore violate the Fifth Amendment's prohibition on takings. The Commission disagrees that the revision to the OTARD rule that it adopts in this *Report and Order* would cause such results. The OTARD rule does not permit service providers to install hub and relay antennas on common property without a property owner's consent. The modification the Commission adopts is narrow and eliminates only the restriction that currently excludes some hub and relay antennas from the scope of the existing OTARD provisions. It does not change any other aspect of the current OTARD rule, including the requirement that, for the OTARD rule to apply, the antenna must be installed ''on property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership or leasehold interest in the property.'' A tenant may allow a wireless service provider to place a hub or relay antenna on property that is within the tenant's exclusive use or control where the tenant has a direct or indirect ownership or leasehold interest in the property.

32. In originally extending the OTARD rule to fixed wireless services, the Commission considered and rejected similar arguments that the OTARD rule would constitute a taking and concluded that, ''there is no constitutional impediment to the Commission forbidding restrictions on the placement of antennas on property within the tenant user's exclusive use, where that user has an interest in the property.'' The Commission reiterated its explanation from the *OTARD Second Report and Order* that the OTARD rule ''did not effect a taking of the premises owner's property within the meaning of the Fifth Amendment because by leasing his or her property to a tenant, the property owner voluntarily and temporarily relinquishes the rights to possess and use the property and retains the right to dispose of the property.'' In *Building Owners and Managers Ass'n Inter.* v. *FCC,* 254 F.3d 89 (D.C. Cir. 2001), the D.C. Circuit upheld the Commission's extension of OTARD protection to the placement of antennas on leased premises, rejecting the claim that the action effected a per se taking ''because it enlarges the tenant's rights beyond the contractual provisions of the lease, thereby stripping landowners of property rights that they rightfully reserved. . . .'' The court held that ''the landlord affected by the amended OTARD rule will have voluntarily ceded control of an interest in his or her property to a tenant'' and having done so ''thereby submits to the Commission's rightful regulation of a term of that occupation.'' (*Ibid*) The Commission is not convinced that its decision creates a Fifth Amendment takings issue, or that the broad categories of covered activities cited in *BOMA* should be restricted, simply because installation of the hub and relay equipment might result in the end user receiving money or other compensation in exchange for installation of the equipment on the premises. Consistent with and for the reasons outlined in the Commission's previous determinations, it concludes that revising the OTARD rule as described herein does not constitute a taking. A taking does not occur in such cases because, by leasing property to the tenant, the property owner has voluntarily and temporarily relinquished the right to possess and use the property and has instead given those rights to the tenant.

33. The Commission also rejects arguments premised on the generalized concerns about the Commission's RF safety limits and that incrementally revising the OTARD rule would somehow violate people's right to bodily autonomy or their property-based right to ''exclude'' wireless radiation emitted by third parties from their home or would violate the Americans with Disabilities Act or the Fair Housing Act by imposing radiation on individuals in their homes. Revising the OTARD rule does not change the applicability of the Commission's radio frequency exposure requirements, and fixed wireless providers must ensure that their equipment remains within the applicable exposure limits. What is more, in 2019, the Commission declined to initiate a rulemaking to revise its RF emission exposure limits. The Commission therefore rejects certain commenters' concerns that the OTARD rule revisions will generally lead to unsafe RF exposure levels.

34. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in this *Report and Order* on small entities.

35. *Paperwork Reduction Act.* This document does not contain an information collection subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. Therefore, it does not contain any new or modified ''information collection burden for

small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198.

36. *Congressional Review Act.* The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is non-major under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of this *Report and Order* to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

37. *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Final Regulatory Flexibility Analysis

38. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Notice of Proposed Rulemaking (Notice)* released in April 2019. The Commission sought written public comment on the proposals in the *Notice,* including comment on the IRFA. No comments were filed addressing the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

A. Need for, and Objectives of, the Report and Order

39. In the *Report and Order,* the Commission updates its rule for over-the-air reception devices (OTARD) to include hub and relay antennas that are used for the distribution of fixed wireless services to multiple customer locations, regardless of whether they are primarily used for this purpose, so long as the antennas serve a customer on whose premises they are located. This change is necessitated by the shift away from larger antennas spread over greater distances to 5G wireless networks with dense deployment requirements. Today's fixed wireless networks rely on smaller antennas located in close proximately to each other. These smaller antennas meet the OTARD size restriction but are excluded from OTARD protection due to their function. By updating the OTARD rule to include these antennas, the Commission recognizes the shift in the fixed wireless infrastructure landscape.

40. The shift in the types of service provided by fixed wireless service providers also prompts the need for this rule change. Specifically, these service providers' offerings are no longer commingled with telecommunications services and therefore would not otherwise receive protection from one of the Commission's preemption schemes. In this regard, the Commission's actions level the playing field for fixed wireless broadband service providers so that they are better able to compete with other service providers that already receive protection from the Commission's OTARD rule or other preemption scheme. By making this modification, the Commission places fixed wireless broadband providers on similar footing with other service providers and expands siting options for fixed wireless hub and relay antennas. These changes will reduce costs and construction timelines for new fixed wireless sites. They will also provide for alternative locations for fixed wireless hub and relay antennas to be installed and remove market barriers for fixed wireless services that otherwise would exist. Additionally, the changes adopted in the *Report and Order* will enhance the development of broadband services and further the Commission's efforts to address the digital divide by helping to bring faster internet speeds, lower latency, and advanced applications like the Internet of Things (IoT), telehealth, and remote learning to rural and underserved areas, as well as throughout the United States.

B. Summary of Significant Issues Raised by Public Comments in Response to the Interim Regulatory Flexibility Analysis

41. There were no comments filed that specifically addressed the proposed rules and policies presented in the IRFA.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

42. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments.

43. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

44. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules and adopted herein. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

45. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* The Commission's actions, over time, may affect small entities that are not easily categorized at present. The Commission therefore describes here, at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration's (SBA) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 30.7 million businesses.

46. Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' The Internal Revenue Service (IRS) uses a revenue benchmark of $50,000 or less to delineate its annual electronic filing requirements for small exempt organizations. Nationwide, for tax year 2018, there were approximately 571,709 small exempt organizations in the U.S. reporting revenues of $50,000 or less according to the registration and tax data for exempt organizations available from the IRS.

47. Finally, the small entity described as a ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data from the 2017 Census of Governments indicate that there were 90,075 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number there were 36,931 general purpose governments (county, municipal and town or township) with populations of less than 50,000 and 12,040 special purpose governments—independent school districts with enrollment populations of less than

50,000. Accordingly, based on the 2017 U.S. Census of Governments data, the Commission estimates that at least 48,971 entities fall into the category of ''small governmental jurisdictions.''

48. *Local Exchange Carriers.* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2012 show that there were 3,117 firms that operated for the entire year. Of that total, 3,083 operated with fewer than 1,000 employees. Thus, under this category and the associated size standard, the Commission estimates that the majority of local exchange carriers are small entities.

49. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms employed fewer than 1,000 employees and 12 firms employed of 1,000 employees or more. Thus under this category and the associated size standard, the Commission estimates that the majority of Wireless Telecommunications Carriers (except Satellite) are small entities.

50. The Commission's own data—available in its Universal Licensing System—indicate that, as of August 31, 2018 there are 265 Cellular licensees that will be affected by its actions. The Commission does not know how many of these licensees are small, as the Commission does not collect that information for these types of entities. Similarly, according to internally developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) Telephony services. Of this total, an estimated 261 have 1,500 or fewer employees, and 152 have more than 1,500 employees. Thus, using available data, the Commission estimates that the majority of wireless firms can be considered small.

51. *Non-Licensee Owners of Towers and Other Infrastructure.* Although at one time most communications towers were owned by the licensee using the tower to provide communications service, many towers are now owned by third-party businesses that do not provide communications services themselves but lease space on their towers to other companies that provide communications services. The Commission's rules require that any entity, including a non-licensee, proposing to construct a tower over 200 feet in height or within the glide slope of an airport must register the tower with the Commission's Antenna Structure Registration (ASR) system and comply with applicable rules regarding review for impact on the environment and historic properties.

52. As of March 1, 2017, the ASR database includes approximately 122,157 registration records reflecting a ''Constructed'' status and 13,987 registration records reflecting a ''Granted, Not Constructed'' status. These figures include both towers registered to licensees and towers registered to non-licensee tower owners. The Commission does not keep information from which it can easily determine how many of these towers are registered to non-licensees or how many non-licensees have registered towers. Regarding towers that do not require ASR registration, the Commission does not collect information as to the number of such towers in use and therefore cannot estimate the number of tower owners that would be subject to the rules on which it seeks comment. Moreover, the SBA has not developed a size standard for small businesses in the category ''Tower Owners.'' Therefore, the Commission is unable to determine the number of non-licensee tower owners that are small entities. The Commission believes, however, that when all entities owning 10 or fewer towers and leasing space for collocation are included, non-licensee tower owners number in the thousands. In addition, there may be other non-licensee owners of other wireless infrastructure, including Distributed Antenna Systems (DAS) and small cells that might be affected by the measures on which the Commission seeks comment. The Commission does not have any basis for estimating the number of such non-licensee owners that are small entities.

53. The closest applicable SBA category is All Other Telecommunications, and the appropriate size standard consists of all such firms with gross annual receipts of $3 million or less. For this category, U.S. Census Bureau data for 2012 show that there were 1,442 firms that operated for the entire year. Of these firms, a total of 1,400 had gross annual receipts of less than $25 million and 15 firms had annual receipts of $25 million to $49,999,999. Thus, under this SBA size standard a majority of the firms potentially affected by the Commission's action can be considered small.

54. *Lessors of Residential Buildings and Dwellings.* This industry comprises establishments primarily engaged in acting as lessors of buildings used as residences or dwellings, such as single-family homes, apartment buildings, and town homes. Included in this industry are owner-lessors and establishments renting real estate and then acting as lessors in subleasing it to others. The establishments in this industry may manage the property themselves or have another establishment manage it for them. The appropriate SBA size standard for this industry classifies a business as small if it has $27.5 million or less in annual receipts. U.S. Census Bureau 2012 data for Lessors of Residential Buildings and Dwellings show that there were 42,911 firms that operated for the entire year. Of that number, 42,618 firms operated with annual receipts of less than $25 million per year, while 142 firms operated with annual receipts between $25 million and $49,999,999 million. Therefore, based on the SBA's size standard the majority of Lessors of Residential Buildings and Dwellings are small entities.

55. *Property Owners' Associations.* This industry comprises establishments formed on the behalf of individual property owners, to make collective decisions based on the wishes of a majority of owners. This includes associations formed on behalf of individual residential condominium owners or homeowners. These associations may provide overall management, publish a telephone directory of the owners, sponsor seasonal events for the owners, establish and collect funds to operate the project, enforce rules and regulations, settle differences of opinion among residents, and make other decisions that are vital to the owners. Associations formed on behalf of individual real estate owners or tenants that provide no property management, but which arrange and organize civic and social functions are included here as well. This industry falls within the category of, ''*Other Similar Organizations (except Business, Professional, Labor, and Political*

Organizations)'' under the U.S. Census Bureaus' NAICS classification system. The SBA small business size standard for this industry classifies a business as small if it has $8 million or less in annual receipts. U.S. Census Bureau 2012 data for this industry show that there were 18,347 firms that operated for the entire year. Of that number, 17,818 firms operated with annual receipts of less than $5 million per year, while 382 firms operated with annual receipts between $5 million and $9,999,999 million. Therefore, based on the SBA's size standard the majority of Property Owners' Associations are small firms in this industry.

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

56. The revisions to the OTARD rule do not impose any new or additional reporting, recordkeeping, or other compliance obligations. However, the number of entities subject to the rule's protections may expand because of the Commission's actions. The revisions also will not require small entities to hire attorneys, engineers, consultants, or other professionals to comply with the rule changes. Instead, the Commission expect the changes adopted in the *Report and Order* will have a beneficial impact on small entities. More specifically, the revisions will allow small fixed wireless providers to install fixed wireless hub and relay antennas more quickly and efficiently and at lower cost by expanding the class of providers whose antennas are subject to regulatory protections, although the Commission cannot quantify the magnitude of these cost savings. Further, the OTARD rule revisions will reduce construction timelines for new fixed wireless sites and reduce barriers to entry, which may result in more small entities utilizing the OTARD rule's protections and installing fixed wireless equipment.

57. By ensuring that State, local, and private restrictions do not delay or impede the installation of fixed wireless hub or relay antennas, the Commission's actions will benefit small as well as other fixed wireless providers by creating more siting opportunities and spurring investment in and deployment of wireless infrastructure. Communications services will become more readily available in unserved, underserved, and rural areas furthering the Commission's efforts to address the digital divide.

F. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

58. The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its approach, which may include the following four alternatives (among others): ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for such small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.''

59. In the *Report and Order*, the Commission revises its OTARD rule to expand its coverage to include hub and relay antennas that are used for the distribution of fixed wireless services to multiple customer locations, regardless of whether they are primarily used for this purpose, so long as the antennas serve a customer on whose premises they are located. By revising the OTARD rule to reflect the current technological landscape, the Commission's actions should reduce the economic impact for small entities that deploy fixed hub and relay antennas by reducing the costs and time associated with the deployment of such infrastructure.

60. Comments filed by the Wireless internet Service Providers Association (WISPA) which represents fixed wireless providers—including small providers serving rural and underserved areas, supports the Commission's revision of the OTARD rule stating that, ''[e]xtending the OTARD rules to fixed wireless hub and relay antennas would spur infrastructure deployment, including deployment of networks that involve local relaying in rural and other underserved areas and deployment by small providers.'' MJM Telecom a small internet service provider and WISPA member indicated that under the current OTARD rules, ''[w]e have had to turn down thousands of potential customers due to the fact that we cannot put up a small relay hub site[,]'' and requested that the Commission adopted the revision to the OTARD rules proposed in the *Notice* and adopted in the *Report and Order.* With the OTARD rule change, the Commission has removed hurdles to siting which imposed barriers to entry, investment and deployment for fixed wireless providers which is a major step to level the playing field for these providers. Reduced costs and removal of barriers to entry coupled with the opportunity for expansion into unserved and underserved service areas and increased customer revenues for fixed wireless providers hold the promise of a beneficial economic impact for small entities.

61. Some commenters have concerns about an increase in certain costs—such as aesthetics (*e.g.,* too many antennas on a property) and disruption of existing contracts between wireless providers and property owners. These commenters argued that the current OTARD rule should be maintained. In considering these arguments, the Commission determined that the demonstrable economic benefits of the rule outweigh the economic costs, which are negligible to the extent such costs can be substantiated. First, the revision will enhance the ability of small and other fixed wireless service providers to deliver reliable high speed internet access to a greater number of unserved or underserved customers. And there will be fewer restrictions on the antennas that customers nationwide will be able to place on a property they control. The OTARD rule revision will also protect small and other fixed wireless broadband providers from unreasonable delays in the installation of fixed wireless hub and relay antennas or the unreasonable prevention of such installations or deployments. It will also provide small and other fixed wireless service providers with protections against unreasonable fees for the installation of hub and relay antennas. Further, the prohibition against restrictions that impair the installation, maintenance or use of covered antennas will provide small and other fixed wireless providers certainty and predictability. In addition, the Commission determined that the revision will promote competition by allowing more small and other fixed wireless providers to deploy in areas where it would not otherwise be economically feasible and to serve underserved communities such as rural areas, which is consistent with Commission policy and in the public interest.

62. The National Association of Telecommunications Officers and Advisors (''NATOA''), the National League of Cities (''NLC''), and the National Association of Regional Councils (''NARC''), jointly (the ''Municipal Organizations'') who members include small local governments, cities, and towns, opposed the OTARD rule change and provided some alternative suggestions, which

they claim will ''help achieve [the Commission's] goal of improved broadband availability.'' However, these alternatives—which the Municipal Organizations provide in the context of arguing that the Commission lacks authority to promulgate its revisions—are beyond the scope of this proceeding. In addition, these alternatives are not mutually exclusive with the actions that the Commission takes in the *Report and Order.*

63. Moreover, with regard to some of the concerns raised by the Municipal Organizations, the Commission emphasizes that, while the *Report and Order* removes the primary use restriction on fixed wireless hub and relay antennas, it maintains the other existing OTARD restrictions. For the OTARD rule to apply, the antenna must be installed ''on property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership or leasehold interest in the property'' upon which the antenna is located. Further, the OTARD provisions apply only to those antennas measuring one meter or less in diameter or diagonal measurement. In addition, the OTARD rule is subject to an exception for State, local, or private restrictions that are necessary to accomplish a clearly defined, legitimate safety objective, or to preserve prehistoric or historic places that are eligible for inclusion on the National Register of Historic Places, provided such restrictions impose as little burden as necessary to achieve the foregoing objectives, and apply in a nondiscriminatory manner throughout the regulated area. Given that the Report and Order preserves the restrictions on the physical dimensions and location of equipment, the rule revisions will minimize any potential visual impact on properties, which some commenters raise. The hub and relay equipment installed will resemble the equipment already covered under the OTARD rule.

64. Finally, the Report and Order continues to recognize property owners' rights under the OTARD rule. Because it maintains the ''exclusive use or control'' and ''direct or indirect ownership or leasehold interest'' restrictions, fixed wireless service providers will still need to negotiate agreements with appropriate parties for the placement of their antennas. In addition, fixed wireless hub and relay antenna manufacturers and service providers that use this equipment must continue to comply with other applicable Commission regulations, such as mast and RF emissions requirements. This places hub and relay antennas under the same kinds of restrictions as other equipment subject to OTARD protections. Localities and property owners can continue to rely on these provisions for their protection. Accordingly, the Commission's actions in the *Report and Order* removing the restriction on fixed wireless hub and relay antennas while retaining the other existing OTARD restrictions, strikes the appropriate balance to minimize the economic impact for fixed wireless providers, localities and property owners who are small entities.

Ordering Clauses

65. Accordingly, *it is ordered,* pursuant to sections 1, 4(i), 201(b), 202(a), 205, 251, 253, 303, 316, 332, and 1302 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 201(b), 202(a), 205(a), 251, 253, 303, 316, 332, and 1302 and section 207 of the Telecommunications Act of 1996, Public Law 104–104, 207, 110 Stat. 56, 114 that this *Report and Order is adopted.*

66. *It is further ordered that* section 1.4000 of the Commission's rules *is amended* as specified in the Final Rules, and such rule amendments shall be effective 30 days after the date of publication of the text thereof in the **Federal Register**.

67. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Report and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 1

Administrative practice and procedures, Communications equipment, Telecommunications.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 as follows:

PART 1—PRACTICE AND PROCEDURE

Subpart S—Preemption of Restrictions That ''Impair'' the Ability To Receive Television Broadcast Signals, Direct Broadcast Satellite Services, or Multichannel Multipoint Distribution Services or the Ability To Receive or Transmit Fixed Wireless Communications Signals

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

Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461, unless otherwise noted.

■ 2. Amend § 1.4000 by revising paragraphs (a)(1)(i)(A) and (ii)(A) and adding paragraph (a)(5) to read as follows:

§ 1.4000 Restrictions impairing reception of television broadcast signals, direct broadcast satellite services or multichannel multipoint distribution services.

(a)(1) * * *

(i) * * *

(A) Used to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, including a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, and

* * * * *

(ii) * * *

(A) Used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite, including a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, and

* * * * *

(5) For purposes of this section, ''hub or relay antenna'' means any antenna that is used to receive or transmit fixed wireless signals for the distribution of fixed wireless services to multiple customer locations as long as the antenna serves a customer on whose premises it is located, but excludes any hub or relay antenna that is used to provide any telecommunications services or services that are provided on a commingled basis with telecommunications services.

* * * * *

[FR Doc. 2021–01304 Filed 2–24–21; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 02–278; FCC 20–186; FRS 17388]

Limits on Exempted Calls Under the Telephone Consumer Protection Act of 1991

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission takes steps to implement of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act). First, the Commission codifies the Telephone Consumer Protection Act (TCPA) exemptions for calls to wireless numbers into the rules to make those exemptions more clear and understandable for both callers and consumers. Second, the Commission amends the TCPA exemptions for artificial or prerecorded voice calls made to residential telephone lines so each satisfies the TRACED Act's requirements to identify who can call, who can be called, and any call limits. The Commission adopts limits on the number of calls that can be made under the exemptions for non-commercial calls to a residence; commercial calls to a residence that do not include an advertisement or constitute telemarketing; tax-exempt nonprofit organization calls to a residence; and Health Insurance Portability and Accountability Act (HIPPA)-related calls to a residence. In addition, callers must have mechanisms in place to allow consumers to opt out of any future calls. This action will empower consumers to further limit the number of unwanted robocalls made under any TCPA exemption.

DATES: Effective March 29, 2021 except for the amendments to § 64.1200(a)(3)(ii) through (v), (b)(2) and (b)(3), and (d), which are delayed indefinitely. The Commission will publish a document in the **Federal Register** announcing the effective date of these amendments.

FOR FURTHER INFORMATION CONTACT: Richard D. Smith of the Consumer and Governmental Affairs Bureau at (717) 338–2797 or *Richard.Smith@fcc.gov.* For information regarding the PRA information collection requirements contained in the PRA, contact Cathy Williams, Office of Managing Director, at (202) 418–2918, or *Cathy.Williams@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, document FCC 20–186, adopted on December 29, 2020, released on December 30, 2020. The full text of document FCC 20–186 is available online at *https://docs.fcc.gov/public/attachments/FCC-20-186A1.pdf.* To request this document in accessible formats for people with disabilities (*e.g.,* Braille, large print, electronic files, audio format) or to request reasonable accommodations (*e.g.,* accessible format documents, sign language interpreters, CART), send an email to *fcc504@fcc.gov* or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice). The amendments to § 64.1200(a)(3)(ii) through (v), (b)(2) and (b)(3), and (d) are delayed indefinitely as they contain information collection requirements under the Paperwork Reduction Act (PRA) which must first be approved by the Office of Management and Budget (OMB).

Congressional Review Act

The Commission sent a copy of document FCC 20–186 to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

Final Paperwork Reduction Act of 1995 Analysis

The Report and Order contains modified information collection requirements which are not effective until approval is obtained from OMB. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collection requirements contained in the Report and Order as required by the PRA of 1995, Public Law 104–13. In addition, the Commission notes that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Synopsis

1. In the Report and Order, the Commission adopts measures to implement section 8 of the TRACED Act to ensure that any exemption adopted under sections 227(b)(2)(B) or (C) of the TCPA includes requirements for: (1) The classes of parties that may make such calls; (2) the classes of parties that may be called; and (3) the number of such calls that may be made to a particular called party.

A. Codifying Exemptions

2. First, the Commission codifies all existing exemptions under section 227(b)(2)(C) of the TCPA for calls to wireless numbers in the Commission's rules to make the requirements more clear and easy to understand for both callers and called parties.

B. Section 227(b)(2)(B) Exemption Restrictions

1. Non-Commercial Calls to a Residence

3. *Callers.* The Commission has exempted calls ''not made for a commercial purpose'' from the prohibition on artificial or prerecorded voice messages to residential telephone lines. The Commission concludes that this exemption satisfies the TRACED Act's requirements with respect to ''the classes of parties that may make such calls.'' The class of parties that may make such calls is limited to callers that are not calling for a commercial purpose. The Commission has indicated, for example, that this exemption includes calls conducting research, market surveys, political polling, or similar noncommercial activities. The purpose of such calls is not to advertise or market a commercial product or service.

4. *Called parties.* The exemption for calls ''not made for a commercial purpose'' satisfies the TRACED Act's requirement with respect to the ''classes of parties that may be called'' because this exemption applies only to calls made to residential telephone lines. Thus, only residential telephone users may be called under this exemption.

5. *Number of calls.* The TRACED Act requires the Commission to limit ''the number of such calls that a calling party may make to a particular called party.'' The Commission therefore amends its rules to limit the number of calls that can be made to a particular residential line pursuant to the exemption for calls ''not made for a commercial purpose'' to three artificial or prerecorded voice calls within any consecutive 30-day period. These limits give non-commercial callers several opportunities over a month-long period to convey their message and to obtain consent for future calls. The Commission selected this limit as an appropriate balance in the context of federal debt collection calls, based on support in the record, while recognizing that there was no consensus what the exact number should be. These limits strike the appropriate balance between these callers reaching consumers with information and reducing the number of unexpected and unwanted calls consumers currently receive. The Commission intends to

monitor these limits to determine whether they may require adjustment in the future.

6. The Commission emphasizes that callers can simply get consumer consent to make more than three non-commercial calls using an artificial or prerecorded voice within any consecutive 30-day period. As the numerical limitations only apply to artificial or prerecorded calls to residential numbers, and not live agent calls, the impact on callers is limited.

7. *Opt-out Requirement.* The Commission's rules require that residential telephone subscribers be permitted to opt out of artificial and prerecorded voice calls that contain telemarketing messages. Under these rules, a consumer who wants to avoid further artificial or prerecorded *telemarketing* calls can ''opt out'' by dialing a telephone number (required to be provided in the artificial or prerecorded voice message) to register his or her do-not-call request in response to that call. The rules also require that, in every case where an artificial or prerecorded voice telephone message includes or introduces an advertisement or constitutes telemarketing and is delivered to a residential telephone line, the caller must provide an automated, interactive voice- and/or key press-activated opt-out mechanism for the called person to make a do-not-call request.

8. To effectuate an opt-out mechanism, noncommercial callers must comply with the requirements of §§ 64.1200(b) and (d) of the Commission's rules, which govern the process for handling do-not-call requests.

2. Commercial Calls to a Residence That Do Not Constitute Telemarketing

9. *Callers.* The Commission has exempted calls ''made for a commercial purpose but [that] do[ ] not include or introduce an advertisement or constitute telemarketing'' from the prohibition on using an artificial or prerecorded voice message to call residential telephone lines. If these calls do not contain advertising or solicit the purchase of goods or services and otherwise conform to the requirements of the TRACED Act, the Commission concludes they should remain exempt from the TCPA prohibitions as the record shows consumers generally want and expect them.

10. *Called parties.* The Commission further concludes that the exemption for commercial calls already satisfies the TRACED Act's requirement with respect to the ''classes of parties that may be called'' because this exemption applies only to calls made to residential telephone lines.

11. *Number of calls.* The Commission limits the number of calls that can be made pursuant to the exemption for commercial calls to three artificial or prerecorded voice calls within any consecutive 30-day period. The Commission incorporates by reference the discussion relating to the number of calls that can be made pursuant to the exemption for calls not made for a commercial purpose, as well as the discussion on the timeframe and effective date for implementation mechanisms to comply with these requirements.

12. *Opt-Out Requirement.* The Commission also requires callers to allow recipients of artificial and prerecorded voice message calls made pursuant to the exemption for commercial calls to opt out of such calls using either of the mechanisms described in the Commission's rules. The Commission incorporates by reference the analysis relating to the adoption of an opt-out mechanism for non-commercial calls to residential telephone numbers.

3. Tax-Exempt Nonprofit Organization Calls to a Residence

13. *Callers.* The Commission has exempted calls made by or on behalf of a tax-exempt nonprofit organization from the prohibition on using an artificial or prerecorded voice to deliver a message to a residential telephone line. The Commission agrees that this exemption remains in the public interest and should be retained subject to conformance with the requirements of the TRACED Act.

14. *Called parties.* The Commission concludes that the exemption for tax-exempt nonprofit organizations already satisfies the TRACED Act's requirements with respect to the ''classes of parties that may be called'' because this exemption applies only to calls made to residential telephone lines.

15. *Number of calls.* The Commission limits the number of calls that can be made pursuant to the exemption for calls by tax-exempt nonprofit organizations to three artificial or prerecorded voice calls within any consecutive 30-day period. The Commission incorporates by reference the discussion relating to the number of calls that can be made pursuant to the exemption for calls not made for a commercial purpose, as well as the discussion on the timeframe and effective date for implementing mechanisms to comply with these requirements.

16. *Opt-Out Requirement.* The Commission also requires callers to allow recipients of artificial and prerecorded voice message calls made pursuant to the exemption for tax-exempt nonprofit organizations to opt out of such calls using either of the mechanisms described in the Commission's rules. The Commission incorporates by reference the analysis relating to the adoption of an opt-out mechanism for non-commercial calls to residential telephone numbers.

4. HIPAA Calls to a Residence

17. *Callers.* The Commission has exempted HIPAA-related calls that deliver a healthcare message from the prohibition on using an artificial or prerecorded voice to deliver a message to residential telephone lines. The Commission concluded that such calls serve a public interest purpose: To ensure continued consumer access to healthcare-related information. The Commission finds that the record shows that the exemption continues to benefit consumers and should be retained subject to compliance with the requirements of the TRACED Act. The exemption satisfies the TRACED Act's requirements with respect to the ''classes of parties that may make'' such calls (calls ''made by, or on behalf of, a 'covered entity' or its 'business associate' as those terms are defined in the HIPAA Privacy Rule, 45 CFR 160.103'').

18. *Called parties.* The Commission also concludes that the exemption for HIPAA-related calls satisfies the TRACED Act's requirements with respect to the ''classes of parties that may be called'' because this exemption applies only to calls made to residential telephone lines.

19. *Number of calls.* The Commission amends its rules to limit the number of calls that can be made pursuant to the exemption for HIPAA-related calls to one artificial or prerecorded voice call per day up to a maximum of three artificial or prerecorded voice calls per week. The Commission notes that this limitation is identical to the condition imposed on healthcare calls to wireless numbers that are exempted under section 227(b)(2)(C) of the TCPA.

20. The Commission imposed this same limit on exempted HIPAA calls to wireless telephone numbers five years ago and has no credible evidence it has unduly restricted healthcare providers' ability to communicate with their patients. The Commission incorporates by reference the discussion relating to the number of calls that can be made pursuant to the exemption for calls not made for a commercial purpose, as well

as the discussion on the timeframe and effective date for implementing mechanisms to comply with these requirements.

21. *Opt-Out Requirement.* The Commission also requires callers to allow recipients of artificial and prerecorded voice message calls made pursuant to the HIPAA exemption to opt out of such calls using either of the opt-out mechanisms described in the Commission's rules. The Commission incorporates by reference the analysis relating to the adoption of an opt-out mechanism for non-commercial calls to residential telephone numbers.

5. Implementation and Effective Date

22. The Commission recognizes that implementation of the numerical limits and opt-out requirements may present some burdens to callers and therefore establishes a six-month period to do so before the new requirements take effect.

23. The technology needed for compliance with the Commission's opt-out requirements is commonplace and easily accessible; the Commission's rules have required certain callers to utilize the available tools and equipment since 2012. Therefore, based on a review of the record and these considerations, the appropriate time for implementation of these amended rules is six months. The requirements that callers comply with a three-call limit within any consecutive 30-day period, and the HIPAA exemption restriction of one call per day up to three calls per week, and opt-out requests from consumers implicate the PRA. Thus, the six-month period before compliance is required will commence upon publication in the **Federal Register** of OMB approval of the rules.

C. Section 227(b)(2)(C) Exemptions

1. Package Delivery Calls to a Wireless Number

24. The Commission has exempted package delivery calls to wireless consumers subject to several conditions. *See Cargo Airline Association Petition for Expedited Declaratory Ruling,* CG Docket No. 02–278, Order, published at 80 FR 15688, March 25, 2015. The record shows that the exemption continues to serve the public interest and that the conditions on such calls satisfy section 8 of the TRACED Act. As a result, the Commission concludes that no further action is required to bring this exemption into compliance with section 8 of the TRACED Act.

2. Financial Institution Calls to a Wireless Number

25. The Commission has exempted calls made by financial institutions to wireless consumers subject to several conditions. *See Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991,* CG Docket No. 02–278, WC Docket No. 07–135, Declaratory Ruling and Order, published at 80 FR 61129, October 9, 2015. The Commission noted that calls by financial institutions regarding fraudulent transactions, security data breaches, and identity theft are ''intended to address exigent circumstances in which a quick, timely communication with a consumer could prevent considerable consumer harms.'' This exemption has been in place for five years, and the Commission finds that it remains in the public interest and that the conditions on such calls satisfy section 8 of the TRACED Act. As a result, the Commission concludes that no further action is required to bring this exemption into compliance with section 8 of the TRACED Act.

3. Healthcare Provider Calls to a Wireless Number

26. The Commission has exempted certain healthcare provider calls to wireless consumers subject to several conditions. *See Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991,* CG Docket No. 02–278, WC Docket No. 07–135, Declaratory Ruling and Order, published at 80 FR 61129, October 9, 2015. The Commission found that calls for which there is an exigency and that have a healthcare treatment purpose such as appointment and exam confirmations and reminders, wellness checkups, hospital pre-registration instructions, lab results, prescription notifications, and home healthcare instructions provide vital, time-sensitive information patients welcome, expect, and often rely on to make informed decisions. This exemption has been in place for five years, and the Commission finds that it remains in the public interest and that the conditions on such calls satisfy section 8 of the TRACED Act. The Commission concludes that no further action is required to bring this exemption into compliance with section 8 of the TRACED Act.

4. Inmate Calling Service Calls to a Wireless Number

27. The Commission has exempted calls from inmate phone service providers subject to several conditions. *See Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991,* CG Docket No. 02–278, WC Docket No. 07–135, Declaratory Ruling and Order, published at 80 FR 61129, October 9, 2015. The Commission found such calls to be beneficial, provided they do not include any telemarketing and are solely intended to arrange for the billing of a specific collect call that an inmate caller has already attempted to initiate. This exemption has been in place for five years, and the Commission finds that it remains in the public interest and that the conditions on such calls satisfy section 8 of the TRACED Act. As a result, the Commission concludes that no further action is required to bring this exemption into compliance with section 8 of the TRACED Act.

D. Additional Matters

28. Several commenters request amendments to various TCPA exemptions for reasons that extend beyond the scope of section 8. To the extent that there are open proceedings on related subject matters, the Commission encourages these parties to direct their comments to those proceedings.

Final Regulatory Flexibility Analysis

29. As required by the Regulatory Flexibility Act of 1980, as amended, RFA, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the notice of proposed rulemaking (NPRM) in this docket, published at 85 FR 64091, October 9, 2020. The Commission sought written public comment on the proposals in the NPRM, including comment on the IRFA. The Final Regulatory Flexibility Analysis FRFA conforms to the RFA.

A. Need for, and Objectives of, the Report and Order

30. In the Report and Order, the Commission takes action to implement section 8 of the TRACED Act, to ensure that any exemption adopted pursuant to sections 227(b)(2)(B) and (C) of the TCPA contains requirements for: (1) The classes of parties that may make such calls; (2) the classes of parties that may be called; and (3) the number of such calls that may be made to a particular called party.

31. The TRACED Act requires the Commission, no later than December 30, 2020, to ''prescribe such regulations or amend such existing regulations, as necessary to ensure that [any] such exemption [issued under sections 227(b)(2)(B) or (C) of the TCPA] contains each requirement [listed in section 8(a) of the TRACED Act].'' Section 8(b) of the TRACED Act provides that ''[t]o the extent such an exemption contains such a requirement before such date of enactment, nothing in this section or the amendments made by this section shall be construed to require the Commission

to prescribe or amend regulations relating to such requirement.''

32. The Report and Order confirms that the conditions imposed by the Commission by order for exemptions under section 227(b)(2)(C) of the TCPA for calls to wireless numbers satisfy the TRACED Act's section 8 requirements, and the only action necessary is to codify those exemptions in the rules. The Commission does not adopt additional rules or reporting and recordkeeping requirements in that context.

33. With respect to the exemptions for artificial and prerecorded voice message calls to residential numbers, the Report and Order retains all existing exemptions and adopts certain conditions on such calls. Specifically, to satisfy the TRACED Act's requirement regarding ''the number of such calls that a calling party may make to a particular called party,'' the Report and Order amends the Commission's rules to generally limit the number of exempted calls that can be made to a particular residential line to three calls within any consecutive 30-day period. For HIPAA-related calls to a residence, however, the Commission amends the rules to limit the number of calls that can be made pursuant to this exemption to one artificial or prerecorded voice call per day up to a maximum of three artificial or prerecorded voice calls per week. The adopted rules also allow recipients of artificial and prerecorded voice message calls to residential numbers to opt out of future calls. Such residential subscribers may do so by dialing a telephone number (required to be provided in the prerecorded message) to register his or her do-not-call request in response to that call or by using an automated, interactive voice- and/or key press-activated opt-out mechanism to make a do-not-call request. Thus, the amended rules will bring these exemptions into line with the Commission's treatment of exempted calls to wireless numbers. To effectuate an opt-out mechanism, callers must comply with the requirements of § 64.1200(b) and (d) of the Commission's existing rules, which govern the process for handling do-not-call requests.

34. In so doing, the Report and Order implements the requirements of the TRACED Act and, at the same time, minimizes any compliance burdens for both small and large entities that make calls pursuant to one of the exemptions in the law.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

35. In the NPRM, the Commission solicited comments on how to minimize the economic impact of the new rules on small businesses. There were no comments filed that specifically addressed the rules and policies proposed in the IRFA. Three commenters, however, focused on the challenges certain entities would face in complying with the opt-out requirements given their small staffs and limited resources. The Credit Union National Association (CUNA) argues that the opt-out proposals would impose significant burdens for many credit unions that do not engage in telemarketing, and thus would have had no reason to create and maintain do-not-call lists. CUNA states that nearly 40 percent of all credit unions employ five or fewer full-time employees, approximately 25 percent have less than $10 million in assets, and over two-thirds have less than $100 million in assets. The Illinois Credit Union states that an opt-out requirement would be burdensome for smaller institutions which have limited staff and resources, and the Professional Association for Customer Engagement similarly states that many healthcare providers are smaller entities that do not have the financial resources to implement an automated do-not-call system with a toll-free number.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

36. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration, and to provide a detailed statement of any change made to the proposed rules as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

37. The Report and Order does not adopt any additional conditions on calls made to wireless numbers pursuant to the exemptions adopted under section 227(b)(2)(C) of the TCPA, but instead concludes that the exemptions already meet the requirements of the TRACED Act. With respect to the exemptions for calls to residential numbers, the Report and Order adopts a numerical limit of three calls within a consecutive 30-day period that an entity may make pursuant to three of the four exemptions. The one exception is for HIPAA-related calls to a residence where the Commission amends the rules to limit the number of calls that can be made pursuant to this exemption to one artificial or prerecorded voice call per day up to a maximum of three artificial or prerecorded voice calls per week. The Commission explained that this limitation is identical to the condition imposed on healthcare calls to wireless numbers that are exempted under section 227(b)(2)(C) of the TCPA.

38. The Commission's ruling therefore satisfies the requirements of the TRACED Act while bringing the exemptions for calls made to residential telephone numbers in line with the treatment of exempted calls to wireless numbers. The adopted limitation will reduce the number of intrusive or unwanted robocalls consumers receive at their homes while still allowing legitimate businesses to provide services and information consumers want. The Report and Order also requires entities making artificial or prerecorded voice calls to residential numbers pursuant to any of the exemptions to honor opt-out requests from consumers who wish to avoid future calls. In such cases, a caller will need to have opt-out mechanisms in place to accept do-not-call requests and to record and track such opt-out requests in order to avoid making any additional calls to those consumers. If the caller makes a call using an artificial or prerecorded voice message, they must provide a telephone number in the message to allow a consumer to register his or her do-not-call request in response to that call. The Commission's existing rules also require that, in every case where an artificial or prerecorded voice telephone message includes or introduces an advertisement or constitutes telemarketing and is delivered to a residential telephone line, the caller must provide an automated, interactive voice and/or key press-activated opt-out mechanism for the called person to make a do-not-call request. Entities will have up to 30 days to honor a residential subscriber's do-not-call request and ensure that they no longer call such residential subscriber's telephone number. While these rules will necessitate that entities keep records associated with the number of calls they make to a particular called party and to track opt-out requests from consumers, entities are not required to routinely report these records to the Commission. These requirements will apply to both large and small entities alike that make calls to residential

consumers pursuant to one of the exemptions carved out from the Commission's rules.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

39. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

40. The Commission considered feedback in response to the NPRM in crafting the final order. The Commission evaluated the comments with the goal of removing regulatory roadblocks and giving industry the flexibility to continue to make calls pursuant to any exemption previously carved out by the Commission while still protecting the interests of consumers who do not want to receive unlimited calls from such entities and allowing consumers to opt out of future calls from such entities. For example, the Commission retained all existing exemptions for calls to residential numbers, concluding that such exemptions satisfy the TRACED Act's requirements regarding the classes of parties that may make such calls and the classes of parties that may be called. The Commission also considered the benefits to consumers of adopting a numerical limit on the number of calls made to them and weighed those benefits against the costs to entities to ensure they make no more than three calls per 30-day period to each residential number and allow consumers to opt out of future calls. The Commission concluded that such conditions fulfilled the TRACED Act's directive that any exemption contain requirements with respect to the number of calls that may be made to any particular number. While entities that are exempted under the rules will need to keep internal records to ensure they do not call residential consumers more than three times within any consecutive 30-day period and avoid calling those consumers who have made a do-not-call request altogether, the Commission did not require that any records of compliance with these requirements be routinely reported to the Commission.

41. In response to comments on the timing necessary for entities that currently take advantage of exemptions from the TCPA to implement any new limitations on such exemptions, the Report and Order delays implementation of the new three-call-per-30-day period (or three calls per week for HIPAA calls) and opt-out requirements for six months. Thus, the rules will not become effective until six months from the date of publication in the **Federal Register** of OMB approval of the information collection requirements associated with the new rules. This delay considers the potential compliance costs for small businesses that several commenters argued would result from the need to implement new procedures to comply with the do-not-call requirements. Small businesses may avoid any additional compliance costs entirely by declining to make such calls unless they first obtain prior express consent from consumers.

List of Subjects in 47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 262, 403(b)(2)(B), (c), 616, 620, 1401–1473, unless otherwise noted; Pub. L. 115–141, Div. P, sec. 503, 132 Stat. 348, 1091.

■ 2. Amend § 64.1200 by revising paragraph (a)(1)(iv) and adding paragraph (a)(9) to read as follows:

§ 64.1200 Delivery Restrictions.

(a) * * *

(1) * * *

(iv) A person will not be liable for violating the prohibition in paragraph (a)(1)(iii) of this section when the call is placed to a wireless number that has been ported from wireline service and such call is a voice call; not knowingly made to a wireless number; and made within 15 days of the porting of the number from wireline to wireless service, provided the number is not already on the national do-not-call registry or caller's company-specific do-not-call list. A person will not be liable for violating the prohibition in paragraph (a)(1)(iii) of this section when making calls exempted by paragraph (a)(9) of this section.

* * * * *

(9) A person will not be liable for violating the prohibition in paragraph (a)(1)(iii) of this section for making any call exempted in this paragraph (a)(9), provided that the call is not charged to the called person or counted against the called person's plan limits on minutes or texts. As used in this paragraph (a)(9), the term ''call'' includes a text message, including a short message service (SMS) call.

(i) Calls made by a package delivery company to notify a consumer about a package delivery, provided that all of the following conditions are met:

(A) The notification must be sent only to the telephone number for the package recipient;

(B) The notification must identify the name of the package delivery company and include contact information for the package delivery company;

(C) The notification must not include any telemarketing, solicitation, or advertising content;

(D) The voice call or text message notification must be concise, generally one minute or less in length for voice calls or 160 characters or less in length for text messages;

(E) The package delivery company shall send only one notification (whether by voice call or text message) per package, except that one additional notification may be sent for each attempt to deliver the package, up to two attempts, if the recipient's signature is required for the package and the recipient was not available to sign for the package on the previous delivery attempt;

(F) The package delivery company must offer package recipients the ability to opt out of receiving future delivery notification calls and messages and must honor an opt-out request within a reasonable time from the date such request is made, not to exceed 30 days; and,

(G) Each notification must include information on how to opt out of future delivery notifications; voice call notifications that could be answered by a live person must include an automated, interactive voice- and/or key press-activated opt-out mechanism that enables the called person to make an opt-out request prior to terminating the call; voice call notifications that could be answered by an answering machine

or voice mail service must include a toll-free number that the consumer can call to opt out of future package delivery notifications; text notifications must include the ability for the recipient to opt out by replying ''STOP.''

(ii) Calls made by an inmate collect call service provider following an unsuccessful collect call to establish a billing arrangement with the called party to enable future collect calls, provided that all of the following conditions are met:

(A) Notifications must identify the name of the inmate collect call service provider and include contact information;

(B) Notifications must not include any telemarketing, solicitation, debt collection, or advertising content;

(C) Notifications must be clear and concise, generally one minute or less;

(D) Inmate collect call service providers shall send no more than three notifications following each inmate collect call that is unsuccessful due to the lack of an established billing arrangement, and shall not retain the called party's number after call completion or, in the alternative, after the third notification attempt; and

(E) Each notification call must include information on how to opt out of future calls; voice calls that could be answered by a live person must include an automated, interactive voice- and/or key press-activated opt-out mechanism that enables the called person to make an opt-out request prior to terminating the call; voice calls that could be answered by an answering machine or voice mail service must include a toll-free number that the consumer can call to opt out of future notification calls; and,

(F) The inmate collect call service provider must honor opt-out requests immediately.

(iii) Calls made by any financial institution as defined in section 4(k) of the Bank Holding Company Act of 1956, 15 U.S.C. 6809(3)(A), provided that all of the following conditions are met:

(A) Voice calls and text messages must be sent only to the wireless telephone number provided by the customer of the financial institution;

(B) Voice calls and text messages must state the name and contact information of the financial institution (for voice calls, these disclosures must be made at the beginning of the call);

(C) Voice calls and text messages are strictly limited to those for the following purposes: transactions and events that suggest a risk of fraud or identity theft; possible breaches of the security of customers' personal information; steps consumers can take to prevent or remedy harm caused by data security breaches; and actions needed to arrange for receipt of pending money transfers;

(D) Voice calls and text messages must not include any telemarketing, cross-marketing, solicitation, debt collection, or advertising content;

(E) Voice calls and text messages must be concise, generally one minute or less in length for voice calls (unless more time is needed to obtain customer responses or answer customer questions) or 160 characters or less in length for text messages;

(F) A financial institution may initiate no more than three messages (whether by voice call or text message) per event over a three-day period for an affected account;

(G) A financial institution must offer recipients within each message an easy means to opt out of future such messages; voice calls that could be answered by a live person must include an automated, interactive voice- and/or key press-activated opt-out mechanism that enables the call recipient to make an opt-out request prior to terminating the call; voice calls that could be answered by an answering machine or voice mail service must include a toll-free number that the consumer can call to opt out of future calls; text messages must inform recipients of the ability to opt out by replying ''STOP,'' which will be the exclusive means by which consumers may opt out of such messages; and,

(H) A financial institution must honor opt-out requests immediately.

(iv) Calls made by, or on behalf of, healthcare providers, which include hospitals, emergency care centers, medical physician or service offices, poison control centers, and other healthcare professionals, provided that all of the following conditions are met:

(A) Voice calls and text messages must be sent only to the wireless telephone number provided by the patient;

(B) Voice calls and text messages must state the name and contact information of the healthcare provider (for voice calls, these disclosures would need to be made at the beginning of the call);

(C) Voice calls and text messages are strictly limited to those for the following purposes: appointment and exam confirmations and reminders, wellness checkups, hospital pre-registration instructions, pre-operative instructions, lab results, post-discharge follow-up intended to prevent readmission, prescription notifications, and home healthcare instructions;

(D) Voice calls and text messages must not include any telemarketing, solicitation, or advertising; may not include accounting, billing, debt-collection, or other financial content; and must comply with HIPAA privacy rules, 45 CFR 160.103;

(E) Voice calls and text messages must be concise, generally one minute or less in length for voice calls or 160 characters or less in length for text messages;

(F) A healthcare provider may initiate only one message (whether by voice call or text message) per day to each patient, up to a maximum of three voice calls or text messages combined per week to each patient;

(G) A healthcare provider must offer recipients within each message an easy means to opt out of future such messages; voice calls that could be answered by a live person must include an automated, interactive voice- and/or key press-activated opt-out mechanism that enables the call recipient to make an opt-out request prior to terminating the call; voice calls that could be answered by an answering machine or voice mail service must include a toll-free number that the consumer can call to opt out of future healthcare calls; text messages must inform recipients of the ability to opt out by replying ''STOP,'' which will be the exclusive means by which consumers may opt out of such messages; and,

(H) A healthcare provider must honor opt-out requests immediately.

* * * * *

■ 3. Delayed indefinitely, further amend § 64.1200 by revising paragraphs (a)(3)(ii) through (v), (b)(2) and (3) and (d) to read as follows:

§ 64.1200 Delivery Restrictions.

(a) * * *

(3) * * *

(ii) Is not made for a commercial purpose and the caller makes no more than three calls within any consecutive 30-day period to the residential line and honors the called party's request to opt out of future calls as required in paragraphs (b) and (d) of this section;

(iii) Is made for a commercial purpose but does not include or introduce an advertisement or constitute telemarketing and the caller makes no more than three calls within any consecutive 30-day period to the residential line and honors the called party's request to opt out of future calls as required in paragraphs (b) and (d) of this section;

(iv) Is made by or on behalf of a tax-exempt nonprofit organization and the caller makes no more than three calls within any consecutive 30-day period to the residential line and honors the called party's request to opt out of future calls as required in paragraphs (b) and (d) of this section; or

(v) Delivers a ''health care'' message made by, or on behalf of, a ''covered entity'' or its ''business associate,'' as those terms are defined in the HIPAA Privacy Rule, 45 CFR 160.103, and the caller makes no more than one call per day to each patient's residential line, up to a maximum of three calls combined per week to each patient's residential line and honors the called party's request to opt out of future calls as required in paragraphs (b) and (d) of this section.

* * * * *

(b) * * *

(2) During or after the message, state clearly the telephone number (other than that of the autodialer or prerecorded message player that placed the call) of such business, other entity, or individual. The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges. For telemarketing messages and messages made pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section to residential telephone subscribers, such telephone number must permit any individual to make a do-not-call request during regular business hours; and

(3) In every case where the artificial or prerecorded-voice telephone message is made pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section or includes or introduces an advertisement or constitutes telemarketing and is delivered to a residential telephone line or any of the lines or telephone numbers described in paragraphs (a)(1)(i) through (iii) of this section, provide an automated, interactive voice- and/or key press-activated opt-out mechanism for the called person to make a do-not-call request, including brief explanatory instructions on how to use such mechanism, within two (2) seconds of providing the identification information required in paragraph (b)(1) of this section. When the called person elects to opt out using such mechanism, the mechanism must automatically record the called person's number to the caller's do-not-call list and immediately terminate the call. When the artificial or prerecorded-voice telephone message is left on an answering machine or a voice mail service, such message must also provide a toll free number that enables the called person to call back at a later time and connect directly to the automated, interactive voice- and/or key press-activated opt-out mechanism and automatically record the called person's number to the caller's do-not-call list.

* * * * *

(d) No person or entity shall initiate any artificial or prerecorded-voice telephone call pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section or any call for telemarketing purposes to a residential telephone subscriber unless such person or entity has instituted procedures for maintaining a list of persons who request not to receive such calls made by or on behalf of that person or entity. The procedures instituted must meet the following minimum standards:

(1) *Written policy.* Persons or entities making artificial or prerecorded-voice telephone calls pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section or calls for telemarketing purposes must have a written policy, available upon demand, for maintaining a do-not-call list.

(2) *Training of personnel.* Personnel engaged in making artificial or prerecorded-voice telephone calls pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section or who are engaged in any aspect of telemarketing must be informed and trained in the existence and use of the do-not-call list.

(3) *Recording, disclosure of do-not-call requests.* If a person or entity making an artificial or prerecorded-voice telephone call pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section or any call for telemarketing purposes (or on whose behalf such a call is made) receives a request from a residential telephone subscriber not to receive calls from that person or entity, the person or entity must record the request and place the subscriber's name, if provided, and telephone number on the do-not-call list at the time the request is made. Persons or entities making such calls (or on whose behalf such calls are made) must honor a residential subscriber's do-not-call request within a reasonable time from the date such request is made. This period may not exceed 30 days from the date of such request. If such requests are recorded or maintained by a party other than the person or entity on whose behalf the call is made, the person or entity on whose behalf the call is made will be liable for any failures to honor the do-not-call request. A person or entity making an artificial or prerecorded-voice telephone call pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section or any call for telemarketing purposes must obtain a consumer's prior express permission to share or forward the consumer's request not to be called to a party other than the person or entity on whose behalf a call is made or an affiliated entity.

(4) *Identification of callers and telemarketers.* A person or entity making an artificial or prerecorded-voice telephone call pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section or any call for telemarketing purposes must provide the called party with the name of the individual caller, the name of the person or entity on whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted. The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges.

(5) *Affiliated persons or entities.* In the absence of a specific request by the subscriber to the contrary, a residential subscriber's do-not-call request shall apply to the particular entity making the call (or on whose behalf a call is made), and will not apply to affiliated entities unless the consumer reasonably would expect them to be included given the identification of the caller and (for telemarketing calls) the product being advertised.

(6) *Maintenance of do-not-call lists.* A person or entity making artificial or prerecorded-voice telephone calls pursuant to an exemption under paragraphs (a)(3)(ii) through (v) of this section or any call for telemarketing purposes must maintain a record of a consumer's request not to receive further calls. A do-not-call request must be honored for 5 years from the time the request is made.

* * * * *

[FR Doc. 2021–01190 Filed 2–24–21; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 210217–0022]

RIN 0648–XY116

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2021 and 2022 Harvest Specifications for Groundfish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; harvest specifications and closures.

SUMMARY: NMFS announces final 2021 and 2022 harvest specifications,

apportionments, and prohibited species catch allowances for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits for groundfish during the remainder of the 2021 and the start of the 2022 fishing years and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The 2021 harvest specifications supersede those previously set in the final 2020 and 2021 harvest specifications, and the 2022 harvest specifications will be superseded in early 2022 when the final 2022 and 2023 harvest specifications are published. The intended effect of this action is to conserve and manage the groundfish resources in the BSAI in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Harvest specifications and closures are effective from 1200 hours, Alaska local time (A.l.t.), February 25, 2021, through 2400 hours, A.l.t., December 31, 2022.

ADDRESSES: Electronic copies of the Alaska Groundfish Harvest Specifications Final Environmental Impact Statement (EIS), Record of Decision (ROD), and the annual Supplementary Information Reports (SIRs) to the Final EIS prepared for this action are available from *https://www.fisheries.noaa.gov/region/alaska.* The 2020 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the BSAI, dated November 2020, as well as the SAFE reports for previous years, are available from the North Pacific Fishery Management Council (Council) at 1007 West 3rd Ave., Suite #400, Anchorage, AK 99501, phone 907–271–2809, or from the Council's website at *https://www.npfmc.org/.*

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: Federal regulations at 50 CFR part 679 implement the FMP and govern the groundfish fisheries in the BSAI. The Council prepared the FMP, and NMFS approved it, under the Magnuson-Stevens Act. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify annually the total allowable catch (TAC) for each target species category. The sum of all TAC for all groundfish species in the BSAI must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (see § 679.20(a)(1)(i)(A)). This final rule specifies the sum of the TAC at 2.0 million mt for both 2021 and 2022. NMFS also must specify apportionments of TAC; prohibited species catch (PSC) allowances and prohibited species quota (PSQ) reserves established by § 679.21; seasonal allowances of pollock, Pacific cod, and Atka mackerel TAC; American Fisheries Act allocations; Amendment 80 allocations; Community Development Quota (CDQ) reserve amounts established by § 679.20(b)(1)(ii); and acceptable biological catch (ABC) surpluses and reserves for CDQ groups and the Amendment 80 cooperative for flathead sole, rock sole, and yellowfin sole. The final harvest specifications set forth in Tables 1 through 22 of this action satisfy these requirements.

Section 679.20(c)(3)(i) further requires that NMFS consider public comment on the proposed harvest specifications and, after consultation with the Council, publish final harvest specifications in the **Federal Register**. The proposed 2021 and 2022 harvest specifications for the groundfish fishery of the BSAI were published in the **Federal Register** on December 3, 2020 (85 FR 78096). Comments were invited and accepted through January 4, 2021. As discussed in the Response to Comments section below, NMFS received no comments during the public comment period for the proposed BSAI groundfish harvest specifications.

NMFS consulted with the Council on the final 2021 and 2022 harvest specifications during the December 2020 Council meeting. After considering public comments, as well as biological and socioeconomic data that were available at the Council's December meeting, NMFS implements in this final rule the final 2021 and 2022 harvest specifications as recommended by the Council.

ABC and TAC Harvest Specifications

The final ABC amounts for Alaska groundfish are based on the best available biological information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. In general, the development of ABCs and overfishing levels (OFLs) involves sophisticated statistical analyses of fish populations. The FMP specifies a series of six tiers to define OFL and ABC amounts based on the level of reliable information available to fishery scientists. Tier 1 represents the highest level of information quality available, while Tier 6 represents the lowest.

In December 2020, the Council, its Scientific and Statistical Committee (SSC), and its Advisory Panel (AP) reviewed current biological and harvest information about the condition of the BSAI groundfish stocks. The Council's BSAI Groundfish Plan Team (Plan Team) compiled and presented this information in the 2020 SAFE report for the BSAI groundfish fisheries, dated November 2020 (see **ADDRESSES**). The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters, as well as summaries of the available information on the BSAI ecosystem and the economic condition of groundfish fisheries off Alaska. NMFS notified the public of the comment period for these harvest specifications—and of the publication of the 2020 SAFE report—in the notice of proposed harvest specifications. From the data and analyses in the SAFE report, the Plan Team recommended an OFL and ABC for each species or species group at the November 2020 Plan Team meeting.

In December 2020, the SSC, AP, and Council reviewed the Plan Team's recommendations. The final TAC recommendations were based on the ABCs, and were adjusted for other biological and socioeconomic considerations, including maintaining the sum of all the TACs within the required OY range of 1.4 million to 2.0 million mt. As required by annual catch limit rules for all fisheries (74 FR 3178, January 16, 2009), none of the Council's recommended 2021 or 2022 TACs exceed the final 2021 or 2022 ABCs for any species or species group. NMFS finds that the Council's recommended OFLs, ABCs, and TACs are consistent with the preferred harvest strategy outlined in the FMP and the biological condition of groundfish stocks as described in the 2020 SAFE report that was approved by the Council. Therefore, this final rule provides notice that the Secretary of Commerce approves the final 2021 and 2022 harvest specifications as recommended by the Council.

The 2021 harvest specifications set in this final action will supersede the 2021 harvest specifications previously set in the final 2020 and 2021 harvest specifications (85 FR 13553, March 9, 2020). The 2022 harvest specifications herein will be superseded in early 2022 when the final 2022 and 2023 harvest specifications are published. Pursuant to this final action, the 2021 harvest specifications therefore will apply for the remainder of the current year (2021),

while the 2022 harvest specifications are projected only for the following year (2022) and will be superseded in early 2022 by the final 2022 and 2023 harvest specifications. Because this final action (published in early 2021) will be superseded in early 2022 by the publication of the final 2022 and 2023 harvest specifications, it is projected that this final action will implement the harvest specifications for the BSAI for approximately one year.

Other Actions Affecting the 2021 and 2022 Harvest Specifications

State of Alaska Guideline Harvest Levels

For 2021 and 2022, the Board of Fisheries (BOF) for the State of Alaska (State) established the guideline harvest level (GHL) for vessels using pot gear in State waters in the Bering Sea subarea (BS) equal to 10 percent of the Pacific cod ABC in the BS. The State's pot gear BS GHL will increase one percent annually up to 15 percent of the BS ABC, if 90 percent of the GHL is harvested by November 15 of the preceding year. If 90 percent of the 2021 BS GHL is not harvested by November 15, 2021, then the 2022 BS GHL will remain at the same percent as the 2021 BS GHL (10 percent). If 90 percent of the 2021 BS GHL is harvested by November 15, 2021, then the 2022 BS GHL will increase by one percent and the 2022 BS TAC will be set to account for the increased BS GHL. Also, for 2021 and 2022, the BOF established an additional GHL for vessels using jig gear in State waters in the BS equal to 45 mt of Pacific cod in the BS. The Council and its Plan Team, SSC, and AP recommended that the sum of all State and Federal water Pacific cod removals from the BS not exceed the ABC recommendations for Pacific cod in the BS. Accordingly, the Council recommended, and NMFS approves, that the 2021 and 2022 Pacific cod TACs in the BS account for the State's GHLs for Pacific cod caught in State waters in the BS.

For 2021 and 2022, the BOF for the State established the GHL in State waters in the Aleutian Islands subarea (AI) equal to 39 percent of the AI ABC. The AI GHL will increase annually by 4 percent of the AI ABC, if 90 percent of the GHL is harvested by November 15 of the preceding year, but may not exceed 39 percent of the AI ABC or 15 million pounds (6,804 mt). For 2021, 39 percent of the AI ABC is 8,034 mt, which exceeds the AI GHL limit of 6,804 mt. The Council and its Plan Team, SSC, and AP recommended that the sum of all State and Federal water Pacific cod removals from the AI not exceed the ABC recommendations for Pacific cod in the AI. Accordingly, the Council recommended, and NMFS approves, that the 2021 and 2022 Pacific cod TACs in the AI account for the State's GHL of 6,804 mt for Pacific cod caught in State waters in the AI.

Amendment 121 to the FMP: Reclassify Sculpins as an Ecosystem Component Species

On July 10, 2020, NMFS published the final rule to implement Amendment 121 to the FMP (85 FR 41427). The final rule reclassified sculpins in the FMP as an ''Ecosystem Component'' species, which is a category of non-target species that are not in need of conservation and management. Accordingly, NMFS will no longer set an OFL, ABC, and TAC for sculpins in the BSAI groundfish harvest specifications, beginning with the 2021 and 2022 harvest specifications.

Changes From the Proposed 2021 and 2022 Harvest Specifications for the BSAI

The Council's recommendations for the proposed 2021 and 2022 harvest specifications (85 FR 78096, December 3, 2020) were based largely on information contained in the 2019 SAFE report for the BSAI groundfish fisheries. Through the proposed harvest specifications, NMFS notified the public that these harvest specifications could change, as the Council would consider information contained in the 2020 SAFE report; recommendations from the Plan Team, SSC, and AP; and public comments when making its recommendations for final harvest specifications at the December 2020 Council meeting. NMFS further notified the public that, as required by the FMP and its implementing regulations, the sum of the TACs must be within the OY range of 1.4 million and 2.0 million mt.

Information contained in the 2020 SAFE report indicates biomass changes from the 2019 SAFE report for several groundfish species. The 2020 report was made available for public review during the public comment period for the proposed harvest specifications. At the December 2020 Council meeting, the SSC recommended the 2021 and 2022 OFLs and ABCs based on the best and most recent information contained in the 2020 SAFE report. The SSC recommended slight model adjustments for Eastern BS pollock, but accepted Plan Team recommendations for all other species, except for BS Pacific cod and sablefish. The SSC's recommendation resulted in an ABC sum total for all BSAI groundfish species in excess of 2.0 million mt for both 2021 and 2022.

Revisions to the Sablefish Apportionment of the ABC

The Alaska-wide sablefish ABC is apportioned between six areas within the BSAI and Gulf of Alaska (BS, AI, Western Gulf, Central Gulf, West Yakutat, and East Yakutat/Southeast areas). Since 2013, a fixed apportionment methodology has been used to apportion the ABC between those six areas. However, a new apportionment methodology will be used for 2021 and 2022 that affects the apportionment of sablefish ABC and the area TACs that are allocated between the trawl and fixed gear sectors. The Joint BSAI and GOA Groundfish Plan Team, SSC, and Council reviewed a range of apportionment approaches for the sablefish ABC for the harvest specifications, including a range from the status quo (fixed apportionment) and the sablefish assessment authors' recommended non-exponential 5-year survey moving average. The Joint Plan Team recommended that, to the extent practical, moving away from the fixed apportionment to the true distribution of the stock would be preferred from a biological perspective. The SSC recommended a 25 percent stair step from the current (fixed) apportionment percentages toward the non-exponential 5-year survey moving average proposed by the assessment authors. The Council and NMFS have adopted the SSC's recommendation for the 2021 and 2022 ABC apportionments. For 2021 this increases the ABC apportionments in all areas (for example, up to 60 percent in the AI subarea), with smaller increases in areas that have recently been apportioned a greater percentage under the fixed apportionment methodology than suggested by recent survey observations (for example, only a 17 percent increase in the East Yakutat/Southeast area). In addition, the final 2021 TACs for the BS and AI areas both increased relative to the proposed 2021 TACs, in part due to the change in apportionment methodology.

Based on decreased fishing effort in 2020, the Council recommends final BS pollock TACs decrease by 75,000 mt in 2021 and 50,000 mt in 2022 compared to the proposed 2021 and 2022 BS pollock TACs. In terms of weight, the largest increases in final 2021 TACs relative to the proposed 2021 TACs include BS Pacific cod and BSAI yellowfin sole. For Pacific cod, the 2021 TAC increase is in response to the increase in the 2021 ABC and the Council's recommendation of the highest TAC after accounting for the State's GHL. For yellowfin sole, the increase is in response to the

anticipated larger directed fisheries based on anticipated market demand. Other increases in the final 2021 TACs relative to the proposed 2021 TACs include Bogoslof pollock, AI Greenland turbot, AI ''other rockfish,'' AI sablefish, BS sablefish, BSAI arrowtooth flounder, BSAI Kamchatka flounder, BSAI rock sole, BSAI flathead sole, BSAI Alaska plaice, BSAI ''other flatfish,'' Western Aleutian Islands (WAI) Pacific ocean perch, BSAI northern rockfish, Bering Sea and Eastern Aleutian Islands (BS/EAI) blackspotted/rougheye rockfish, BSAI shortraker rockfish, Eastern Aleutian Islands and Bering Sea (EAI/BS) Atka mackerel, WAI Atka mackerel, Central Aleutian Islands (CAI) Atka mackerel, and BSAI skates. The 2021 increases account for higher interest in directed fishing or higher anticipated incidental catch needs.

Decreases in final 2021 TACs compared to the proposed 2021 TACs include BS pollock, BS Pacific ocean perch, CAI Pacific ocean perch, EAI Pacific ocean perch, Central Aleutian Islands/Western Aleutian Islands (CAI/WAI) blackspotted and rougheye rockfish, and BS ''other rockfish.'' The decreases are for anticipated lower incidental catch needs of these species and lower ABCs relative to 2020. The changes to TACs between the proposed and final harvest specifications are based on the most recent scientific and socioeconomic information and are consistent with the FMP, regulatory obligations, and harvest strategy as described in the proposed and final harvest specifications, including the upper limit for OY of 2.0 million mt. These changes are compared in Table 1A.

Table 1 lists the Council's recommended final 2021 OFL, ABC, TAC, initial TAC (ITAC), CDQ reserve allocations, and non-specified reserves of the BSAI groundfish species or species groups; and Table 2 lists the Council's recommended final 2022 OFL, ABC, TAC, ITAC, CDQ reserve allocations, and non-specified reserves of the BSAI groundfish species or species groups. NMFS concurs in these recommendations. These final 2021 and 2022 TAC amounts for the BSAI are within the OY range established for the BSAI and do not exceed the ABC for any species or species group. The apportionment of TAC amounts among fisheries and seasons is discussed below.

TABLE 1—FINAL 2021 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), CDQ RESERVE ALLOCATION, AND NON-SPECIFIED RESERVE OF GROUNDFISH IN THE BSAI [1]

[Amounts are in metric tons]

Species	Area	2021					
		OFL	ABC	TAC	ITAC [2]	CDQ [3]	Nonspecified reserves
Pollock [4]	BS	2,594,000	1,626,000	1,375,000	1,237,500	137,500	
	AI	61,856	51,241	19,000	17,100	1,900	
	Bogoslof	113,479	85,109	250	250		
Pacific cod [5]	BS	147,949	123,805	111,380	99,462	11,918	
	AI	27,400	20,600	13,796	12,320	1,476	
Sablefish [6]	Alaska-wide	60,426	29,588	n/a	n/a	n/a	
	BS	n/a	3,396	3,396	2,802	467	127
	AI	n/a	4,717	4,717	3,833	796	88
Yellowfin sole	BSAI	341,571	313,477	200,000	178,600	21,400	
Greenland turbot	BSAI	8,568	7,326	6,025	5,121	n/a	
	BS	n/a	6,176	5,125	4,356	548	220
	AI	n/a	1,150	900	765		135
Arrowtooth flounder	BSAI	90,873	77,349	15,000	12,750	1,605	645
Kamchatka flounder	BSAI	10,630	8,982	8,982	7,635		1,347
Rock sole [7]	BSAI	145,180	140,306	54,500	48,669	5,832	
Flathead sole [8]	BSAI	75,863	62,567	25,000	22,325	2,675	
Alaska plaice	BSAI	37,924	31,657	24,500	20,825		3,675
Other flatfish [9]	BSAI	22,919	17,189	6,500	5,525		975
Pacific ocean perch	BSAI	44,376	37,173	35,899	31,594	n/a	
	BS	n/a	10,782	10,782	9,165		1,617
	EAI	n/a	8,419	8,419	7,518	901	
	CAI	n/a	6,198	6,198	5,535	663	
	WAI	n/a	11,774	10,500	9,377	1,124	
Northern rockfish	BSAI	18,917	15,557	13,000	11,050		1,950
Blackspotted/Rougheye rockfish [10].	BSAI	576	482	482	410		72
	BS/EAI	n/a	313	313	266		47
	CAI/WAI	n/a	169	169	144		25
Shortraker rockfish	BSAI	722	541	500	425		75
Other rockfish [11]	BSAI	1,751	1,313	916	779		137
	BS	n/a	919	522	444		78
	AI	n/a	394	394	335		59
Atka mackerel	BSAI	85,580	73,590	62,257	55,596	6,661	
	BS/EAI	n/a	25,760	25,760	23,004	2,756	
	CAI	n/a	15,450	15,450	13,797	1,653	
	WAI	n/a	32,380	21,047	18,795	2,252	
Skates	BSAI	49,297	41,257	18,000	15,300		2,700
Sharks	BSAI	689	517	200	170		30
Octopuses	BSAI	4,769	3,576	700	595		105

TABLE 1—FINAL 2021 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), CDQ RESERVE ALLOCATION, AND NON-SPECIFIED RESERVE OF GROUNDFISH IN THE BSAI [1]—Continued

[Amounts are in metric tons]

Species	Area	2021					
		OFL	ABC	TAC	ITAC [2]	CDQ [3]	Nonspecified reserves
Total		3,945,315	2,747,727	2,000,000	1,790,634	195,466	13,900

[1] These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, BS includes the Bogoslof District.

[2] Except for pollock, the portion of the sablefish TAC allocated to hook-and-line and pot gear, and Amendment 80 species (Atka mackerel, yellowfin sole, rock sole, flathead sole, Pacific cod, and AI Pacific ocean perch), 15 percent of each TAC is put into a non-specified reserve. The ITAC for these species is the remainder of the TAC after the subtraction of these reserves. For pollock and Amendment 80 species, ITAC is the non-CDQ allocation of TAC (see footnotes 3 and 4).

[3] For the Amendment 80 species (Atka mackerel, flathead sole, rock sole, yellowfin sole, Pacific cod, and AI Pacific ocean perch), 10.7 percent of the TAC is reserved for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31). Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear, 7.5 percent of the sablefish TAC allocated to trawl gear, and 10.7 percent of the TACs for BS Greenland turbot and arrowtooth flounder are reserved for use by CDQ participants (see § 679.20(b)(1)(ii)(B) and (D)). AI Greenland turbot, ''other flatfish,'' Alaska plaice, BS Pacific ocean perch, northern rockfish, shortraker rockfish, blackspotted/rougheye rockfish, Kamchatka flounder, ''other rockfish,'' skates, sharks, and octopuses are not allocated to the CDQ program.

[4] Under § 679.20(a)(5)(i)(A), the annual BS pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (4 percent), is further allocated by sector for a pollock directed fishery as follows: Inshore—50 percent; catcher/processor—40 percent; and motherships—10 percent. Under § 679.20(a)(5)(iii)(B)(*2*), the annual AI pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (2,500 mt), is allocated to the Aleut Corporation for a pollock directed fishery.

[5] The BS Pacific cod TAC is set to account for the 10 percent, plus 45 mt, of the BS ABC for the State of Alaska's (State) guideline harvest level in State waters of the BS. The AI Pacific cod TAC is set to account for 39 percent of the AI ABC for the State guideline harvest level in State waters of the AI, except 39 percent of the AI ABC exceeds the State guideline harvest level of 15 million pounds (6,804 mt), in which case the TAC is set to account for the State guideline harvest level of 6,804 mt.

[6] The sablefish OFL and ABC is Alaska-wide and includes the Gulf of Alaska.

[7] ''Rock sole'' includes *Lepidopsetta polyxystra* (Northern rock sole) and *L. bilineata* (Southern rock sole).

[8] ''Flathead sole'' includes *Hippoglossoides elassodon* (flathead sole) and *H. robustus* (Bering flounder).

[9] ''Other flatfish'' includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

[10] ''Blackspotted/Rougheye rockfish'' includes *Sebastes melanostictus* (blackspotted) and *S. aleutianus* (rougheye).

[11] ''Other rockfish'' includes all *Sebastes* and *Sebastolobus* species except for dark rockfish, Pacific ocean perch, northern rockfish, blackspotted/rougheye rockfish, and shortraker rockfish.

Note: Regulatory areas and districts are defined at § 679.2 (BSAI=Bering Sea and Aleutian Islands management area, BS=Bering Sea subarea, AI=Aleutian Islands subarea, EAI=Eastern Aleutian district, CAI=Central Aleutian district, WAI=Western Aleutian district).

TABLE 1A—COMPARISON OF FINAL 2021 AND 2022 WITH PROPOSED 2021 AND 2022 TOTAL ALLOWABLE CATCH IN THE BSAI

[Amounts are in metric tons]

Species	Area [1]	2021 final TAC	2021 proposed TAC	2021 difference from proposed	2021 percentage difference from proposed	2022 final TAC	2022 proposed TAC	2022 difference from proposed	2022 percentage difference from proposed
Pollock	BS	1,375,000	1,450,000	(75,000)	(5.2)	1,400,000	1,450,000	(50,000)	(3.4)
	AI	19,000	19,000			19,000	19,000		
	Bogoslof	250	75	175	233.3	100	75	25	33.3
Pacific cod	BS	111,380	92,633	18,747	20.2	95,053	92,633	2,420	2.6
	AI	13,796	13,796			13,796	13,796		
Sablefish	BS	3,396	2,865	531	18.5	4,863	2,865	1,998	69.7
	AI	4,717	2,500	2,217	88.7	5,061	2,500	2,561	102.4
Yellowfin sole	BSAI	200,000	168,900	31,100	18.4	200,000	168,900	31,100	18.4
Greenland turbot	BS	5,125	5,125			5,125	5,125		
	AI	900	670	230	34.3	900	670	230	34.3
Arrowtooth flounder	BSAI	15,000	10,000	5,000	50.0	15,000	10,000	5,000	50.0
Kamchatka flounder	BSAI	8,982	7,116	1,866	26.2	8,982	7,116	1,866	26.2
Rock sole	BSAI	54,500	49,000	5,500	11.2	54,500	49,000	5,500	11.2
Flathead sole	BSAI	25,000	24,000	1,000	4.2	25,000	24,000	1,000	4.2
Alaska plaice	BSAI	24,500	24,000	500	2.1	22,500	24,000	(1,500)	(6.3)
Other flatfish	BSAI	6,500	5,000	1,500	30.0	6,500	5,000	1,500	30.0
Pacific ocean perch	BS	10,782	13,600	(2,818)	(20.7)	10,298	13,600	(3,302)	(24.3)
	EAI	8,419	10,619	(2,200)	(20.7)	8,041	10,619	(2,578)	(24.3)
	CAI	6,198	7,817	(1,619)	(20.7)	5,919	7,817	(1,898)	(24.3)
	WAI	10,500	10,000	500	5.0	10,500	10,000	500	5.0
Northern rockfish	BSAI	13,000	10,000	3,000	30.0	13,000	10,000	3,000	30.0
Blackspotted and Rougheye rockfish.	BS/EAI	313	100	213	213.0	150	100	50	50.0
	CAI/WAI	169	339	(170)	(50.1)	176	339	(163)	(48.1)
Shortraker rockfish	BSAI	500	375	125	33.3	225	375	(150)	(40.0)
Other rockfish	BS	522	700	(178)	(25.4)	300	700	(400)	(57.1)
	AI	394	388	6	1.5	394	388	6	1.5
Atka mackerel	EAI/BS	25,760	22,540	3,220	14.3	23,880	22,540	1,340	5.9
	CAI	15,450	13,524	1,926	14.2	14,330	13,524	806	6.0

TABLE 1A—COMPARISON OF FINAL 2021 AND 2022 WITH PROPOSED 2021 AND 2022 TOTAL ALLOWABLE CATCH IN THE BSAI—Continued

[Amounts are in metric tons]

Species	Area [1]	2021 final TAC	2021 proposed TAC	2021 difference from proposed	2021 percentage difference from proposed	2022 final TAC	2022 proposed TAC	2022 difference from proposed	2022 percentage difference from proposed
	WAI	21,047	18,418	2,629	14.3	19,507	18,418	1,089	5.9
Skates	BSAI	18,000	16,000	2,000	12.5	16,000	16,000		
Sharks	BSAI	200	200			200	200		
Octopuses	BSAI	700	700			700	700		
Total	BSAI	2,000,000	2,000,000			2,000,000	2,000,000		

[1] Bering Sea subarea (BS), Aleutian Islands subarea (AI), Bering Sea and Aleutian Islands management area (BSAI), Eastern Aleutian District (EAI), Central Aleutian District (CAI), and Western Aleutian District (WAI).

TABLE 2—FINAL 2022 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), CDQ RESERVE ALLOCATION, AND NON-SPECIFIED RESERVES OF GROUNDFISH IN THE BSAI [1]

[Amounts are in metric tons]

Species	Area	2022					
		OFL	ABC	TAC	ITAC [2]	CDQ [3]	Non-specified Reserves
Pollock [4]	BS	2,366,000	1,484,000	1,400,000	1,260,000	140,000	
	AI	61,308	50,789	19,000	17,100	1,900	
	Bogoslof	113,479	85,109	100	100		
Pacific cod [5]	BS	128,340	106,852	95,053	84,882	10,171	
	AI	27,400	20,600	13,796	12,320	1,476	
Sablefish [6]	Alaska-wide	70,710	36,955	n/a	n/a	n/a	
	BS	n/a	4,863	4,863	2,067	182	2,614
	AI	n/a	6,860	5,061	1,075	95	3,891
Yellowfin sole	BSAI	374,982	344,140	200,000	178,600	21,400	
Greenland turbot	BSAI	7,181	6,139	6,025	5,121	n/a	
	BS	n/a	5,175	5,125	4,356	548	220
	AI	n/a	964	900	765		135
Arrowtooth flounder	BSAI	94,368	80,323	15,000	12,750	1,605	645
Kamchatka flounder	BSAI	10,843	9,163	8,982	7,635		1,347
Rock sole [7]	BSAI	213,783	206,605	54,500	48,669	5,832	
Flathead sole [8]	BSAI	77,763	64,119	25,000	22,325	2,675	
Alaska plaice	BSAI	36,928	30,815	22,500	19,125		3,375
Other flatfish [9]	BSAI	22,919	17,189	6,500	5,525		975
Pacific ocean perch	BSAI	42,384	35,503	34,758	30,596	n/a	
	BS	n/a	10,298	10,298	8,753		1,545
	EAI	n/a	8,041	8,041	7,181	860	
	CAI	n/a	5,919	5,919	5,286	633	
	WAI	n/a	11,245	10,500	9,377	1,124	
Northern rockfish	BSAI	18,221	14,984	13,000	11,050		1,950
Blackspotted/Rougheye rockfish [10].	BSAI	595	500	326	277		49
	BS/EAI	n/a	324	150	128		23
	CAI/WAI	n/a	176	176	150		26
Shortraker rockfish	BSAI	722	541	225	191		34
Other rockfish [11]	BSAI	1,751	1,313	694	590		104
	BS	n/a	919	300	255		45
	AI	n/a	394	394	335		59
Atka mackerel	BSAI	79,660	68,220	57,717	51,541	6,176	
	EAI/BS	n/a	23,880	23,880	21,325	2,555	
	CAI	n/a	14,330	14,330	12,797	1,533	
	WAI	n/a	30,010	19,507	17,420	2,087	
Skates	BSAI	47,372	39,598	16,000	13,600		2,400
Sharks	BSAI	689	517	200	170		30
Octopuses	BSAI	4,769	3,576	700	595		105
Total		3,802,167	2,682,318	2,000,000	1,785,904	194,677	19,419

[1] These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, the BS includes the Bogoslof District.

[2] Except for pollock, the portion of the sablefish TAC allocated to hook-and-line and pot gear, and Amendment 80 species (Atka mackerel, flathead sole, rock sole, yellowfin sole, Pacific cod, and AI Pacific ocean perch), 15 percent of each TAC is put into a non-specified reserve. The ITAC for these species is the remainder of the TAC after the subtraction of these reserves. For pollock and Amendment 80 species, ITAC is the non-CDQ allocation of TAC (see footnotes 3 and 4).

[3] For the Amendment 80 species (Atka mackerel, flathead sole, rock sole, yellowfin sole, Pacific cod, and AI Pacific ocean perch), 10.7 percent of the TAC is reserved for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31). Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear, 7.5 percent of the sablefish TAC allocated to trawl gear, and 10.7 percent of the TACs for BS Greenland turbot and arrowtooth flounder are reserved for use by CDQ participants (see § 679.20(b)(1)(ii)(B) and (D)). The 2022 hook-and-line or pot gear portion of the sablefish ITAC and CDQ reserve will not be specified until the final 2022 and 2023 harvest specifications. AI Greenland turbot, ''other flatfish,'' Alaska plaice, BS Pacific ocean perch, Kamchatka flounder, northern rockfish, shortraker rockfish, blackspotted/rougheye rockfish, ''other rockfish,'' skates, sharks, and octopuses are not allocated to the CDQ program.

[4] Under § 679.20(a)(5)(i)(A), the annual BS pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (4 percent), is further allocated by sector for a pollock directed fishery as follows: Inshore—50 percent; catcher/processor—40 percent; and motherships—10 percent. Under § 679.20(a)(5)(iii)(B)(*2*), the annual AI pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (2,500 mt), is allocated to the Aleut Corporation for a pollock directed fishery.

[5] Assuming an increase in the 2022 guideline harvest level based on the actual 2021 harvest, the 2022 BS Pacific cod TAC is set to account for the 11 percent, plus 45 mt, of the BS ABC for the State of Alaska's (State) guideline harvest level in State waters of the BS. The 2022 AI Pacific cod TAC is set to account for 39 percent of the AI ABC for the State guideline harvest level in State waters of the AI, except 39 percent of the AI ABC exceeds the State guideline harvest level of 15 million pounds (6,804 mt), in which case the TAC is set to account for the State guideline harvest level of 6,804 mt.

[6] The sablefish OFL and ABC is Alaska-wide and includes the Gulf of Alaska.

[7] ''Rock sole'' includes *Lepidopsetta polyxystra* (Northern rock sole) and *L. bilineata* (Southern rock sole).

[8] ''Flathead sole'' includes *Hippoglossoides elassodon* (flathead sole) and *H. robustus* (Bering flounder).

[9] ''Other flatfish'' includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

[10] ''Blackspotted/Rougheye rockfish'' includes *Sebastes melanostictus* (blackspotted) *and S. aleutianus* (rougheye).

[11] ''Other rockfish'' includes all *Sebastes* and *Sebastolobus* species except for dark rockfish, Pacific ocean perch, northern rockfish, blackspotted/rougheye rockfish, and shortraker rockfish.

Note: Regulatory areas and districts are defined at § 679.2 (BSAI = Bering Sea and Aleutian Islands management area, BS = Bering Sea subarea, AI = Aleutian Islands subarea, EAI = Eastern Aleutian district, CAI = Central Aleutian district, WAI = Western Aleu tian district).

Groundfish Reserves and the Incidental Catch Allowance (ICA) for Pollock, Atka Mackerel, Flathead Sole, Rock Sole, Yellowfin Sole, and AI Pacific Ocean Perch

Section 679.20(b)(1)(i) requires that NMFS reserve 15 percent of the TAC for each target species (except for pollock, hook-and-line and pot gear allocation of sablefish, and Amendment 80 species) in a non-specified reserve. Section 679.20(b)(1)(ii)(B) requires that NMFS allocate 20 percent of the hook-and-line or pot gear allocation of sablefish to the fixed-gear sablefish CDQ reserve for each subarea. Section 679.20(b)(1)(ii)(D) requires that NMFS allocate 7.5 percent of the trawl gear allocations of sablefish in the BS and AI and 10.7 percent of the BS Greenland turbot and arrowtooth flounder TACs to the respective CDQ reserves. Section 679.20(b)(1)(ii)(C) requires that NMFS allocate 10.7 percent of the TACs for Atka mackerel, AI Pacific ocean perch, yellowfin sole, rock sole, flathead sole, and Pacific cod to the respective CDQ reserves. Sections 679.20(a)(5)(i)(A) and 679.31(a) also require that 10 percent of the BS pollock TAC be allocated to the pollock CDQ directed fishing allowance (DFA). Sections 679.20(a)(5)(iii)(B)(*2*)(*i*) and 679.31(a) require that 10 percent of the AI pollock TAC be allocated to the pollock CDQ DFA. The entire Bogoslof District pollock TAC is allocated as an ICA pursuant to § 679.20(a)(5)(ii) because the Bogoslof District is closed to directed fishing for pollock by regulation (§ 679.22(a)(7)(B)). With the exception of the hook-and-line or pot gear sablefish CDQ reserve, the regulations do not further apportion the CDQ allocations by gear.

Pursuant to § 679.20(a)(5)(i)(A)(*1*), NMFS allocates a pollock ICA of 4 percent of the BS pollock TAC after subtracting the 10 percent CDQ DFA. This allowance is based on NMFS's examination of the pollock incidental catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock from 2000 through 2020. During this 21-year period, the pollock incidental catch ranged from a low of 2.2 percent in 2006 to a high of 4.6 percent in 2014, with a 21-year average of 3 percent. Pursuant to § 679.20(a)(5)(iii)(B)(*2*)(*i*) and (*ii*), NMFS establishes a pollock ICA of 2,500 mt of the AI pollock TAC after subtracting the 10 percent CDQ DFA. This allowance is based on NMFS's examination of the pollock incidental catch, including the incidental catch by CDQ vessels, in target fisheries other than pollock from 2003 through 2020. During this 18-year period, the incidental catch of pollock ranged from a low of 5 percent in 2006 to a high of 17 percent in 2014, with an 18-year average of 9 percent.

Pursuant to § 679.20(a)(8) and (10), NMFS allocates ICAs of 3,000 mt of flathead sole, 6,000 mt of rock sole, 4,000 mt of yellowfin sole, 10 mt of WAI Pacific ocean perch, 60 mt of CAI Pacific ocean perch, 100 mt of EAI Pacific ocean perch, 20 mt of WAI Atka mackerel, 75 mt of CAI Atka mackerel, and 800 mt of EAI and BS Atka mackerel TAC after subtracting the 10.7 percent CDQ reserve. These ICA allowances are based on NMFS's examination of the incidental catch in other target fisheries from 2003 through 2020.

The regulations do not designate the remainder of the non-specified reserve by species or species group. Any amount of the reserve may be apportioned to a target species that contributed to the non-specified reserves during the year, provided that such apportionments are consistent with § 679.20(a)(3) and do not result in overfishing (see § 679.20(b)(1)(i)). The Regional Administrator has determined that the ITACs specified for certain species listed in Tables 1 and 2 need to be supplemented from the non-specified reserve because U.S. fishing vessels have demonstrated the capacity to catch the full TAC allocations. Therefore, in accordance with § 679.20(b), NMFS is apportioning the amounts shown in Table 3 from the non-specified reserve to increase the ITAC for AI ''other rockfish'' by 15 percent of the ''other rockfish'' TAC in 2021 and 2022.

TABLE 3—FINAL 2021 AND 2022 APPORTIONMENT OF NON-SPECIFIED RESERVES TO ITAC CATEGORIES

[Amounts are in metric tons]

Species-area or subarea	2021 ITAC	2021 reserve amount	2021 final TAC	2022 ITAC	2022 reserve amount	2022 final TAC
Other rockfish-Aleutian Islands subarea ..	335	59	394	335	59	394
Total	335	59	394	335	59	394

Allocation of Pollock TAC Under the American Fisheries Act (AFA)

Section 679.20(a)(5)(i)(A) requires that the BS pollock TAC be apportioned as a DFA, after subtracting 10 percent for the CDQ program and 4 percent for the ICA, as follows: 50 percent to the inshore sector, 40 percent to the catcher/processor (CP) sector, and 10 percent to the mothership sector. In the BS, 45 percent of the DFA is allocated to the A season (January 20–June 10), and 55 percent of the DFA is allocated to the B season (June 10–November 1) (§§ 679.20(a)(5)(i)(B)(*1*) and 679.23(e)(2)). The AI directed pollock fishery allocation to the Aleut Corporation is the amount of pollock TAC remaining in the AI after subtracting 1,900 mt for the CDQ DFA (10 percent) and 2,500 mt for the ICA (§ 679.20(a)(5)(iii)(B)(*2*)). In the AI, the total A season apportionment of the TAC (including the AI directed fishery allocation, the CDQ DFA, and the ICA) may equal up to 40 percent of the ABC for AI pollock, and the remainder of the TAC is allocated to the B season (§ 679.20(a)(5)(iii)(B)(*3*)). Tables 4 and 5 list these 2021 and 2022 amounts.

Section 679.20(a)(5)(iii)(B)(*6*) sets harvest limits for pollock in the A season (January 20 to June 10) in Areas 543, 542, and 541. In Area 543, the A season pollock harvest limit is no more than 5 percent of the AI pollock ABC. In Area 542, the A season pollock harvest limit is no more than 15 percent of the AI pollock ABC. In Area 541, the A season pollock harvest limit is no more than 30 percent of the AI pollock ABC.

Section 679.20(a)(5)(i)(A)(*4*) also includes several specific requirements regarding BS pollock allocations. First, it requires that 8.5 percent of the pollock allocated to the CP sector be available for harvest by AFA catcher vessels (CVs) with CP sector endorsements, unless the Regional Administrator receives a cooperative contract that allows for the distribution of harvest among AFA CPs and AFA CVs in a manner agreed to by all members. Second, AFA CPs not listed in the AFA are limited to harvesting not more than 0.5 percent of the pollock allocated to the CP sector. Tables 4 and 5 list the 2021 and 2022 allocations of pollock TAC. Table 20 lists the AFA CP prohibited species sideboard limits, and Tables 21 and 22 list the AFA CV groundfish and prohibited species sideboard limits. The tables for the pollock allocations to the BS inshore pollock cooperatives and open access sector will be posted on the Alaska Region website at *https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/alaska-groundfish-fisheries-management.*

Tables 4 and 5 also list seasonal apportionments of pollock and harvest limits within the Steller Sea Lion Conservation Area (SCA). The harvest of pollock within the SCA, as defined at § 679.22(a)(7)(vii), is limited to no more than 28 percent of the annual pollock DFA before 12:00 noon, April 1, as provided in § 679.20(a)(5)(i)(C). The A season pollock SCA harvest limit will be apportioned to each sector in proportion to each sector's allocated percentage of the DFA.

TABLE 4—FINAL 2021 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]

[Amounts are in metric tons]

Area and sector	2021 Allocations	2021 A season [1]		2021 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA
Bering Sea subarea TAC [1]	1,375,000	n/a	n/a	n/a
CDQ DFA	137,500	61,875	38,500	75,625
ICA [1]	49,500	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,188,000	534,600	332,640	653,400
AFA Inshore	594,000	267,300	166,320	326,700
AFA Catcher/Processors [3]	475,200	213,840	133,056	261,360
Catch by CPs	434,808	195,664	n/a	239,144
Catch by CVs [3]	40,392	18,176	n/a	22,216
Unlisted CP Limit [4]	2,376	1,069	n/a	1,307
AFA Motherships	118,800	53,460	33,264	65,340
Excessive Harvesting Limit [5]	207,900	n/a	n/a	n/a
Excessive Processing Limit [6]	356,400	n/a	n/a	n/a
AI subarea ABC	51,241	n/a	n/a	n/a
AI subarea TAC [1]	19,000	n/a	n/a	n/a
CDQ DFA	1,900	1,900	n/a	.....
ICA	2,500	1,250	n/a	1,250
Aleut Corporation	14,600	14,600	n/a	.....
Area harvest limit [7]	n/a	n/a	n/a	n/a
541	15,372	n/a	n/a	n/a
542	7,686	n/a	n/a	n/a
543	2,562	n/a	n/a	n/a

TABLE 4—FINAL 2021 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]—Continued

[Amounts are in metric tons]

Area and sector	2021 Allocations	2021 A season [1]		2021 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA
Bogoslof District ICA [8]	250	n/a	n/a	n/a

[1] Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea (BS) subarea pollock TAC, after subtracting the CDQ DFA (10 percent) and the ICA (4 percent), is allocated as a DFA as follows: Inshore sector—50 percent, catcher/processor sector (CP)—40 percent, and mothership sector—10 percent. In the BS subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10) and 55 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(2)(*i*) through (*iii*), the annual AI subarea pollock TAC, after subtracting first for the CDQ DFA (10 percent) and second for the ICA (2,500 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the AI subarea, the A season is allocated up to 40 percent of the AI pollock ABC.

[2] In the BS subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector's annual DFA may be taken from the SCA before noon, April 1.

[3] Pursuant to § 679.20(a)(5)(i)(A)(*4*), 8.5 percent of the DFA allocated to listed CPs shall be available for harvest only by eligible catcher vessels with a CP endorsement delivering to listed CPs, unless there is a CP sector cooperative for the year.

[4] Pursuant to § 679.20(a)(5)(i)(A)(*4*)(*iii*), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processor sector's allocation of pollock.

[5] Pursuant to § 679.20(a)(5)(i)(A)(*6*), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

[6] Pursuant to § 679.20(a)(5)(i)(A)(*7*), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

[7] Pursuant to § 679.20(a)(5)(iii)(B)(*6*), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the AI pollock ABC.

[8] Pursuant to § 679.22(a)(7)(B), the Bogoslof District is closed to directed fishing for pollock. The amounts specified are for incidental catch only and are not apportioned by season or sector.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 5—FINAL 2022 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]

[Amounts are in metric tons]

Area and sector	2022 Allocations	2022 A season [1]		2022 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA
Bering Sea subarea TAC [1]	1,400,000	n/a	n/a	n/a
CDQ DFA	140,000	63,000	39,200	77,000
ICA [1]	50,400	n/a	n/a	n/a
Total Bering Sea non-CDQ DFA	1,209,600	544,320	338,688	665,280
AFA Inshore	604,800	272,160	169,344	332,640
AFA Catcher/Processors [3]	483,840	217,728	135,475	266,112
Catch by CPs	442,714	199,221	n/a	243,492
Catch by CVs [3]	41,126	18,507	n/a	22,620
Unlisted CP Limit [4]	2,419	1,089	n/a	1,331
AFA Motherships	120,960	54,432	33,869	66,528
Excessive Harvesting Limit [5]	211,680	n/a	n/a	n/a
Excessive Processing Limit [6]	362,880	n/a	n/a	n/a
AI subarea ABC	50,789	n/a	n/a	n/a
AI subarea TAC [1]	19,000	n/a	n/a	n/a
CDQ DFA	1,900	1,900	n/a	.....
ICA	2,500	1,250	n/a	1,250
Aleut Corporation	14,600	14,600	n/a	.....
Area harvest limit [7]	n/a	n/a	n/a	n/a
541	15,237	n/a	n/a	n/a
542	7,618	n/a	n/a	n/a
543	2,539	n/a	n/a	n/a
Bogoslof District ICA [8]	100	n/a	n/a	n/a

[1] Pursuant to § 679.20(a)(5)(i)(A), the Bering Sea (BS) subarea pollock TAC, after subtracting the CDQ DFA (10 percent) and the ICA (4 percent), is allocated as a DFA as follows: Inshore sector—50 percent, catcher/processor sector (CP)—40 percent, and mothership sector—10 percent. In the BS subarea, 45 percent of the DFA is allocated to the A season (January 20–June 10) and 55 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(*2*)(*i*) through (*iii*), the annual AI subarea pollock TAC, after subtracting first for the CDQ DFA (10 percent) and second for the ICA (2,500 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the AI subarea, the A season is allocated up to 40 percent of the AI pollock ABC.

[2] In the BS subarea, pursuant to § 679.20(a)(5)(i)(C), no more than 28 percent of each sector's annual DFA may be taken from the SCA before noon, April 1.

[3] Pursuant to § 679.20(a)(5)(i)(A)(*4*), 8.5 percent of the DFA allocated to listed CPs shall be available for harvest only by eligible catcher vessels with a CP endorsement delivering to listed CPs, unless there is a CP sector cooperative for the year.

[4] Pursuant to § 679.20(a)(5)(i)(A)(*4*)(*iii*), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processor sector's allocation of pollock.

[5] Pursuant to § 679.20(a)(5)(i)(A)(*6*), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

[6] Pursuant to § 679.20(a)(5)(i)(A)(*7*), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

[7] Pursuant to § 679.20(a)(5)(iii)(B)(*6*), NMFS establishes harvest limits for pollock in the A season in Area 541 of no more than 30 percent, in Area 542 of no more than 15 percent, and in Area 543 of no more than 5 percent of the AI pollock ABC.

[8] Pursuant to § 679.22(a)(7)(B), the Bogoslof District is closed to directed fishing for pollock. The amounts specified are for incidental catch only and are not apportioned by season or sector.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Allocation of the Atka Mackerel TACs

Section 679.20(a)(8) allocates the Atka mackerel TACs to the Amendment 80 and BSAI trawl limited access sectors, after subtracting the CDQ reserves, ICAs for the BSAI trawl limited access sector and non-trawl gear sector, and the jig gear allocation (Tables 6 and 7). The percentage of the ITAC for Atka mackerel allocated to the Amendment 80 and BSAI trawl limited access sectors is listed in Table 33 to 50 CFR part 679 and in § 679.91. Pursuant to § 679.20(a)(8)(i), up to 2 percent of the EAI and the BS Atka mackerel TAC may be allocated to vessels using jig gear. The percent of this allocation is recommended annually by the Council based on several criteria, including, among other criteria, the anticipated harvest capacity of the jig gear fleet. The Council recommended, and NMFS approves, a 0.5 percent allocation of the Atka mackerel ITAC in the EAI and BS to the jig gear sector in 2021 and 2022.

Section 679.20(a)(8)(ii)(A) apportions the Atka mackerel TAC into two equal seasonal allowances. Section 679.23(e)(3) sets the first seasonal allowance for directed fishing with trawl gear from January 20 through June 10 (A season), and the second seasonal allowance from June 10 through December 31 (B season). Section 679.23(e)(4)(iii) applies Atka mackerel seasons to CDQ Atka mackerel trawl fishing. The ICAs and jig gear allocations are not apportioned by season.

Sections 679.20(a)(8)(ii)(C)(*1*)(*i*) and (*ii*) limits Atka mackerel catch within waters 0 nmi to 20 nmi of Steller sea lion sites listed in Table 6 to 50 CFR part 679 and located west of 178° W longitude to no more than 60 percent of the annual TACs in Areas 542 and 543, and equally divides the annual TACs between the A and B seasons as defined at § 679.23(e)(3). Section 679.20(a)(8)(ii)(C)(*2*) requires that the annual TAC in Area 543 will be no more than 65 percent of the ABC in Area 543. Section 679.20(a)(8)(ii)(D) requires that any unharvested Atka mackerel A season allowance that is added to the B season be prohibited from being harvested within waters 0 nmi to 20 nmi of Steller sea lion sites listed in Table 6 to 50 CFR part 679 and located in Areas 541, 542, and 543.

Tables 6 and 7 list these 2021 and 2022 Atka mackerel seasonal and area allowances, and the sector allocations. One Amendment 80 cooperative has formed for the 2021 fishing year. Because all Amendment 80 vessels are part of the sole Amendment 80 cooperative, no allocation to the Amendment 80 limited access sector is required for 2021. The 2022 allocations for Atka mackerel between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2021.

TABLE 6—FINAL 2021 SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE, AND AMENDMENT 80 ALLOCATIONS OF THE BSAI ATKA MACKEREL TAC

[Amounts are in metric tons]

Sector[1]	Season[2 3 4]	2021 allocation by area		
		Eastern Aleutian district/Bering Sea	Central Aleutian district[5]	Western Aleutian district
TAC	n/a	25,760	15,450	21,047
CDQ reserve	Total	2,756	1,653	2,252
	A	1,378	827	1,126
	Critical Habitat	n/a	496	676
	B	1,378	827	1,126
	Critical Habitat	n/a	496	676
Non-CDQ TAC	n/a	23,004	13,797	18,795
ICA	Total	800	75	20
Jig[6]	Total	111	.....	.....
BSAI trawl limited access	Total	2,209	1,372	.....
	A	1,105	686	.....
	Critical Habitat	n/a	412	.....
	B	1,105	686	.....
	Critical Habitat	n/a	412	.....
Amendment 80 sector	Total	19,883	12,350	18,775
	A	9,942	6,175	9,387
	Critical Habitat	n/a	3,705	5,632
	B	9,942	6,175	9,387
	Critical Habitat	n/a	3,705	5,632

[1] Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtracting the CDQ reserves, ICAs, and jig gear allocation, to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in Table 33 to 50 CFR part 679 and § 679.91. The CDQ reserve is 10.7 percent of the TAC for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31).

[2] Sections 679.20(a)(8)(ii)(A) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

[3] The seasonal allowances of Atka mackerel are 50 percent in the A season and 50 percent in the B season.

[4] Section 679.23(e)(3) authorizes directed fishing for Atka mackerel with trawl gear during the A season from January 20 to June 10 and the B season from June 10 to December 31.

[5] Section 679.20(a)(8)(ii)(C)(*1*)(*i*) limits no more than 60 percent of the annual TACs in Areas 542 and 543 to be caught inside of Steller sea lion critical habitat; section 679.20(a)(8)(ii)(C)(*1*)(*ii*) equally divides the annual TACs between the A and B seasons as defined at § 679.23(e)(3); and section 679.20(a)(8)(ii)(C)(*2*) requires that the TAC in Area 543 shall be no more than 65 percent of ABC in Area 543.

[6] Sections 679.2 and 679.20(a)(8)(i) require that up to 2 percent of the EAI District and the BS subarea TAC be allocated to jig gear after subtracting the CDQ reserve and the ICA. NMFS sets the amount of this allocation for 2021 at 0.5 percent. The jig gear allocation is not apportioned by season.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 7—FINAL 2022 SEASONAL AND SPATIAL ALLOWANCES, GEAR SHARES, CDQ RESERVE, INCIDENTAL CATCH ALLOWANCE, AND AMENDMENT 80 ALLOCATION OF THE BSAI ATKA MACKEREL TAC

[Amounts are in metric tons]

Sector [1]	Season [2 3 4]	2022 allocation by area		
		Eastern Aleutian district/Bering Sea [5]	Central Aleutian district [5]	Western Aleutian district [5]
TAC	n/a	23,880	14,330	19,507
CDQ reserve	Total	2,555	1,533	2,087
	A	1,278	767	1,044
	Critical Habitat	n/a	460	626
	B	1,278	767	1,044
	Critical Habitat	n/a	460	626
non-CDQ TAC	n/a	21,325	12,797	17,420
ICA	Total	800	75	20
Jig [6]	Total	103	.....	.....
BSAI trawl limited access	Total	2,042	1,272	.....
	A	1,021	636	.....
	Critical Habitat	n/a	382	.....
	B	1,021	636	.....
	Critical Habitat	n/a	382	.....
Amendment 80 sectors [7]	Total	18,380	11,450	17,400
	A	9,190	5,725	8,700
	Critical Habitat	n/a	3,435	5,220
	B	9,190	5,725	8,700
	Critical Habitat	n/a	3,435	5,220

[1] Section 679.20(a)(8)(ii) allocates the Atka mackerel TACs, after subtracting the CDQ reserves, ICAs, and jig gear allocation, to the Amendment 80 and BSAI trawl limited access sectors. The allocation of the ITAC for Atka mackerel to the Amendment 80 and BSAI trawl limited access sectors is established in Table 33 to 50 CFR part 679 and § 679.91. The CDQ reserve is 10.7 percent of the TAC for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31).

[2] Sections 679.20(a)(8)(ii)(A) and 679.22(a) establish temporal and spatial limitations for the Atka mackerel fishery.

[3] The seasonal allowances of Atka mackerel are 50 percent in the A season and 50 percent in the B season.

[4] Section 679.23(e)(3) authorizes directed fishing for Atka mackerel with trawl gear during the A season from January 20 to June 10 and the B season from June 10 to December 31.

[5] Section 679.20(a)(8)(ii)(C)(*1*)(*i*) limits no more than 60 percent of the annual TACs in Areas 542 and 543 to be caught inside of Steller sea lion critical habitat; section 679.20(a)(8)(ii)(C)(*1*)(*ii*) equally divides the annual TACs between the A and B seasons as defined at § 679.23(e)(3); and section 679.20(a)(8)(ii)(C)(*2*) requires that the TAC in Area 543 shall be no more than 65 percent of ABC in Area 543.

[6] Sections 679.2 and 679.20(a)(8)(i) require that up to 2 percent of the EAI District and the BS subarea TAC be allocated to jig gear after subtracting the CDQ reserve and the ICA. NMFS sets the amount of this allocation for 2022 at 0.5 percent. The jig gear allocation is not apportioned by season.

[7] The 2022 allocations for Atka mackerel between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2021.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Allocation of the Pacific Cod TAC

The Council separated BSAI subarea OFLs, ABCs, and TACs for Pacific cod in 2014 (79 FR 12108, March 4, 2014). Section 679.20(b)(1)(ii)(C) allocates 10.7 percent of the BS TAC and the AI TAC to the CDQ program. After CDQ allocations have been deducted from the respective BS and AI Pacific cod TACs, the remaining BSAI Pacific cod TACs are combined for calculating further BSAI Pacific cod sector allocations. If the non-CDQ Pacific cod TAC is or will be reached in either the BS or the AI subareas, NMFS will prohibit non-CDQ directed fishing for Pacific cod in that subarea as provided in § 679.20(d)(1)(iii).

Sections 679.20(a)(7)(i) and (ii) allocate to the non-CDQ sectors the Pacific cod TAC in the combined BSAI, after subtracting 10.7 percent for the CDQ program, as follows: 1.4 percent to vessels using jig gear; 2.0 percent to hook-and-line or pot CVs less than 60 ft (18.3 m) length overall (LOA); 0.2 percent to hook-and-line CVs greater than or equal to 60 ft (18.3 m) LOA; 48.7 percent to hook-and-line CPs; 8.4 percent to pot CVs greater than or equal to 60 ft (18.3 m) LOA; 1.5 percent to pot CPs; 2.3 percent to AFA trawl CPs; 13.4 percent to Amendment 80 sector; and 22.1 percent to trawl CVs. The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. For 2021 and 2022, the Regional Administrator establishes an ICA of 400 mt based on anticipated incidental catch by these sectors in other fisheries.

The ITAC allocation of Pacific cod to the Amendment 80 sector is established in Table 33 to 50 CFR part 679 and § 679.91. One Amendment 80 cooperative has formed for the 2021 fishing year. Because all Amendment 80 vessels are part of the sole Amendment 80 cooperative, no allocation to the Amendment 80 limited access sector is required for 2021. The 2022 allocations for Pacific cod between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for

participation in the program by November 1, 2021.

The sector allocations of Pacific cod are apportioned into seasonal allowances to disperse the Pacific cod fisheries over the fishing year (see §§ 679.20(a)(7)(i)(B), 679.20(a)(7)(iv)(A), and 679.23(e)(5)). In accordance with § 679.20(a)(7)(iv)(B) and (C), any unused portion of a seasonal Pacific cod allowance for any sector, except the jig sector, will become available at the beginning of that sector's next seasonal allowance.

Section 679.20(a)(7)(vii) requires that the Regional Administrator establish an Area 543 Pacific cod harvest limit based on Pacific cod abundance in Area 543 as determined by the annual stock assessment process. Based on the 2020 stock assessment, the Regional Administrator determined for 2021 and 2022 the estimated amount of Pacific cod abundance in Area 543 is 15.7 percent of the total AI abundance. To calculate the Area 543 Pacific cod harvest limit, NMFS first subtracts the State GHL Pacific cod amount from the AI Pacific cod ABC. Then NMFS determines the harvest limit in Area 543 by multiplying the percentage of Pacific cod estimated in Area 543 (15.7 percent) by the remaining ABC for AI Pacific cod. Based on these calculations, the Area 543 harvest limit is 2,166 mt for 2021 and 2022.

On March 21, 2019, the final rule adopting Amendment 113 to the FMP (81 FR 84434, November 23, 2016) was vacated by the U.S. District Court for the District of Columbia (*Groundfish Forum* v. *Ross*, No. 16–2495 (D.D.C. March 21, 2019)), and the corresponding regulations implementing Amendment 113 are no longer in effect. Therefore, this final rule is not specifying amounts for the AI Pacific Cod Catcher Vessel Harvest Set-Aside Program (see § 679.20(a)(7)(viii)).

Table 8 and Table 9 list the CDQ and non-CDQ seasonal allowances by gear, as well as the non-CDQ sector allocations, based on the final 2021 and 2022 Pacific cod TACs.

TABLE 8—FINAL 2021 SECTOR ALLOCATIONS AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD TAC

[Amounts are in metric tons]

Sector	Percent	2021 share of total	2021 share of sector total	2021 seasonal apportionment	
				Season	Amount
BS TAC	n/a	111,380	n/a	n/a	n/a
BS CDQ	n/a	11,918	n/a	see § 679.20(a)(7)(i)(B)	n/a
BS non-CDQ TAC	n/a	99,462	n/a	n/a	n/a
AI TAC	n/a	13,796	n/a	n/a	n/a
AI CDQ	n/a	1,476	n/a	see § 679.20(a)(7)(i)(B)	n/a
AI non-CDQ TAC	n/a	12,320	n/a	n/a	n/a
Western Aleutian Island Limit	n/a	2,166	n/a	n/a	n/a
Total BSAI non-CDQ TAC [1]	100	111,782	n/a	n/a	n/a
Total hook-and-line/pot gear	60.8	67,964	n/a	n/a	n/a
Hook-and-line/pot ICA [2]	n/a	400	n/a	see § 679.20(a)(7)(ii)(B)	n/a
Hook-and-line/pot sub-total	n/a	67,564	n/a	n/a	n/a
Hook-and-line catcher/processor	48.7	n/a	54,118	Jan 1–Jun 10	27,600
				Jun 10–Dec 31	26,518
Hook-and-line catcher vessel ≥60 ft LOA.	0.2	n/a	222	Jan 1–Jun 10	113
				Jun 10–Dec 31	109
Pot catcher/processor	1.5	n/a	1,667	Jan 1–Jun 10	850
				Sept 1–Dec 31	817
Pot catcher vessel ≥60 ft LOA	8.4	n/a	9,334	Jan 1–Jun 10	4,761
				Sept 1–Dec 31	4,574
Catcher vessel <60 ft LOA using hook-and-line or pot gear.	2.0	n/a	2,222	n/a	n/a
Trawl catcher vessel	22.1	24,704	n/a	Jan 20–Apr 1	18,281
				Apr 1–Jun 10	2,717
				Jun 10–Nov 1	3,706
AFA trawl catcher/processor	2.3	2,571	n/a	Jan 20–Apr 1	1,928
				Apr 1–Jun 10	643
				Jun 10–Nov 1	
Amendment 80	13.4	14,979	n/a	Jan 20–Apr 1	11,234
				Apr 1–Jun 10	3,745
				Jun 10–Dec 31	
Jig	1.4	1,565	n/a	Jan 1–Apr 30	939
				Apr 30–Aug 31	313
				Aug 31–Dec 31	313

[1] The sector allocations and seasonal allowances for BSAI Pacific cod TAC are based on the sum of the BS and AI Pacific cod TACs, after the subtraction of the reserves for the CDQ program. If the TAC for Pacific cod in either the AI or BS is or will be reached, then directed fishing for Pacific cod in that subarea will be prohibited, even if a BSAI allowance remains (§ 679.20(d)(1)(iii)).

[2] The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. The Regional Administrator approves an ICA of 400 mt for 2021 based on anticipated incidental catch in these fisheries.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 9—FINAL 2022 SECTOR ALLOCATIONS AND SEASONAL ALLOWANCES OF THE BSAI PACIFIC COD TAC

[Amounts are in metric tons]

Sector	Percent	2022 share total	2022 share of sector total	2022 seasonal apportionment	
				Season	Amount
BS TAC	n/a	95,053	n/a	n/a	n/a
BS CDQ	n/a	10,171	n/a	see § 679.20(a)(7)(i)(B)	n/a
BS non-CDQ TAC	n/a	84,882	n/a	n/a	n/a
AI TAC	n/a	13,796	n/a	n/a	n/a
AI CDQ	n/a	1,476	n/a	see § 679.20(a)(7)(i)(B)	n/a
AI non-CDQ TAC	n/a	12,320	n/a	n/a	n/a
Western Aleutian Island Limit	n/a	2,166	n/a	n/a	n/a
Total BSAI non-CDQ TAC [1]	n/a	97,202	n/a	n/a	n/a
Total hook-and-line/pot gear	60.8	59,099	n/a	n/a	n/a
Hook-and-line/pot ICA [2]	n/a	400	n/a	see § 679.20(a)(7)(ii)(B)	n/a
Hook-and-line/pot sub-total	n/a	58,699	n/a	n/a	n/a
Hook-and-line catcher/processor	48.7	n/a	47,017	Jan 1–Jun 10	23,979
				Jun 10–Dec 31	23,038
Hook-and-line catcher vessel ≥60 ft LOA.	0.2	n/a	193	Jan 1–Jun 10	98
				Jun 10–Dec 31	95
Pot catcher/processor	1.5	n/a	1,448	Jan 1–Jun 10	739
				Sept 1–Dec 31	710
Pot catcher vessel ≥60 ft LOA	8.4	n/a	8,110	Jan 1–Jun 10	4,136
				Sept 1–Dec 31	3,974
Catcher vessel <60 ft LOA using hook-and-line or pot gear.	2.0	n/a	1,931	n/a	n/a
Trawl catcher vessel	22.1	21,482	n/a	Jan 20–Apr 1	15,896
				Apr 1–Jun 10	2,363
				Jun 10–Nov 1	3,222
AFA trawl catcher/processor	2.3	2,236	n/a	Jan 20–Apr 1	1,677
				Apr 1–Jun 10	559
				Jun 10–Nov 1	
Amendment 80	13.4	13,025	n/a	Jan 20–Apr 1	9,769
				Apr 1–Jun 10	3,256
				Jun 10–Dec 31	
Jig	1.4	1,361	n/a	Jan 1–Apr 30	816
				Apr 30–Aug 31	272
				Aug 31–Dec 31	272

[1] The sector allocations and seasonal allowances for BSAI Pacific cod TAC are based on the sum of the BS and AI Pacific cod TACs, after the subtraction of the reserves for the CDQ program. If the TAC for Pacific cod in either the AI or BS is or will be reached, then directed fishing for Pacific cod in that subarea will be prohibited, even if a BSAI allowance remains (§ 679.20(d)(1)(iii)).

[2] The ICA for the hook-and-line and pot sectors will be deducted from the aggregate portion of Pacific cod TAC allocated to the hook-and-line and pot sectors. The Regional Administrator approves an ICA of 400 mt for 2022 based on anticipated incidental catch in these fisheries.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Sablefish Gear Allocation

Sections 679.20(a)(4)(iii) and (iv) require allocation of the sablefish TAC for the BS and AI subareas between the trawl gear and hook-and-line or pot gear sectors. Gear allocations of the sablefish TAC for the BS are 50 percent for trawl gear and 50 percent for hook-and-line or pot gear. Gear allocations of the TAC for the AI are 25 percent for trawl gear and 75 percent for hook-and-line or pot gear. Section 679.20(b)(1)(ii)(B) requires that NMFS apportions 20 percent of the hook-and-line or pot gear allocation of sablefish TAC to the CDQ reserve for each subarea. Also, § 679.20(b)(1)(ii)(D)(*1*) requires that in the BS and AI 7.5 percent of the trawl gear allocation of sablefish TAC from the non-specified reserve, established under § 679.20(b)(1)(i), be assigned to the CDQ reserve.

The Council recommended that only trawl sablefish TAC be established biennially. The harvest specifications for the hook-and-line gear or pot gear sablefish Individual Fishing Quota (IFQ) fisheries are limited to the 2021 fishing year to ensure those fisheries are conducted concurrently with the halibut IFQ fishery. Concurrent sablefish and halibut IFQ fisheries reduce the potential for discards of halibut and sablefish in those fisheries. The sablefish IFQ fisheries remain closed at the beginning of each fishing year until the final harvest specifications for the sablefish IFQ fisheries are in effect. Table 10 lists the 2021 and 2022 gear allocations of the sablefish TAC and CDQ reserve amounts.

TABLE 10—FINAL 2021 AND 2022 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS

[Amounts are in metric tons]

Subarea and gear	Percent of TAC	2021 share of TAC	2021 ITAC	2021 CDQ reserve	2022 share of TAC	2022 ITAC	2022 CDQ reserve
Bering Sea:							
Trawl [1]	50	1,698	1,443	127	2,432	2,067	182

TABLE 10—FINAL 2021 AND 2022 GEAR SHARES AND CDQ RESERVE OF BSAI SABLEFISH TACS—Continued

[Amounts are in metric tons]

Subarea and gear	Percent of TAC	2021 share of TAC	2021 ITAC	2021 CDQ reserve	2022 share of TAC	2022 ITAC	2022 CDQ reserve
Hook-and-line/pot gear[2]	50	1,698	1,358	340	n/a	n/a	n/a
Total	100	3,396	2,802	467	2,432	2,067	182
Aleutian Islands:							
Trawl[1]	25	1,179	1,002	88	1,265	1,075	95
Hook-and-line/pot gear[2]	75	3,538	2,830	708	n/a	n/a	n/a
Total	100	4,717	3,833	796	1,265	1,075	95

[1] For the sablefish trawl gear allocations, 15 percent of TAC is apportioned to the non-specified reserve (§ 679.20(b)(1)(i)). The ITAC is the remainder of the TAC after subtracting this reserve. In the BS and AI, 7.5 percent of the trawl gear allocation from the non-specified reserve is assigned to the CDQ reserve (§ 679.20(b)(1)(ii)(D)(1)).

[2] For the portion of the sablefish TAC allocated to vessels using hook-and-line or pot gear, 20 percent of the allocated TAC for the BS and AI is reserved for use by CDQ participants (§ 679.20(b)(1)(ii)(B)). The Council recommended that specifications for the hook-and-line or pot gear sablefish IFQ fisheries be limited to one year.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

Allocation of the AI Pacific Ocean Perch, and BSAI Flathead Sole, Rock Sole, and Yellowfin Sole TACs

Sections 679.20(a)(10)(i) and (ii) require that NMFS allocate AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole ITACs between the Amendment 80 sector and the BSAI trawl limited access sector, after subtracting 10.7 percent for the CDQ reserves and ICAs for the BSAI trawl limited access sector and vessels using non-trawl gear. The allocations of the ITACs for AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole to the Amendment 80 sector are established in accordance with Tables 33 and 34 to 50 CFR part 679 and § 679.91.

One Amendment 80 cooperative has formed for the 2021 fishing year. Because all Amendment 80 vessels are part of the sole Amendment 80 cooperative, no allocation to the Amendment 80 limited access sector is required for 2021. The 2022 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2021. Tables 11 and 12 list the 2021 and 2022 allocations of the AI Pacific ocean perch, and BSAI flathead sole, rock sole, and yellowfin sole TACs.

TABLE 11—FINAL 2021 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE AI PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian district	Central Aleutian district	Western Aleutian district	BSAI	BSAI	BSAI
TAC	8,419	6,198	10,500	25,000	54,500	200,000
CDQ	901	663	1,124	2,675	5,832	21,400
ICA	100	60	10	3,000	6,000	4,000
BSAI trawl limited access	742	547	187	.....	.....	34,782
Amendment 80	6,676	4,927	9,179	19,325	42,669	139,818

Note: Sector apportionments may not total precisely due to rounding.

TABLE 12—FINAL 2022 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE AI PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian district	Central Aleutian district	Western Aleutian district	BSAI	BSAI	BSAI
TAC	8,041	5,919	10,500	25,000	54,500	200,000
CDQ	860	633	1,124	2,675	5,832	21,400
ICA	100	60	10	3,000	6,000	4,000
BSAI trawl limited access	708	523	187	.....	.....	34,782

TABLE 12—FINAL 2022 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE AI PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS—Continued

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian district	Central Aleutian district	Western Aleutian district	BSAI	BSAI	BSAI
Amendment 80 [1]	6,373	4,703	9,179	19,325	42,669	139,818

[1] The 2022 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2021.

Note: Sector apportionments may not total precisely due to rounding.

Section 679.2 defines the ABC surplus for flathead sole, rock sole, and yellowfin sole as the difference between the annual ABC and TAC for each species. Section 679.20(b)(1)(iii) establishes ABC reserves for flathead sole, rock sole, and yellowfin sole. The ABC surpluses and the ABC reserves are necessary to mitigate the operational variability, environmental conditions, and economic factors that may constrain the CDQ groups and the Amendment 80 cooperatives from achieving, on a continuing basis, the optimum yield in the BSAI groundfish fisheries. NMFS, after consultation with the Council, may set the ABC reserve at or below the ABC surplus for each species, thus maintaining the TAC below ABC limits. An amount equal to 10.7 percent of the ABC reserves will be allocated as CDQ ABC reserves for flathead sole, rock sole, and yellowfin sole. Section 679.31(b)(4) establishes the annual allocations of CDQ ABC reserves among the CDQ groups. The Amendment 80 ABC reserves are the ABC reserves minus the CDQ ABC reserves. Section 679.91(i)(2) establishes each Amendment 80 cooperative ABC reserve to be the ratio of each cooperatives' quota share units and the total Amendment 80 quota share units, multiplied by the Amendment 80 ABC reserve for each respective species. Table 13 lists the 2021 and 2022 ABC surplus and ABC reserves for BSAI flathead sole, rock sole, and yellowfin sole.

TABLE 13—FINAL 2021 AND 2022 ABC SURPLUS, ABC RESERVES, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Amounts are in metric tons]

Sector	2021 Flathead sole	2021 Rock sole	2021 Yellowfin sole	2022 [1] Flathead sole	2022 [1] Rock sole	2022 [1] Yellowfin sole
ABC	62,567	140,306	313,477	64,119	206,605	344,140
TAC	25,000	54,500	200,000	25,000	54,500	200,000
ABC surplus	37,567	85,806	113,477	39,119	152,105	144,140
ABC reserve	37,567	85,806	113,477	39,119	152,105	144,140
CDQ ABC reserve	4,020	9,181	12,142	4,186	16,275	15,423
Amendment 80 ABC reserve	33,547	76,625	101,335	34,933	135,830	128,717

[1] The 2022 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2021.

PSC Limits for Halibut, Salmon, Crab, and Herring

Sections 679.21(b), (e), (f), and (g) sets forth the BSAI PSC limits. Pursuant to § 679.21(b)(1), the annual BSAI halibut PSC limits total 3,515 mt. Section 679.21(b)(1) allocates 315 mt of the halibut PSC limit as the PSQ reserve for use by the groundfish CDQ program, 1,745 mt of the halibut PSC limit for the Amendment 80 sector, 745 mt of the halibut PSC limit for the BSAI trawl limited access sector, and 710 mt of the halibut PSC limit for the BSAI non-trawl sector.

Sections 679.21(b)(1)(iii)(A) and (B) authorize apportionment of the BSAI non-trawl halibut PSC limit into PSC allowances among six fishery categories in Table 17, and §§ 679.21(b)(1)(ii)(A) and (B), (e)(3)(i)(B), and (e)(3)(iv) require apportionment of the trawl PSC limits in Tables 15 and 16 into PSC allowances among seven fishery categories.

Pursuant to Section 3.6 of the FMP, the Council recommends, and NMFS agrees, that certain specified non-trawl fisheries be exempt from the halibut PSC limit. As in past years, after consultation with the Council, NMFS exempts the pot gear fishery, the jig gear fishery, and the sablefish IFQ hook-and-line gear fishery categories from halibut bycatch restrictions for the following reasons: (1) The pot gear fisheries have low halibut bycatch mortality; (2) NMFS estimates halibut mortality for the jig gear fleet to be negligible because of the small size of the fishery and the selectivity of the gear; and (3) the sablefish and halibut IFQ fisheries have low halibut bycatch mortality because the IFQ program requires that legal-size halibut be retained by vessels using fixed gear if a halibut IFQ permit holder or a hired master is aboard and is holding unused halibut IFQ for that vessel category and the IFQ regulatory area in which the vessel is operating (§ 679.7(f)(11)).

The 2020 total groundfish catch for the pot gear fishery in the BSAI was 41,517 mt, with an associated halibut bycatch mortality of 5 mt. The 2020 jig gear fishery harvested about 10 mt of groundfish. Most vessels in the jig gear fleet are exempt from observer coverage requirements. As a result, observer data are not available on halibut bycatch in the jig gear fishery. As mentioned above, NMFS estimates a negligible amount of halibut bycatch mortality because of the selective nature of jig gear and the low mortality rate of halibut caught with jig gear and released.

Under § 679.21(f)(2), NMFS annually allocates portions of either 33,318, 45,000, 47,591, or 60,000 Chinook salmon PSC limits among the AFA sectors, depending on past bycatch performance, on whether Chinook salmon bycatch incentive plan agreements (IPAs) are formed, and on whether NMFS determines it is a low Chinook salmon abundance year. NMFS will determine that it is a low Chinook salmon abundance year when abundance of Chinook salmon in western Alaska is less than or equal to 250,000 Chinook salmon. The State of Alaska provides to NMFS an estimate of Chinook salmon abundance using the 3-System Index for western Alaska based on the Kuskokwim, Unalakleet, and Upper Yukon aggregate stock grouping.

If an AFA sector participates in an approved IPA and has not exceeded its performance standard under § 679.21(f)(6), and if it is not a low Chinook salmon abundance year, then NMFS will allocate a portion of the 60,000 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(A). If no IPA is approved, or if the sector has exceeded its performance standard under § 679.21(f)(6), and if it is not a low abundance year, then NMFS will allocate a portion of the 47,591 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(C). If an AFA sector participates in an approved IPA and has not exceeded its performance standard under § 679.21(f)(6), in a low abundance year, then NMFS will allocate a portion of the 45,000 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(B). If no IPA is approved, or if the sector has exceeded its performance standard under § 679.21(f)(6), and if in a low abundance year, then NMFS will allocate a portion of the 33,318 Chinook salmon PSC limit to that sector as specified in § 679.21(f)(3)(iii)(D).

NMFS has determined that 2020 was a low Chinook salmon abundance year, based on the State's estimate that Chinook salmon abundance in western Alaska is less than 250,000 Chinook salmon. Therefore, in 2021, the Chinook salmon PSC limit is 45,000 Chinook salmon, allocated to each sector as specified in § 679.21(f)(3)(iii)(B). The AFA sector Chinook salmon PSC limits are also seasonally apportioned with 70 percent for the A season pollock fishery, and 30 percent for the B season pollock fishery (§§ 679.21(f)(3)(i) and 679.23(e)(2)). In 2021, the Chinook salmon bycatch performance standard under § 679.21(f)(6) is 33,318 Chinook salmon, allocated to each sector as specified in § 679.21(f)(3)(iii)(D).

NMFS publishes the approved IPAs, allocations, and reports at *https://alaskafisheries.noaa.gov/sustainablefisheries/bycatch/default.htm.*

Section 679.21(g)(2)(i) specifies 700 fish as the 2021 and 2022 Chinook salmon PSC limit for the AI pollock fishery. Section 679.21(g)(2)(ii) allocates 7.5 percent, or 53 Chinook salmon, as the AI PSQ reserve for the CDQ program, and allocates the remaining 647 Chinook salmon to the non-CDQ fisheries.

Section 679.21(f)(14)(i) specifies 42,000 fish as the 2021 and 2022 non-Chinook salmon PSC limit for vessels using trawl gear from August 15 through October 14 in the Catcher Vessel Operational Area (CVOA). Section 679.21(f)(14)(ii) allocates 10.7 percent, or 4,494 non-Chinook salmon, in the CVOA as the PSQ reserve for the CDQ program, and allocates the remaining 37,506 non-Chinook salmon in the CVOA to the non-CDQ fisheries.

PSC limits for crab and herring are specified annually based on abundance and spawning biomass. Section 679.21(e)(3)(i)(A)(*1*) allocates 10.7 percent from each trawl gear PSC limit specified for crab as a PSQ reserve for use by the groundfish CDQ program.

Based on the most recent (2019) survey data, the red king crab mature female abundance is estimated at 9.6668 million red king crabs, and the effective spawning biomass is estimated at 25.120 million lbs (11,394 mt). Based on the criteria set out at § 679.21(e)(1)(i), the 2021 and 2022 PSC limit of red king crab in Zone 1 for trawl gear is 97,000 animals. This limit derives from the mature female abundance estimate of more than 8.4 million mature red king crab and the effective spawning biomass estimate of more than 14.5 million lbs (6,577 mt) but less than 55 million lbs (24,948 mt).

Section 679.21(e)(3)(ii)(B)(*2*) establishes criteria under which NMFS must specify an annual red king crab bycatch limit for the Red King Crab Savings Subarea (RKCSS) if the State has established a GHL fishery for red king crab in the Bristol Bay area in the previous year. The regulations limit the RKCSS red king crab bycatch limit to 25 percent of the red king crab PSC limit, based on the need to optimize the groundfish harvest relative to red king crab bycatch. In December 2020, the Council recommended and NMFS concurs that the RKCSS red king crab bycatch limit for 2021 and 2022 be equal to 25 percent of the red king crab PSC limit (Table 15).

Based on the most recent (2019) survey data, Tanner crab (*Chionoecetes bairdi*) abundance is estimated at 541 million animals. Pursuant to criteria set out at § 679.21(e)(1)(ii), the calculated 2021 and 2022 *C. bairdi* crab PSC limit for trawl gear is 980,000 animals in Zone 1, and 2,970,000 animals in Zone 2. The limit in Zone 1 is based on the abundance of *C. bairdi* estimated at 541 million animals, which is greater than 400 million animals. The limit in Zone 2 is based on the abundance of *C. bairdi* estimated at 541 million animals, which is greater than 400 million animals.

Pursuant to § 679.21(e)(1)(iii), the PSC limit for trawl gear for snow crab (*Chionoecetes opilio*) is based on total abundance as indicated by the NMFS annual bottom trawl survey. The *C. opilio* crab PSC limit in the *C. opilio* bycatch limitation zone (COBLZ) is set at 0.1133 percent of the BS abundance index minus 150,000 crabs, unless the minimum or maximum PSC limit applies. Based on the most recent (2019) survey estimate of 6.48 billion animals, the calculated *C. opilio* crab PSC limit is 7,191,840 animals.

Pursuant to § 679.21(e)(1)(v), the PSC limit of Pacific herring caught while conducting any trawl operation for BSAI groundfish is 1 percent of the annual eastern BS herring biomass. The best estimate of 2021 and 2022 herring biomass is 272,281 mt. This amount was developed by the Alaska Department of Fish and Game based on biomass for spawning aggregations. Therefore, the herring PSC limit for 2021 and 2022 is 2,723 mt for all trawl gear as listed in Tables 14 and 15.

Section 679.21(e)(3)(i)(A) requires that PSQ reserves be subtracted from the total trawl gear crab PSC limits. The crab and halibut PSC limits apportioned to the Amendment 80 and BSAI trawl limited access sectors are listed in Table 35 to 50 CFR part 679. The resulting 2021 and 2022 allocations of PSC limit to CDQ PSQ reserves, the Amendment 80 sector, and the BSAI trawl limited access sector are listed in Table 14. Pursuant to §§ 679.21(b)(1)(i), 679.21(e)(3)(vi), and 679.91(d) through (f), crab and halibut trawl PSC limits assigned to the Amendment 80 sector are then further allocated to Amendment 80 cooperatives as cooperative quota. Crab and halibut PSC cooperative quota assigned to Amendment 80 cooperatives is not allocated to specific fishery categories. In 2021, there are no vessels in the Amendment 80 limited access sector and one Amendment 80 cooperative. The 2022 PSC allocations between Amendment 80 cooperatives and the Amendment 80 limited access sector

will not be known until eligible participants apply for participation in the program by November 1, 2021. Section 679.21(e)(3)(i)(B) requires that NMFS, after consultation with the Council, apportion each trawl PSC limit for crab and herring not assigned to CDQ PSQ reserves or Amendment 80 cooperatives into PSC bycatch allowances for seven specified fishery categories in § 679.21(e)(3)(iv).

Sections 679.21(b)(2) and (e)(5) authorize NMFS, after consulting with the Council, to establish seasonal apportionments of halibut and crab PSC amounts for the BSAI trawl limited access and non-trawl sectors in order to maximize the ability of the fleet to harvest the available groundfish TAC and to minimize bycatch. The factors to be considered are (1) seasonal distribution of prohibited species, (2) seasonal distribution of target groundfish species relative to prohibited species distribution, (3) PSC bycatch needs on a seasonal basis relevant to prohibited species biomass and expected catches of target groundfish species, (4) expected variations in bycatch rates throughout the year, (5) expected changes in directed groundfish fishing seasons, (6) expected start of fishing effort, and (7) economic effects of establishing seasonal prohibited species apportionments on segments of the target groundfish industry. Based on this criteria, the Council recommended and NMFS approves the seasonal PSC apportionments in Tables 16 and 17 to maximize harvest among gear types, fisheries, and seasons while minimizing bycatch of PSC.

TABLE 14—FINAL 2021 AND 2022 APPORTIONMENT OF PROHIBITED SPECIES CATCH ALLOWANCES TO NON-TRAWL GEAR, THE CDQ PROGRAM, AMENDMENT 80, AND THE BSAI TRAWL LIMITED ACCESS SECTORS

PSC species and area and zone [1]	Total PSC	Non-trawl PSC	CDQ PSQ reserve [2]	Trawl PSC remaining after CDQ PSQ	Amendment 80 sector [3]	BSAI trawl limited access sector	BSAI PSC limits not allocated [3]
Halibut mortality (mt)							
BSAI	3,515	710	315	n/a	1,745	745	
Herring (mt) BSAI	2,723	n/a	n/a	n/a	n/a	n/a	
Red king crab (animals)							
Zone 1	97,000	n/a	10,379	86,621	43,293	26,489	16,839
C. opilio (animals)							
COBLZ	7,191,840	n/a	769,527	6,422,313	3,156,567	2,064,131	1,201,615
C. bairdi crab (animals)							
Zone 1	980,000	n/a	104,860	875,140	368,521	411,228	95,390
C. bairdi crab (animals)							
Zone 2	2,970,000	n/a	317,790	2,652,210	627,778	1,241,500	782,932

[1] Refer to § 679.2 for definitions of areas and zones.
[2] The PSQ reserve for crab species is 10.7 percent of each crab PSC limit.
[3] The Amendment 80 program reduced apportionment of the trawl PSC limits for crab below the total PSC limit. These reductions are not apportioned to other gear types or sectors.

TABLE 15—FINAL 2021 AND 2022 HERRING AND RED KING CRAB SAVINGS SUBAREA PROHIBITED SPECIES CATCH ALLOWANCES FOR ALL TRAWL SECTORS

Fishery categories	Herring (mt) BSAI	Red king crab (animals) Zone 1
Yellowfin sole	118	n/a
Rock sole/flathead sole/Alaska plaice/other flatfish [1]	58	n/a
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish	8	n/a
Rockfish	8	n/a
Pacific cod	14	n/a
Midwater trawl pollock	2,472	n/a
Pollock/Atka mackerel/other species [2 3]	45	n/a
Red king crab savings subarea non-pelagic trawl gear [4]	n/a	24,250
Total trawl PSC	2,723	97,000

[1] "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.
[2] Pollock other than midwater trawl pollock, Atka mackerel, and "other species" fishery category.
[3] "Other species" for PSC monitoring includes skates, sharks, and octopuses.
[4] In December 2020, the Council recommended and NMFS approves that the red king crab bycatch limit for non-pelagic trawl fisheries within the RKCSS be limited to 25 percent of the red king crab PSC allowance (see § 679.21(e)(3)(ii)(B)(*2*)).
Note: Species allowances may not total precisely due to rounding.

TABLE 16—FINAL 2021 AND 2022 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL LIMITED ACCESS SECTOR

BSAI trawl limited access fisheries	Prohibited species and area and zone [1]				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	*C. opilio* (animals) COBLZ	*C. bairdi* (animals)	
				Zone 1	Zone 2
Yellowfin sole	265	23,338	1,945,831	346,228	1,185,500
Rock sole/flathead sole/Alaska plaice/other flatfish [2]					

TABLE 16—FINAL 2021 AND 2022 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL LIMITED ACCESS SECTOR—Continued

BSAI trawl limited access fisheries	Prohibited species and area and zone [1]				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	*C. opilio* (animals) COBLZ	*C. bairdi* (animals)	
				Zone 1	Zone 2
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish	.....	.....	.....	.....	.....
Rockfish April 15–December 31	5	.....	3,214	.....	1,000
Pacific cod	300	2,954	82,939	60,000	50,000
Pollock/Atka mackerel/other species [3]	175	197	32,147	5,000	5,000
Total BSAI trawl limited access PSC	745	26,489	2,064,131	411,228	1,241,500

[1] Refer to § 679.2 for definitions of areas and zones.
[2] "Other flatfish" for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.
[3] "Other species" for PSC monitoring includes skates, sharks, and octopuses.
Note: Seasonal or sector allowances may not total precisely due to rounding.

TABLE 17—FINAL 2021 AND 2022 HALIBUT PROHIBITED SPECIES BYCATCH ALLOWANCES FOR NON-TRAWL FISHERIES

Non-trawl fisheries	Seasons	Halibut mortality (mt) BSAI		
		Catcher/processor	Catcher vessel	All Non-Trawl
Pacific cod	Total Pacific cod	648	13	661.
	January 1–June 10	388	9	n/a.
	June 10–August 15	162	2	n/a.
	August 15–December 31	98	2	n/a.
Non-Pacific cod non-trawl-Total	May 1–December 31	n/a	n/a	49.
Groundfish pot and jig	n/a	n/a	n/a	Exempt.
Sablefish hook-and-line	n/a	n/a	n/a	Exempt.
Total for all non-trawl PSC	n/a	n/a	n/a	710.

Note: Seasonal or sector allowances may not total precisely due to rounding.

Estimates of Halibut Biomass and Stock Condition

The International Pacific Halibut Commission (IPHC) annually assesses the abundance and potential yield of the Pacific halibut stock using all available data from the commercial and sport fisheries, other removals, and scientific surveys. Additional information on the Pacific halibut stock assessment may be found in the IPHC's 2020 Pacific halibut stock assessment (December 2020), available on the IPHC website at *www.iphc.int.* The IPHC considered the 2020 Pacific halibut stock assessment at its January 2021 annual meeting when it set the 2021 commercial halibut fishery catch limits.

Halibut Discard Mortality Rates

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator uses observed halibut incidental catch rates, halibut discard mortality rates (DMRs), and estimates of groundfish catch to project when a fishery's halibut bycatch mortality allowance or seasonal apportionment is reached. Halibut incidental catch rates are based on observers' estimates of halibut incidental catch in the groundfish fishery. DMRs are estimates of the proportion of incidentally caught halibut that do not survive after being returned to the sea. The cumulative halibut mortality that accrues to a particular halibut PSC limit is the product of a DMR multiplied by the estimated halibut PSC. DMRs are estimated using the best scientific information available in conjunction with the annual BSAI stock assessment process. The DMR methodology and findings are included as an appendix to the annual BSAI groundfish SAFE report.

In 2016, the DMR estimation methodology underwent revisions per the Council's directive. An interagency halibut working group (IPHC, Council, and NMFS staff) developed improved estimation methods that have undergone review by the Plan Team, SSC, and the Council. A summary of the revised methodology is included in the BSAI proposed 2017 and 2018 harvest specifications (81 FR 87863, December 6, 2016), and the comprehensive discussion of the working group's statistical methodology is available from the Council (see **ADDRESSES**). The DMR working group's revised methodology is intended to improve estimation accuracy, transparency, and transferability used for calculating DMRs. The working group will continue to consider improvements to the methodology used to calculate halibut mortality, including potential changes to the reference period (the period of data used for calculating the DMRs). Future DMRs may change based on additional years of observer sampling, which could provide more recent and accurate data and which could improve the accuracy of estimation and progress on methodology. The methodology will continue to ensure that NMFS is using DMRs that more accurately reflect halibut mortality, which will inform the different sectors of their estimated halibut mortality and allow specific sectors to respond with methods that could reduce mortality and, eventually, the DMR for that sector.

At the December 2020 meeting, the SSC, AP, and the Council concurred with the revised DMR estimation methodology, and NMFS adopts for 2021 and 2022 the DMRs calculated under the revised methodology, which

uses an updated 2-year reference period. The final 2021 and 2022 DMRs in this rule are unchanged from the DMRs in the proposed 2021 and 2022 harvest specifications (85 FR 78096, December 3, 2020). Table 18 lists these final 2021 and 2022 DMRs.

TABLE 18—2021 AND 2022 PACIFIC HALIBUT DISCARD MORTALITY RATES (DMR) FOR THE BSAI

Gear	Sector	Halibut discard mortality rate (percent)
Pelagic trawl	All	100
Non-pelagic trawl	Mothership and catcher/processor	84
Non-pelagic trawl	Catcher vessel	59
Hook-and-line	Catcher/processor	9
Hook-and-line	Catcher vessel	9
Pot	All	32

Directed Fishing Closures

In accordance with § 679.20(d)(1)(i), the Regional Administrator may establish a DFA for a species or species group if the Regional Administrator determines that any allocation or apportionment of a target species has been or will be reached. If the Regional Administrator establishes a DFA, and that allowance is or will be reached before the end of the fishing year, NMFS will prohibit directed fishing for that species or species group in the specified subarea, regulatory area, or district (see § 679.20(d)(1)(iii)). Similarly, pursuant to §§ 679.21(b)(4) and (e)(7), if the Regional Administrator determines that a fishery category's bycatch allowance of halibut, red king crab, *C. bairdi* crab, or *C. opilio* crab for a specified area has been reached, the Regional Administrator will prohibit directed fishing for each species or species group in that fishery category in the area specified by regulation for the remainder of the season or fishing year.

Based on historic catch patterns and anticipated fishing activity, the Regional Administrator has determined that the groundfish allocation amounts in Table 19 will be necessary as incidental catch to support other anticipated groundfish fisheries for the 2021 and 2022 fishing years. Consequently, in accordance with § 679.20(d)(1)(i), the Regional Administrator establishes the DFA for the species and species groups in Table 19 as zero mt. Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for these sectors and species or species groups in the specified areas effective at 1,200 hours, A.l.t., February 25, 2021, through 2,400 hours, A.l.t., December 31, 2022. Also, for the BSAI trawl limited access sector, bycatch allowances of halibut, red king crab, *C. bairdi* crab, and *C. opilio* crab listed in Table 19 are insufficient to support directed fisheries. Therefore, in accordance with §§ 679.21(b)(4)(i) and (e)(7), NMFS is prohibiting directed fishing for these sectors, species, and fishery categories in the specified areas effective at 1200 hours, A.l.t., February 25, 2021, through 2,400 hours, A.l.t., December 31, 2022.

TABLE 19—2021 AND 2022 DIRECTED FISHING CLOSURES [1]

[Groundfish and halibut amounts are in metric tons. Crab amounts are in number of animals.]

Area	Sector	Species	2021 Incidental catch allowance	2022 Incidental catch allowance
Bogoslof District	All	Pollock	250	100
Aleutian Islands subarea	All	ICA pollock	2,500	2,500
		"Other rockfish" [2]	394	394
Aleutian Islands subarea	Trawl non-CDQ	Sablefish	1,002	1,075
Eastern Aleutian District/Bering Sea.	Non-amendment 80, CDQ, and BSAI trawl limited access.	ICA Atka mackerel	800	800
Eastern Aleutian District/Bering Sea.	All	Blackspotted/Rougheye rockfish	266	128
Eastern Aleutian District	Non-amendment 80, CDQ, and BSAI trawl limited access.	ICA Pacific ocean perch	100	100
Central Aleutian District	Non-amendment 80, CDQ, and BSAI trawl limited access.	ICA Atka mackerel	75	75
		ICA Pacific ocean perch	60	60
Western Aleutian District	Non-amendment 80, CDQ and BSAI trawl limited access.	ICA Atka mackerel	20	20
		ICA Pacific ocean perch	10	10
Western and Central Aleutian Districts.	All	Blackspotted/Rougheye rockfish	144	150
Bering Sea subarea	Trawl non-CDQ	Sablefish	1,443	2,067
Bering Sea subarea	All	Pacific ocean perch	9,165	8,753
		"Other rockfish" [2]	444	255
		ICA pollock	49,500	50,400
		Shortraker rockfish	425	191
		Skates	15,300	13,600
		Sharks	170	170
		Octopuses	595	595
	Hook-and-line and pot gear	ICA Pacific cod	400	400
	Non-amendment 80 and CDQ	ICA flathead sole	3,000	3,000
		ICA rock sole	6,000	6,000

TABLE 19—2021 AND 2022 DIRECTED FISHING CLOSURES [1]—Continued

[Groundfish and halibut amounts are in metric tons. Crab amounts are in number of animals.]

Area	Sector	Species	2021 Incidental catch allowance	2022 Incidental catch allowance
	Non-amendment 80, CDQ, and BSAI trawl limited access.	ICA yellowfin sole	4,000	4,000
		Rock sole/flathead sole/other flatfish—halibut mortality, red king crab Zone 1, *C. opilio* COBLZ, *C. bairdi* Zone 1 and 2.	.....	.....
	BSAI trawl limited access	Turbot/arrowtooth/Kamchatka/sablefish—halibut mortality, red king crab Zone 1, *C. opilio* COBLZ, *C. bairdi* Zone 1 and 2.		
		Rockfish—red king crab Zone 1	.....	.....

[1] Maximum retainable amounts may be found in Table 11 to 50 CFR part 679.
[2] ''Other rockfish'' includes all *Sebastes* and *Sebastolobus* species except for dark rockfish, Pacific ocean perch, northern rockfish, blackspotted/rougheye rockfish, and shortraker rockfish.

Closures implemented under the final 2020 and 2021 BSAI harvest specifications for groundfish (85 FR 13553, March 9, 2020) remain effective under authority of these final 2021 and 2022 harvest specifications and until the date specified in those notices. Closures are posted at the following website under the Alaska filter for Management Area: *https://www.fisheries.noaa.gov/rules-and-announcements/bulletins*. While these closures are in effect, the maximum retainable amounts at §§ 679.20(e) and (f) apply at any time during a fishing trip. These closures to directed fishing are in addition to closures and prohibitions found at 50 CFR part 679.

Listed AFA Catcher/Processor Sideboard Limits

Pursuant to § 679.64(a), the Regional Administrator is responsible for restricting the ability of listed AFA CPs to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA fishery and from fishery cooperatives in the directed pollock fishery. These restrictions are set out as sideboard limits on catch. On February 8, 2019, NMFS published a final rule (84 FR 2723) that implemented regulations to prohibit non-exempt AFA CPs from directed fishing for groundfish species or species groups subject to sideboard limits (see § 679.20(d)(1)(iv)(D) and Table 54 to 50 CFR part 679). Section 679.64(a)(1)(v) exempts AFA CPs from a yellowfin sole sideboard limit because the final 2021 and 2022 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt.

Section 679.64(a)(2) and Tables 40 and 41 to 50 CFR part 679 establish a formula for calculating PSC sideboard limits for halibut and crab caught by listed AFA CPs. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007). PSC species listed in Table 20 that are caught by listed AFA CPs participating in any groundfish fishery other than pollock will accrue against the final 2021 and 2022 PSC sideboard limits for the listed AFA CPs. Sections 679.21(b)(4)(iii), (e)(3)(v), and (e)(7) authorize NMFS to close directed fishing for groundfish other than pollock for listed AFA CPs once a final 2021 or 2022 PSC sideboard limit listed in Table 20 is reached. Pursuant to §§ 679.21(b)(1)(ii)(C) and (e)(3)(ii)(C), halibut or crab PSC by listed AFA CPs while fishing for pollock will accrue against the PSC allowances annually specified for the pollock/Atka mackerel/''other species'' fishery categories, according to §§ 679.21(b)(1)(ii)(B) and (e)(3)(iv).

TABLE 20—FINAL 2021 AND 2022 BSAI AFA LISTED CATCHER/PROCESSOR PROHIBITED SPECIES SIDEBOARD LIMITS

PSC species and area [1]	Ratio of PSC catch to total PSC	2021 and 2022 PSC available to trawl vessels after subtraction of PSQ [2]	2021 and 2022 AFA catcher/processor sideboard limit [2]
Halibut mortality BSAI	n/a	n/a	286
Red king crab Zone 1	0.0070	86,621	606
C. opilio (COBLZ)	0.1530	6,422,313	982,614
C. bairdi Zone 1	0.1400	875,140	122,520
C. bairdi Zone 2	0.0500	2,652,210	132,611

[1] Refer to § 679.2 for definitions of areas.
[2] Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.

AFA Catcher Vessel Sideboard Limits

Pursuant to § 679.64(b), the Regional Administrator is responsible for restricting the ability of AFA CVs to engage in directed fishing for groundfish species other than pollock to protect participants in other groundfish fisheries from adverse effects resulting from the AFA fishery and from fishery cooperatives in the pollock directed fishery. On February 8, 2019, NMFS

published a final rule (84 FR 2723) that implemented regulations to prohibit non-exempt AFA C/Vs from directed fishing for a majority of the groundfish species or species groups subject to sideboard limits (see § 679.20(d)(1)(iv)(D) and Table 55 to 50 CFR part 679). Section 679.64(b)(6) exempts AFA CVs from a yellowfin sole sideboard limit because the 2021 and 2022 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt. The remainder of the sideboard limits for non-exempt AFA C/Vs are in Table 21.

Section 679.64(b)(3) and (b)(4) establish formulas for setting AFA CV groundfish and halibut and crab PSC sideboard limits for the BSAI. The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of the AFA (67 FR 79692, December 30, 2002) and Amendment 80 (72 FR 52668, September 14, 2007). Table 21 lists the final 2021 and 2022 AFA CV groundfish sideboard limits.

TABLE 21—FINAL 2021 AND 2022 BSAI PACIFIC COD SIDEBOARD LIMITS FOR AMERICAN FISHERIES ACT CATCHER VESSELS (CVS)

[Amounts are in metric tons]

Fishery by area/gear/season	Ratio of 1995–1997 AFA CV catch to 1995–1997 TAC	2021 initial TAC	2021 AFA catcher vessel sideboard limits	2022 initial TAC	2022 AFA catcher vessel sideboard limits
BSAI	n/a	n/a	n/a	n/a	n/a
Trawl gear CV	n/a	n/a	n/a	n/a	n/a
Jan 20–Apr 1	0.8609	18,281	15,738	15,896	13,685
Apr 1–Jun 10	0.8609	2,717	2,339	2,363	2,034
Jun 10–Nov 1	0.8609	3,706	3,190	3,222	2,774

Note: Section 679.64(b)(6) exempts AFA catcher vessels from a yellowfin sole sideboard limit because the 2021 and 2022 aggregate ITAC of yellowfin sole assigned to the Amendment 80 sector and BSAI trawl limited access sector is greater than 125,000 mt.

Halibut and crab PSC limits listed in Table 22 that are caught by AFA CVs participating in any groundfish fishery other than pollock will accrue against the 2021 and 2022 PSC sideboard limits for the AFA CVs. Sections 679.21(b)(4)(iii), (e)(3)(v), and (e)(7) authorize NMFS to close directed fishing for groundfish other than pollock for AFA CVs once a final 2021 and 2022 PSC sideboard limit listed in Table 22 is reached. Pursuant to §§ 679.21(b)(1)(ii)(C) and (e)(3)(ii)(C), halibut or crab PSC by AFA CVs while fishing for pollock in the BS will accrue against the PSC allowances annually specified for the pollock/Atka mackerel/''other species'' fishery categories under §§ 679.21(b)(1)(ii)(B) and (e)(3)(iv).

TABLE 22—FINAL 2021 AND 2022 AMERICAN FISHERIES ACT CATCHER VESSEL PROHIBITED SPECIES CATCH SIDEBOARD LIMITS FOR THE BSAI [1]

PSC species and area [1]	Target fishery category [2]	AFA catcher vessel PSC sideboard limit ratio	2021 and 2022 PSC limit after subtraction of PSQ reserves [3]	2021 and 2022 AFA catcher vessel PSC sideboard limit [3]
Halibut	Pacific cod trawl	n/a	n/a	887
	Pacific cod hook-and-line or pot	n/a	n/a	2
	Yellowfin sole total	n/a	n/a	101
	Rock sole/flathead sole/Alaska plaice/other flatfish [4].	n/a	n/a	228
	Greenland turbot/arrowtooth/Kamchatka/sablefish.	n/a	n/a	
	Rockfish	n/a	n/a	2
	Pollock/Atka mackerel/other species [5]	n/a	n/a	5
Red king crab Zone 1	n/a	0.2990	86,621	25,900
C. opilio COBLZ	n/a	0.1680	6,422,313	1,078,949
C. bairdi Zone 1	n/a	0.3300	875,140	288,796
C. bairdi Zone 2	n/a	0.1860	2,652,210	493,311

[1] Refer to § 679.2 for definitions of areas.
[2] Target trawl fishery categories are defined at §§ 679.21(b)(1)(ii)(B) and (e)(3)(iv).
[3] Halibut amounts are in metric tons of halibut mortality. Crab amounts are in numbers of animals.
[4] Other flatfish for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.
[5] ''Other species'' for PSC monitoring includes skates, sharks, and octopuses.

Response to Comments

NMFS received no comments during the public comment period for the proposed BSAI groundfish harvest specifications.

Classification

NMFS has determined that the final harvest specifications are consistent

with the FMP and with the Magnuson-Stevens Act and other applicable laws.

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Order 12866.

NMFS prepared an EIS for the Alaska groundfish harvest specifications and alternative harvest strategies (see **ADDRESSES**) and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the Record of Decision (ROD) for the Final EIS. In January 2021, NMFS prepared a Supplementary Information Report (SIR) for this action to provide a subsequent assessment of the action and to address the need to prepare a Supplemental EIS (SEIS) (40 CFR 1501.11(b); § 1502.9(d)(1)). Copies of the Final EIS, ROD, and annual SIRs for this action are available from NMFS (see **ADDRESSES**). The Final EIS analyzes the environmental, social, and economic consequences of the groundfish harvest specifications and alternative harvest strategies on resources in the action area. Based on the analysis in the Final EIS, NMFS concluded that the preferred alternative (Alternative 2) provides the best balance among relevant environmental, social, and economic considerations and allows for continued management of the groundfish fisheries based on the most recent, best scientific information. The preferred alternative is a harvest strategy in which TACs are set at a level within the range of ABCs recommended by the Council's SSC; the sum of the TACs must achieve the OY specified in the FMP. While the specific numbers that the harvest strategy produces may vary from year to year, the methodology used for the preferred harvest strategy remains constant.

The annual SIR evaluates the need to prepare a SEIS for the 2021 and 2022 groundfish harvest specifications. An SEIS should be prepared if (1) the agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (2) significant new circumstances or information exist relevant to environmental concerns and bearing on the proposed action or its impacts (40 CFR 1502.9(d)(1)). After reviewing the information contained in the SIR and SAFE reports, the Regional Administrator has determined that (1) approval of the 2021 and 2022 harvest specifications, which were set according to the preferred harvest strategy in the Final EIS, does not constitute a substantial change in the action; and (2) there are no significant new circumstances or information relevant to environmental concerns and bearing on the action or its impacts. Additionally, the 2021 and 2022 harvest specifications will result in environmental, social, and economic impacts within the scope of those analyzed and disclosed in the Final EIS. Therefore, an SEIS is not necessary to implement the 2021 and 2022 harvest specifications.

A final regulatory flexibility analysis (FRFA) was prepared. Section 604 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 604) requires that, when an agency promulgates a final rule under 5 U.S.C. 553, after being required by that section, or any other law, to publish a general notice of proposed rulemaking, the agency shall prepare a FRFA. The following constitutes the FRFA prepared in the final action.

Section 604 of the RFA describes the required contents of a final regulatory flexibility analysis: (1) A statement of the need for, and objectives of, the rule; (2) a statement of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a statement of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; (3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments; (4) a description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available; (5) a description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and (6) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency that affect the impact on small entities was rejected.

A description of this action, its purpose, and its legal basis are included at the beginning of the preamble to this final rule and are not repeated here.

NMFS published the proposed rule on December 3, 2020 (85 FR 78096). NMFS prepared an Initial Regulatory Flexibility Analysis (IRFA) to accompany the proposed action, and included the IRFA in the proposed rule. The comment period closed on January 4, 2021. No comments were received on the IRFA or on the economic impacts of the rule more generally. The Chief Counsel for Advocacy of the Small Business Administration did not file any comments on the proposed rule.

The entities directly regulated by this action are those that harvest groundfish in the exclusive economic zone of the BSAI and in parallel fisheries within State waters. These include entities operating catcher vessels and catcher/processors within the action area and entities receiving direct allocations of groundfish.

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual gross receipts not in excess of $11 million for all its affiliated operations worldwide.

Using the most recent data available (2019), the estimated number of directly regulated small entities include approximately 605 catcher vessels, 56 catcher/processors, and six CDQ groups. Some of these vessels are members of AFA inshore pollock cooperatives, Gulf of Alaska rockfish cooperatives, or BSAI Crab Rationalization Program cooperatives, and, since under the RFA the aggregate gross receipts of all participating members of the cooperative must meet the ''under $11 million'' threshold, the cooperatives are considered to be large entities within the meaning of the RFA. Thus, the estimate of 605 catcher vessels may be an overstatement of the number of small entities. Average gross revenues in 2019 were $500,000 for small hook-and-line vessels, $1.4 million for small pot vessels, $2.9 million for small trawl vessels, $7.0 million for hook-and-line CPs, and $3.5 million for pot gear CPs.

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

This action implements the final 2021 and 2022 harvest specifications, apportionments, and prohibited species catch limits for the groundfish fishery of the BSAI. This action is necessary to establish harvest limits for groundfish during the 2021 and 2022 fishing years and is taken in accordance with the FMP prepared by the Council pursuant to the Magnuson-Stevens Act. The establishment of the final harvest

specifications is governed by the Council's harvest strategy that governs the catch of groundfish in the BSAI. The harvest strategy was previously selected from among five alternatives. Under this preferred alternative harvest strategy, TACs are set within the range of ABCs recommended by the SSC; the sum of the TACs must achieve the OY specified in the FMP; and while the specific TAC numbers that the harvest strategy produces may vary from year to year, the methodology used for the preferred harvest strategy remains constant. This final action implements the preferred alternative harvest strategy previously chosen by the Council to set TACs that fall within the range of ABCs recommended through the Council harvest specifications process and as recommended by the Council. This is the method for determining TACs that has been used in the past.

The final 2021 and 2022 TACs associated with preferred harvest strategy are those recommended by the Council in December 2020. OFLs and ABCs for each species or species group were based on recommendations prepared by the Council's Plan Team, and reviewed by the Council's SSC. The Council's TAC recommendations are consistent with the SSC's OFL and ABC recommendations, and the sum of all TACs remains within the OY for the BSAI consistent with § 679.20(a)(1)(i)(A). Because setting all TACs equal to ABCs would cause the sum of TACs to exceed an OY of 2.0 million mt, TACs for some species or species groups are lower than the ABCs recommended by the Plan Team and the SSC.

The final 2021 and 2022 OFLs and ABCs are based on the best available biological information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods to calculate stock biomass. The final 2021 and 2022 TACs are based on the best available biological and socioeconomic information. The final 2021 and 2022 OFLs, ABCs, and TACs are consistent with the biological condition of groundfish stocks as described in the 2020 SAFE report, which is the most recent, completed SAFE report. Accounting for the most recent biological information to set the final OFLs, ABCs, and TACs is consistent with the objectives for this action, as well as National Standard 2 of the Magnuson-Stevens Act (16 U.S.C. 1851(a)(2)) that actions shall be based on the best scientific information available.

Under this action, the ABCs reflect harvest amounts that are less than the specified overfishing levels. The TACs are within the range of ABCs recommended by the SSC and do not exceed the biological limits recommended by the SSC (the ABCs and overfishing levels). For some species and species groups in the BSAI, the Council recommended, and NMFS sets, TACs equal to ABCs, which is intended to maximize harvest opportunities in the BSAI. However, NMFS cannot set TACs for all species in the BSAI equal to their ABCs due to the constraining OY limit of 2.0 million mt. For this reason, some final TACs are less than the final ABCs. These specific reductions were reviewed and adopted by the Council for the final 2021 and 2022 TACs.

Based on the best available scientific data, and in consideration of the Council's objectives for this action, there are no significant alternatives that have the potential to accomplish the stated objectives of the Magnuson-Stevens Act and any other applicable statutes and that have the potential to minimize any significant adverse economic impact of the final rule on small entities. This action is economically beneficial to entities operating in the BSAI, including small entities. The action specifies TACs for commercially-valuable species in the BSAI and allows for the continued prosecution of the fishery, thereby creating the opportunity for fishery revenue. After public process, during which the Council solicited input from stakeholders, the Council concluded that these final harvest specifications would best accomplish the stated objectives articulated in the preamble for this final rule and in applicable statutes, and would minimize to the extent practicable adverse economic impacts on the universe of directly regulated small entities.

Adverse impacts on marine mammals, or endangered or threatened species, resulting from fishing activities conducted under this rule are discussed in the Final EIS and its accompanying annual SIRs (see **ADDRESSES**).

Pursuant to 5 U.S.C. 553(d)(3), the Assistant Administrator for Fisheries, NOAA, finds good cause to waive the 30-day delay in effectiveness for this rule because delaying this rule is contrary to the public interest. The Plan Team review of the 2020 SAFE report occurred in November 2020, and based on the 2020 SAFE report the Council considered and recommended the final harvest specifications in December 2020. Accordingly, NMFS's review of the final 2021 and 2022 harvest specifications could not begin until after the December 2020 Council meeting, and after the public had time to comment on the proposed action.

For all fisheries not currently closed because the TACs established under the final 2020 and 2021 harvest specifications (85 FR 13553, March 9, 2020) were not reached, it is possible that they would be closed prior to the expiration of a 30-day delayed effectiveness period because their TACs could be reached within that period. If implemented immediately, this rule would allow these fisheries to continue fishing because some of the new TACs implemented by this rule are higher than the TACs under which they are currently fishing.

In addition, immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources based on the best available scientific information. This is particularly pertinent for those species that have lower 2021 ABCs and TACs than those established in the 2020 and 2021 harvest specifications (85 FR 13553, March 9, 2020). If implemented immediately, this rule would ensure that NMFS can properly manage those fisheries for which this rule sets lower 2021 ABCs and TACs, which are based on the most recent biological information on the condition of stocks, rather than managing species under the higher TACs set in the previous year's harvest specifications.

Certain fisheries, such as those for pollock, are intensive, fast-paced fisheries. Other fisheries, such as those for sablefish, flatfish, rockfish, Atka mackerel, skates, sharks, and octopuses, are critical as directed fisheries and as incidental catch in other fisheries. U.S. fishing vessels have demonstrated the capacity to catch the TAC allocations in many of these fisheries. If the effectiveness of this rule were delayed 30 days and if a TAC were reached during those 30 days, NMFS would close directed fishing or prohibit retention for the applicable species. Any delay in allocating the final TACs in these fisheries would cause confusion to the industry and potential economic harm through unnecessary discards, thus undermining the intent of this rule. Waiving the 30-day delay allows NMFS to prevent economic loss to fishermen that could otherwise occur should the 2021 TACs (set under the 2020 and 2021 harvest specifications) be reached. Determining which fisheries may close is nearly impossible because these fisheries are affected by several factors that cannot be predicted in advance, including fishing effort, weather, movement of fishery stocks, and market price. Furthermore, the closure of one

fishery has a cascading effect on other fisheries by freeing-up fishing vessels, allowing them to move from closed fisheries to open ones, increasing the fishing capacity in those open fisheries, and causing them to close at an accelerated pace.

In fisheries subject to declining sideboard limits, a failure to implement the updated sideboard limits before initial season's end could deny the intended economic protection to the non-sideboard limited sectors. Conversely, in fisheries with increasing sideboard limits, economic benefit could be denied to the sideboard-limited sectors.

If the final harvest specifications are not effective by March 6, 2021, which is the start of the 2021 Pacific halibut season as specified by the IPHC, the fixed gear sablefish fishery will not begin concurrently with the Pacific halibut IFQ season. Delayed effectiveness of this action would result in confusion for sablefish harvesters and economic harm from unnecessary discard of sablefish that are caught along with Pacific halibut, as both fixed gear sablefish and Pacific halibut are managed under the same IFQ program. Immediate effectiveness of the final 2021 and 2022 harvest specifications will allow the sablefish IFQ fishery to begin concurrently with the Pacific halibut IFQ season.

Finally, immediate effectiveness also would provide the fishing industry the earliest possible opportunity to plan and conduct its fishing operations with respect to new information about TAC limits. Therefore, NMFS finds good cause to waive the 30-day delay in the date of effectiveness under 5 U.S.C. 553(d)(3).

Small Entity Compliance Guide

This final rule is a plain language guide to assist small entities in complying with this final rule as required by the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule's primary purpose is to announce the final 2021 and 2022 harvest specifications and prohibited species bycatch allowances for the groundfish fisheries of the BSAI. This action is necessary to establish harvest limits and associated management measures for groundfish during the 2021 and 2022 fishing years and is taken in accordance with the FMP prepared by the Council pursuant to the Magnuson-Stevens Act. This action directly affects all fishermen who participate in the BSAI fisheries. The specific amounts of OFL, ABC, TAC, and PSC amounts are provided in tables to assist the reader. NMFS will announce closures of directed fishing in the **Federal Register** and information bulletins released by the Alaska Region. Affected fishermen should keep themselves informed of such closures.

Authority: 16 U.S.C. 773 *et seq.;* 16 U.S.C. 1540(f); 16 U.S.C. 1801 *et seq.;* 16 U.S.C. 3631 *et seq.;* Pub. L. 105–277; Pub. L. 106–31; Pub. L. 106–554; Pub. L. 108–199; Pub. L. 108–447; Pub. L. 109–241; Pub. L. 109–479.

Dated: February 17, 2021.

Samuel D. Rauch, III

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2021–03564 Filed 2–24–21; 8:45 am]

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Proposed Rules

Federal Register
Vol. 86, No. 36
Thursday, February 25, 2021

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0032; Project Identifier AD–2020–01314–P]

RIN 2120–AA64

Airworthiness Directives; Hamilton Sundstrand Corporation Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2020–12–07, which applies to certain Hamilton Sundstrand Corporation (Hamilton Sundstrand) 54H model propellers. AD 2020–12–07 requires initial and repetitive eddy current inspections (ECI) of certain propeller blades and replacement of the propeller blades that fail the inspection. Since the FAA issued AD 2020–12–07, the manufacturer determined that all propeller blades installed on Hamilton Sundstrand 54H model propellers with a 54H60 model propeller hub are susceptible to intergranular corrosion cracking in the blade taper bore. This proposed AD would require initial and repetitive ECI of all propeller blades installed on Hamilton Sundstrand 54H60 propeller hubs and replacement of any propeller blade that fails inspection. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 12, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Hamilton Sundstrand, 1 Hamilton Road, Windsor Locks, CT 06096–1010; phone: (877) 808–7575; email: *CRC@collins.com.* You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0032; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Michael Schwetz, Aviation Safety Engineer, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7761; fax: (781) 238–7199; email: *michael.schwetz@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0032; Project Identifier AD–2020–01314–P'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Michael Schwetz, Aviation Safety Engineer, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2020–12–07, Amendment 39–21142 (85 FR 36145, June 15, 2020) (AD 2020–12–07) for certain Hamilton Sundstrand 54H model propellers. Note that AD 2020–12–07 and the Hamilton Sundstrand service information reference 54H60 model propellers whereas this AD references 54H model propellers. Hamilton Sundstrand 54H60 model propellers are 54H model propellers with a 54H60 model propeller hub.

AD 2020–12–07 was prompted by a report of the separation of a 54H60 model propeller blade installed on a United States Marine Corps Reserve (USMCR) KC–130T airplane during a flight in July 2017. The USMCR investigation of this event revealed the Hamilton Sundstrand 54H60 model propeller blade separated due to corrosion pitting and a resultant intergranular radial crack that was not corrected at the last propeller overhaul. From this intergranular crack, a fatigue

crack initiated and grew under service loading until the Hamilton Sundstrand 54H60 model propeller blade could no longer sustain the applied loads and ultimately the blade separated. The separation of the blade resulted in the loss of the airplane and 17 fatalities. The investigation further revealed that 54H60 model propeller blades manufactured before 1971 are susceptible to cracks of the propeller blade in the area of the internal taper bore. The applicability of AD 2020–12–07 was therefore limited to those Hamilton Sundstrand 54H60 model propellers blades with a blade serial number (S/N) below 813320, which are those propeller blades manufactured before 1971. AD 2020–12–07 required initial and repetitive ECI of the affected propeller blades and replacement of any propeller blade that fails inspection. The agency issued AD 2020–12–07 to detect cracking in the propeller blade taper bore.

Actions Since AD 2020–12–07 Was Issued

Since the FAA issued AD 2020–12–07, the manufacturer determined that all propeller blades installed on Hamilton Sundstrand 54H model propellers with a 54H60 model propeller hub are susceptible to intergranular corrosion cracking in the blade taper bore. As a result, the manufacturer published Hamilton Sundstrand Alert Service Bulletin (ASB) 54H60–61–A154, Revision 1, dated May 29, 2020, to expand the effectivity of the ASB to include all propeller blades installed on a propeller that contains a blade S/N below 813320, and all propeller blades installed on a propeller that has not been overhauled within ten years. Hamilton Sundstrand ASB 54H60–61–A154, Revision 1, dated May 29, 2020, also provides instructions for concurrent compliance with Hamilton Sundstrand ASB 54H60–61–A155, dated May 29, 2020, to ECI an expanded and deeper taper bore area.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Hamilton Sundstrand ASB 54H60–61–A154, Revision 1, dated May 29, 2020. This ASB identifies the affected propeller models and specifies procedures for performing an ECI of the propeller blade taper bore. The FAA also reviewed Hamilton Sundstrand ASB 54H60–61–A155, dated May 29, 2020. This ASB also identifies affected propeller models and specifies procedures for performing an expanded ECI of the propeller blade taper bore. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Proposed AD Requirements in This NPRM

This proposed AD would retain certain requirements of AD 2020–12–07. This proposed AD would require initial and repetitive ECI of all propeller blades installed on Hamilton Sundstrand 54H60 propeller hubs and replacement of any propeller blade that fails inspection.

Interim Action

The FAA considers that this proposed AD would be an interim action. This unsafe condition is still under investigation by the manufacturer and, depending on the results of that investigation, the FAA may consider further rulemaking action.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 212 propellers installed on 53 aircraft of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
ECI all propeller blades installed on propeller	16 work-hours × $85 per hour = $1,360	$700	$2,060	$436,720
Report results of ECI	1 work-hour × $85 per hour = $85	0	85	18,020

The FAA estimates the following costs to do any necessary replacement that would be required based on the results of the proposed inspection. The agency has no way of determining the number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace propeller blade	1 work-hour × $85 per hour = $85	$63,500	$63,585

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, 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:

■ a. Removing Airworthiness Directive 2020–12–07, Amendment 39–21142 (85 FR 36145, June 15, 2020); and

■ b. Adding the following new airworthiness directive:

Hamilton Sundstrand Corporation: Docket No. FAA–2021–0032; Project Identifier AD–2020–01314–P.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 12, 2021.

(b) Affected ADs

This AD replaces AD 2020–12–07, Amendment 39–21142 (85 FR 36145, June 15, 2020).

(c) Applicability

This AD applies to all Hamilton Sundstrand Corporation (Hamilton Sundstrand) 54H model propellers with a propeller hub, model 54H60, installed.

Note to paragraph (c): Hamilton Sundstrand references propeller model 54H60 in Hamilton Sundstrand Alert Service Bulletin (ASB) 54H60–61–A154, Revision 1, dated May 29, 2020. These are model 54H propellers with a 54H60 model propeller hub.

(d) Subject

Joint Aircraft System Component (JASC) Code 6111, Propeller Blade Section.

(e) Unsafe Condition

This AD was prompted by the separation of a propeller blade that resulted in the loss of an airplane and 17 fatalities. The FAA is issuing this AD to detect cracking in the propeller blade taper bore. The unsafe condition, if not addressed, could result in failure of the propeller blade, blade separation, and loss of the airplane.

(f) Compliance

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

(g) Required Actions

(1) For propellers with an installed propeller blade having a blade serial number (S/N) below 813320, that has not been overhauled within the past sixty (60) months, within one year or 500 flight hours (FHs) after July 20, 2020 (the effective date of AD 2020–12–07), whichever occurs first, perform an eddy current inspection (ECI) of all blades installed on the propeller.

(2) For propellers with an installed propeller blade having a blade S/N below 813320, that has been overhauled within the past sixty (60) months, within two years or 1,000 FHs after July 20, 2020 (the effective date of AD 2020–12–07), whichever occurs first, perform an ECI of all blades installed on the propeller.

(3) For propellers with an installed propeller blade, blade S/N 813320 and above, that has not been overhauled within ten years since new or since last overhaul, within one year or 500 FHs after the effective date of this AD, whichever occurs first, perform an ECI of all blades installed on the propeller.

(4) Perform the ECI of the propeller blades required by paragraphs (g)(1) through (3) of this AD in accordance with the Accomplishment Instructions, paragraph 3.C.(5), of both Hamilton Sundstrand ASB 54H60–61–A154, Revision 1, dated May 29, 2020, and of Hamilton Sundstrand ASB 54H60–61–A155, dated May 29, 2020.

(5) For all propellers identified in paragraphs (g)(1) through (3) of this AD, repeat the inspection required by paragraphs (g)(1) through (4) of this AD at intervals not exceeding 3 years or 1,500 FHs, whichever comes first, from the previous inspection.

(6) If a propeller blade fails any inspection required by this AD, based on the criteria in Accomplishment Instructions, paragraph 3.C.(5)(g) of Hamilton Sundstrand ASB 54H60–61–A154, Revision 1, dated May 29, 2020, and paragraph 3.C.(5)(j) of Hamilton Sundstrand ASB 54H60–61–A155, dated May 29, 2020, remove the blade from service before further flight and replace with a blade eligible for installation.

(7) Report the results of the ECI required by paragraphs (g)(1) through (5) of this AD in accordance with the Accomplishment Instructions, paragraph 3.C.(6), of Hamilton Sundstrand ASB 54H60–61–A154, Revision 1, dated May 29, 2020.

(h) Installation Prohibition

(1) After the effective date of this AD, do not install onto any propeller a Hamilton Sundstrand propeller blade identified in paragraphs (g)(1) through (4) of this AD, unless the blade has first passed the initial inspection required by paragraphs (g)(1) through (4) of this AD.

(2) After the effective date of this AD, do not install any propeller assembly with a propeller blade identified in paragraphs (g)(1) through (4) of this AD onto any aircraft unless the propeller blades have passed the initial inspection required by paragraphs (g)(1) through (4) of this AD.

(i) Credit for Previous Actions

You may take credit for the initial ECI of a propeller blade required by paragraphs (g)(1) and (2) of this AD and the replacement of a propeller blade required by paragraph (g)(6) of this AD if the actions were completed before the effective date of this AD using Hamilton Sundstrand ASB 54H60–61–A154, dated August 26, 2019.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston 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 Related Information.

(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.

(k) Related Information

(1) For more information about this AD, contact Michael Schwetz, Aviation Safety Engineer, Boston ACO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7761; fax: (781) 238–7199; email: *michael.schwetz@faa.gov*.

(2) For service information identified in this AD, contact Hamilton Sundstrand, 1 Hamilton Road, Windsor Locks, CT 06096–1010; phone: (877) 808–7575; email: *CRC@collins.com*. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238–7759.

Issued on February 8, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03607 Filed 2–24–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–21679; Directorate Identifier 2004–SW–33–AD]

RIN 2120–AA64

Airworthiness Directives; Robinson Helicopter Company Model R22 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA is withdrawing a notice of proposed rulemaking (NPRM) that proposed to adopt a new airworthiness directive (AD) that would have applied to Robinson Helicopter Company (RHC) Model R22 series helicopters. The NPRM was prompted by an in-flight break up of a helicopter on which both teeter stop brackets (brackets) failed. The NPRM would have required replacing each main rotor blade (blade) droop and teeter stop (stop) and bracket and associated hardware with redesigned and improved airworthy parts. Since issuance of the NPRM, the FAA has determined that failure of the brackets was caused by turbulence and other factors that are addressed in AD 95–26–04. Accordingly, the NPRM is withdrawn.

DATES: The FAA is withdrawing the proposed rule published June 28, 2005 (70 FR 37059), as of February 25, 2021.

ADDRESSES:

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2005–21679; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD action, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: James Guo, Aviation Safety Engineer, Los Angeles ACO Branch, FAA, 3960 Paramount Blvd., Lakewood, California 90712; telephone 562–627–5357; email *james.guo@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA has issued an NPRM that proposed to amend 14 CFR part 39 by adding an AD that would apply to the specified products. The NPRM was published in the **Federal Register** on June 28, 2005 (70 FR 37059). The NPRM was prompted by an accident that involved an in-flight breakup of a helicopter that had old part-numbered stops and brackets installed. While the probable cause of the in-flight breakup had not been determined, the FAA believed failure of the stops or brackets may have been a contributing factor. Accordingly, the NPRM proposed to require replacing the stops and brackets with redesigned, airworthy parts. The proposed actions were intended to prevent failure of the stops and brackets, blade contact with the airframe, and subsequent loss of control of the helicopter.

Actions Since the NPRM Was Issued

Since issuance of the NPRM, the FAA has determined that the unsafe condition was caused by different factors than those stated in the NPRM. Previously, RHC had introduced service information to replace the stops and brackets that were the subject of the NPRM with redesigned parts. The redesign introduced a material change from aluminum to stainless steel. However, the redesigned parts were mistakenly evaluated as a change that would address the unsafe condition. It has since been determined that the strength increase in the redesign is insignificant and would not have improved the outcome of the accident. It has also been determined that the accident was caused by mast bumping, which is addressed in AD 95–26–04 (60 FR 66487, December 22, 1995) (AD 95–26–04). Therefore, the FAA has determined that AD action is not required and the NPRM is withdrawn.

Withdrawal of the NPRM constitutes only such action and does not preclude the FAA from further rulemaking on this issue, nor does it commit the FAA to any course of action in the future.

Comments

The FAA gave the public the opportunity to comment on the NPRM. The following presents the comments received on the NPRM and the FAA's response to each comment.

Requests

One commenter stated that the stops and droops could not have contributed to the accident as contact with those items occurs only when operating a Model R22 helicopter outside of its certificated flight envelope, accordingly making it an operational issue. The commenter requested the FAA table the proposed AD until the accident investigation is complete.

The FAA acknowledges the commenter's request. The FAA further determined that the unsafe condition was caused by mast bumping, which is addressed in AD 95–26–04. Because the FAA is withdrawing the NPRM and has issued AD 95–26–04, the commenter's request is no longer necessary.

A second commenter requested that the proposed action be modified by inclusion of the following or similar statement: ''The requirement to install certain part-numbered specific parts shall be interpreted broadly to include any replacements parts approved under FAR 21.303 for the original equipment parts cited in this action. Nothing in this action prevents or precludes the installation of such alternatively approved parts.''

The FAA acknowledges the commenter's request. However, because the FAA is withdrawing the NPRM, the commenter's request is no longer necessary.

FAA's Conclusions

Upon further consideration of the available information, the FAA has determined that the NPRM is unnecessary. Accordingly, the NPRM is withdrawn.

Regulatory Findings

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule. This action therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT

Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Withdrawal

■ Accordingly, the notice of proposed rulemaking, Docket No. FAA–2005–21679, Directorate Identifier 2004–SW–33–AD, which was published in the **Federal Register** on June 28, 2005 (70 FR 37059), is withdrawn.

Issued on February 4, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–03655 Filed 2–24–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0751; Directorate Identifier 2012–SW–051–AD]

RIN 2120–AA64

Airworthiness Directives; AgustaWestland S.p.A. (Type Certificate Formerly Held by Agusta S.p.A) (Agusta) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA is withdrawing a notice of proposed rulemaking (NPRM) that proposed to supersede Airworthiness Directive (AD) 2011–18–52, which applies to certain Agusta Model AB139 and AW139 helicopters. AD 2011–18–52 requires establishing a revised life limit for each tail rotor blade (blade), updating the existing historical records for your helicopter, repetitively inspecting each blade for a crack, and replacing certain blades. The NPRM was prompted by the manufacturer developing an improved blade using different materials and establishing life limits for those newly-designed blades. The NPRM proposed to require expanding the applicability to include the newly-designed blades and establish their life limits, and proposed to retain the requirement to inspect each blade for a crack and, if there is a crack, replace each blade with an airworthy blade. Since issuance of the NPRM, the FAA has determined that the NPRM does not adequately address the identified unsafe condition. Accordingly, the NPRM is withdrawn.

DATES: The FAA is withdrawing the proposed rule published September 5, 2013 (78 FR 54596), as of February 25, 2021.

ADDRESSES:

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2013–0751; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD action, the European Aviation Safety Agency (now European Union Aviation Safety Agency (EASA) AD, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Matt Fuller, AD Program Manager, Operational Safety Branch, Airworthiness Products Section, General Aviation & Rotorcraft Unit, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *matthew.fuller@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued an NPRM to amend 14 CFR part 39 to supersede AD 2011–18–52, Amendment 39–17020 (77 FR 23109, April 18, 2012) (AD 2011–18–52). AD 2011–18–52 applies to Agusta Model AB139 and AW139 helicopters with a blade part number (P/N) 3G6410A00131 or P/N 4G6410A00131 installed. AD 2011–18–52 requires establishing a revised life limit for each blade, updating the existing historical records for your helicopter, repetitively inspecting each blade for a crack, and replacing certain blades. The NPRM published in the **Federal Register** on September 5, 2013 (78 FR 54596). The NPRM was prompted by the manufacturer first developing two new blades with an improved design and specified life limits and repetitive inspections for the blades. Also, EASA issued AD No. 2012–0030, dated February 17, 2012, which superseded EASA EAD No. 2011–0156–E, dated August 25, 2011, to add the new blades to the required actions. The manufacturer then developed two new blades with improved materials and specified new life limits and inspections for the blades. EASA then issued EASA AD No. 2012–0076, dated May 2, 2012, revised by EASA AD No. 2012–0076R1, dated July 13, 2012 (EASA AD No. 2012–0076R1), to require the repetitive inspections and reduced life limits on the additional new blades.

Actions Since the NPRM Was Issued

After issuance of the NPRM, EASA issued EASA AD No. 2012–0076R2, dated February 20, 2014, which revises EASA AD No. 2012–0076R1, to remove the repetitive 25 flight-hour inspections for blades P/N 3G6410A00132, P/N 4G6410A00132, P/N 3G6410A00133, and P/N 4G6410A00133 and extend the life limits for T/R blades P/N 3G6410A00133 and P/N 4G6410A00133. Additionally, EASA advised that the life limits for T/R blades P/N 3G6410A00132 and P/N 4G6410A00132 have been incorporated in the Chapter 4 airworthiness limitations section of the maintenance manual. Further, since the FAA issued the NPRM, a significant amount of time has elapsed, which would require the FAA to reopen the comment period to allow the public an opportunity to comment on the proposed actions. Accordingly, the FAA has determined the NPRM does not adequately address the identified unsafe condition and has determined to withdraw the published NPRM and proceed with a separate rulemaking to address this unsafe condition.

Withdrawal of the NPRM constitutes only such action and does not preclude the FAA from further rulemaking on this issue, nor does it commit the FAA to any course of action in the future.

Comments

The FAA gave the public the opportunity to comment on the NPRM. The FAA received comments from one commenter.

One commenter requested the FAA adjust the life limit for certain part-numbered blades to be more consistent with aviation standard practices and gave the examples of ''3 years since initial installation'' and ''5 years since manufacture.'' Since the FAA is withdrawing the NPRM, the commenter's request to adjust the compliance time is no longer necessary.

FAA's Conclusions

Upon further consideration, the FAA has determined that the NPRM does not adequately address the identified unsafe condition and the unsafe condition will be addressed in a separate AD. Accordingly, the NPRM is withdrawn.

Regulatory Findings

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule. This action therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Withdrawal

■ Accordingly, the notice of proposed rulemaking, Docket No. FAA–2013–0751, which was published in the **Federal Register** on September 5, 2013 (78 FR 54596), is withdrawn.

Issued on January 21, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–03661 Filed 2–24–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1300 and 1301

[Docket No. DEA–437]

RIN 1117–AB47

Suspicious Orders of Controlled Substances

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Request for comment; reopening of comment period.

SUMMARY: On November 2, 2020, the Drug Enforcement Administration published in the **Federal Register** a notice of proposed rulemaking (NPRM) soliciting comments on the proposed revisions relating to the suspicious orders of controlled substances. The NPRM provided for a comment period ending on January 4, 2021, and the opportunity to comment ended accordingly. DEA has determined that a reopening of the comment period from February 25, 2021 until March 29, 2021 is appropriate as registrants who would be primarily affected by this rule are uniquely preoccupied with mitigating the global pandemic caused by COVID–19. Accordingly, this reopening will permit additional time to prepare and submit comments.

DATES: The comment period for the proposed revisions to the Notice of Proposed Rulemaking published on November 2, 2020 (85 FR 69282), is reopened from February 25, 2021, until March 29, 2021.

ADDRESSES: You may submit comments by any of the methods identified in the proposed rule.

FOR FURTHER INFORMATION CONTACT: Scott A. Brinks, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, VA 22152, Telephone: (571) 362–3261.

SUPPLEMENTARY INFORMATION: On November 2, 2020, the Drug Enforcement Administration (DEA) published a notice of proposed rulemaking in the **Federal Register** proposing to revise its regulations relating to suspicious orders of controlled substances. Upon receipt of an order received under suspicious circumstances, registrants authorized to distribute controlled substances would select one of two options to resolve the issue. Additionally, these registrants would be required to submit all suspicious order reports to a DEA centralized database, and keep records pertaining to suspicious orders and Orders Received Under Suspicious Circumstances (ORUSC).

DEA received requests from some of the commenters requesting an extension of the comment period due to the COVID–19 global pandemic. One such commenter stated, among other things, that the ability of its members to analyze and respond to this proposed rulemaking is adversely affected by the large and imminent demand for COVID–19 vaccines. DEA understands that the distribution of the COVID–19 vaccine is vital to the continued efforts to combat this global pandemic. Accordingly, DEA has decided to reopen the comment period for an additional 30 days, and is reopening the comment period for the proposed rulemaking from February 25, 2021, until March 29, 2021.

D. Christopher Evans,

Acting Administrator.

[FR Doc. 2021–03361 Filed 2–24–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2021–0012]

RIN 1625–AA09

Drawbridge Operation Regulation; Savannah River, Savannah, GA

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating schedule that governs the Houlihan Bridge (US 17), across the Savannah River, mile 21.6, at Savannah, Georgia and the Seaboard System Railroad Bridge, across the Savannah River, mile 27.4, near Hardeeville, South Carolina. This proposed rule would increase the advance notification time for an opening at the bridges. The proposed rule would also update the name and geographic location of the bridges.

DATES: Comments and relate material must reach the Coast Guard on or before April 12, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2021–0012 using Federal e-Rulemaking Portal at *https://www.regulations.gov.*

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email LT Alexander McConnell, with Coast Guard Marine Safety Unit Savannah; telephone 912–652–4353, x240, email *Alexander.W.McConnell@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of proposed rulemaking (advance, supplemental)
§ Section
U.S.C. United States Code
GDOT Georgia Department of Transportation
SR State Route
MHW Mean High Water

II. Background, Purpose and Legal Basis

Georgia Department of Transportation (GDOT) requested the Coast Guard consider changing the advance

notification requirement for an opening from three hours to 24 hours at the Houlihan Bridge. The proposed change is due to a decrease in requested openings and would allow bridge maintenance crews to be on-site for openings to address any unforeseen issues. The Seaboard System Railroad Bridge, located approximately six miles upstream, will be changed to a 24 hour advance notice for an opening as it currently operates the same as the Houlihan Bridge. The Seaboard System Railroad Bridge owner, CSX Transportation, is in support of the proposed change. Additionally, the name and geographic location of the bridges will be updated.

The Houlihan Bridge (US 17) Bridge across the Savannah River, mile 21.6, at Savannah, Georgia is a swing bridge with a vertical clearance of seven feet at MHW in the closed to navigation position and a horizontal clearance of 90 feet between the fender system. The operating schedule for the bridge is set forth in 33 CFR 117.371(a).

The Seaboard System Railroad Bridge across the Savannah River, mile 27.4, near Hardeeville, South Carolina is a single-leaf bascule bridge with a vertical clearance of seven feet at MHW in the closed to navigation position and a horizontal clearance of 90 feet between the fender system. The operating schedule for the bridge is set forth in 33 CFR 117.371(b).

III. Discussion of Proposed Rule

The proposed change would allow the bridges to open with a 24 hour advance notice to the bridge owner as designated in the regulation. The proposed change will improve the response time maintenance crews if unforeseen issues occur while operating the Houlihan Bridge and allow the Seaboard System Railroad Bridge to operate the same schedule due to the proximity of the bridges.

This proposed change would still allow vessels that can transit under the bridges, without an opening, to do so at any time while taking into account the reasonable needs of other modes of transportation.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on these statutes and Executive Orders and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB) and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the ability that vessels can still transit the bridge given advanced notice. Vessels that can transit under the bridge without an opening may do so at any time.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the bridge may be small entities, for the reasons stated in section IV.A above this proposed rule would not have a significant economic impact on any vessel owner or operator.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule will not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev.1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has determined

that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under paragraph L49, of Chapter 3, Table 3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Documents mentioned in this NPRM as being available in this docket and all public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.371 by revising paragraphs (a) and (b) to read as follows:

§ 117.371 Savannah River.

(a) The draw of the James P. Houlihan (SR 25) Bridge, mile 21.6 at Port Wentworth, Georgia, shall open if at least a 24 hour advance notice is given. Openings can be arranged by contacting Georgia Department of Transportation Savannah Area Office at 1–912–651–2144.

(b) The draw of the CSX Transportation Railroad Bridge, mile 27.4 near Hardeeville, South Carolina, shall open if at least a 24 hour advance notice is given. Openings can be arranged by contacting CSX Transportation at 1–800–232–0144.

* * * * *

Dated: February 1, 2021.

Eric C. Jones,

Rear Admiral, U. S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 2021–03683 Filed 2–24–21; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2018–0601; FRL–10019–96–Region 9]

Limited Approval, Limited Disapproval of California Air Plan Revision; Yolo-Solano Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing a limited approval and limited disapproval of a revision to the Yolo-Solano Air Quality Management District (YSAQMD) portion of the California State Implementation Plan (SIP). This revision concerns emissions of volatile organic compounds (VOCs) from solvent cleaning and degreasing operations. We are proposing action on a local rule that regulates these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before March 29, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2018–0601 at *http://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 *http://www.epa.gov/dockets/commenting-epa-dockets.* If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Arnold Lazarus, EPA Region IX (415) 972–3024, *lazarus.arnold@epa.gov.*

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

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I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule 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 RULE

Local agency	Rule No.	Rule title	Revised	Submitted
YSAQMD	2.31	Solvent Cleaning and Degreasing	04/12/2017	08/09/2017

On February 9, 2018, the submittal for YSAQMD Rule 2.31 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 rule?

There is a previous version of Rule 2.31 in the SIP, revised on May 8, 2013, submitted to the EPA by CARB on February 10, 2014, and approved into the SIP on April 28, 2015 (80 FR 23449). There have been no other versions submitted since the SIP-approved version.

C. What is the purpose of the submitted rule?

VOCs contribute to the production of ground-level ozone, smog, and particulate matter, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control emissions of VOCs. The purpose of Rule 2.31 is to limit the emissions of VOCs from solvent cleaning operations and solvent degreasing operations, and from the storage and disposal of materials used for such operations. The EPA's technical support document (TSD) has more information about this rule.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rule?

Rules in the SIP must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

Generally, SIP rules must require Reasonably Available Control Technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each major source of VOCs in ozone nonattainment areas classified as Moderate or above (see CAA section 182(b)(2)). The YSAQMD regulates an ozone nonattainment area classified as Severe nonattainment for the 2008 and 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS); [1] and Moderate nonattainment for the 2015 8-hour ozone NAAQS.[2] Therefore, this rule must implement RACT.

Guidance and policy documents that we use to evaluate enforceability, revision/relaxation and rule stringency requirements for the applicable criteria pollutants include the following:

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).
3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).
4. ''Control of Volatile Organic Emissions from Solvent Metal Cleaning,'' EPA–450/2–77–022, November 1977.
5. ''Control Technique Guidelines for Industrial Cleaning Solvents'' EPA–453/R–06–001, September 2006.
6. ''Control of Volatile Organic Compound Emissions from Coating Operations at Aerospace manufacturing and Rework Operations'' EPA–453/R–97–004, December 1997.
7. ''Control Technique Guidelines for Flexible Package Printing'' EPA 453/R–06–003, September 2006.

B. Does the rule meet the evaluation criteria?

Rule 2.31 improves the SIP by establishing one more stringent emission limit and by clarifying monitoring, recording and recordkeeping provisions. The rule is largely consistent with CAA requirements and with relevant guidance regarding enforceability and SIP revisions. The rule provision that does not meet the evaluation criteria is summarized below and discussed further in the TSD.

C. What is the rule deficiency?

The following provision does not satisfy the requirements of section 110 and part D of title I of the Act and prevents full approval of the SIP revision. Section 110.6 exempts from the requirements of Rule 2.31 ''[a]ny solvent degreasing operations that are subject to the NESHAP requirements of 40 CFR part 63 Subpart T- National Emission Standards for Halogenated Solvent Cleaning.'' CAA Section 182(b)(2) (''Reasonably available control technology'') states that ''[t]he State shall submit a revision to the applicable implementation plan to include provisions to require the implementation of reasonably available control technology . . . .'' Historically, some states and districts believed that they could rely on NESHAP requirements to satisfy RACT SIP requirements, especially where a district had been delegated authority to enforce the NESHAP rule. However, delegation of authority to a district or state to enforce a NESHAP rule does not put that rule or its emission limitations into the SIP. Thus, this exemption under section 110.6 of YSAQMD rule 2.31 does not meet CAA section 182(b)(2) because the RACT requirements for sources subject to the NESHAP requirements of 40 CFR Subpart T are not included in the SIP.

D. EPA Recommendations To Further Improve the Rule

None, except to correct the deficiency regarding the NESHAP exemption.

E. Proposed Action and Public Comment

As authorized in sections 110(k)(3) and 301(a) of the Act, the EPA is proposing a limited approval and limited disapproval of the submitted rule. We will accept comments from the public on this proposal until March 29, 2021. If finalized, the action will incorporate the submitted rule into the SIP, including the provision identified

[1] (40 CFR 81.305).

[2] Id.

as deficient. This approval is limited because the EPA is simultaneously proposing a limited disapproval of the rule under section 110(k)(3).

In addition, a final limited disapproval would trigger sanctions under CAA section 179 and 40 CFR 52.31 unless the EPA approves subsequent SIP revisions that correct the rule deficiencies within 18 months of the effective date of the final action.

Note that the submitted rule has been adopted by the YSAQMD, and the EPA's final limited disapproval would not prevent the local agency from enforcing it. The limited disapproval also would not prevent any portion of the rule from being incorporated by reference into the federally enforceable SIP as discussed in a July 9, 1992 EPA memo found at: *https://www.epa.gov/sites/production/files/2015-07/documents/procsip.pdf.*

III. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the YSAQMD rules described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, will result from this action.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not impose additional requirements beyond those imposed by state law.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Population

The EPA lacks the discretionary authority to address environmental justice in this rulemaking.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 9, 2021.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 2021–03197 Filed 2–24–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2021–0014; FRL–10020–56–Region 9]

Air Plan Approval; California; San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD or ''the District'') portion of the California State Implementation Plan (SIP). This revision concerns emissions of oxides of nitrogen (NO_X) and particulate matter (PM) from

indirect sources associated with new development projects as well as NO_X and PM emissions from certain transportation and transit development projects. We are proposing to approve a local rule to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before March 29, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2021–0014 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.* If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: La Kenya Evans, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3245 or by email at *evans.lakenya@epa.gov.*

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

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I. The State's Submittal

A. What rule did the State submit?

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

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Amended	Submitted
SJVUAPCD	9510	Indirect Source Review	12/21/17 (effective March 21, 2018).	05/23/18

On November 23, 2018, the submittal for SJVUAPCD Rule 9510 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 rule?

We approved an earlier version of Rule 9510 into the SIP on May 9, 2011 (76 FR 26609). The SJVUAPCD adopted revisions to the SIP-approved version on December 21, 2017, and the CARB submitted the revised rule to the EPA on May 23, 2018. If we take final action to approve the December 21, 2017 version of Rule 9510, this version will replace the previously approved version of this rule in the SIP.

C. What is the purpose of the submitted rule revision?

Emissions of NO_X contribute to the production of ground-level ozone, smog and PM, which harm human health and the environment. Emissions of PM, including PM equal to or less than 2.5 microns in diameter ($PM_{2.5}$) and PM equal to or less than 10 microns in diameter (PM_{10}), contribute to effects that are harmful to human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. Section 110(a) of the CAA requires states to submit regulations that control NO_X and PM emissions.

Rule 9510 is an indirect source review (ISR) rule that establishes a mechanism to reduce or offset emissions of NO_X and PM_{10} in the San Joaquin Valley from the construction and use of development projects through design features, on-site measures, and off-site measures. The rule requires applicants of new development projects to reduce operational and construction equipment NO_X and PM_{10} emissions by specific percentages, as compared to an unmitigated baseline. The rule requires applicants to incorporate design features and on-site measures into the development project or pay a mitigation fee for emissions in excess of the requirement. SJVUAPCD uses the fees to fund off-site emission reduction projects.

The SIP-approved version of the rule applies to project applicants seeking ''final discretionary approval'' for a development project. However, through implementation of the existing rule, the District has found that projects subject to final discretionary approval can vary between public agencies for the same type of project, especially large development projects. SJVUAPCD modified Rule 9510 to ensure the rule is applied consistently to all large development projects in the San Joaquin Valley by adding additional applicability criteria for large development projects and making clarifying and editorial changes to the rule. ''Grandfathered Large Development Projects'' and previously exempt large development projects that received a building permit, conditional use permit, or other similar approval by March 21, 2018, remain exempt from this rule. The EPA's technical support document (TSD) has more information about this rule.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rule?

Rules in the SIP must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA

requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

The San Joaquin Valley is currently designated and classified as an Extreme 1-hour ozone nonattainment area and an Extreme 8-hour ozone nonattainment area under the 1997, 2008, and 2015 standards (40 CFR 81.305). CAA section 172(c)(1) requires ozone nonattainment areas to implement all reasonably available control measures (RACM), including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology (RACT), as expeditiously as practicable. CAA sections 182(b)(2) and 182(f) specify that implementation of RACT under CAA section 172(c)(1) is required for all major stationary sources of NO_X in the area.

Generally, SIP rules must implement Best Available Control Measures (BACM), including Best Available Control Technology (BACT), in Serious $PM_{2.5}$ nonattainment areas (see CAA section 189(b)(1)(B)). The SJVUAPCD regulates a $PM_{2.5}$ nonattainment area classified as Serious for the $PM_{2.5}$ for the 1997 annual and 24-hour $PM_{2.5}$ standards and the 2006 24-hour $PM_{2.5}$ standards (40 CFR 81.305). A BACM and BACT evaluation is generally performed in context of a broader plan. The area is currently designated attainment for PM_{10}. Accordingly, SJVUAPCD is not required to implement BACM or BACT for PM_{10} and PM_{10} precursors.

Guidance and policy documents that we used to evaluate enforceability, revision/relaxation and rule stringency requirements for the applicable criteria pollutants include the following:

1. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).
2. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).

B. Does the rule meet the evaluation criteria?

In our May 9, 2011 (76 FR 26609) final rule approval of Rule 9510 into the SIP, we identified a number of concerns about the enforceability of the rule's provisions, *e.g.,* provisions that allow project developers to pay a fee instead of implementing on-site pollution mitigation plans, and noted that the State would need to resolve these enforceability issues before relying on this rule for credit in an attainment plan. The District has not addressed these concerns in the submitted rule, and we therefore continue to conclude that the rule does not qualify for emission reduction credit for the purpose of any attainment or progress demonstration in any area.

As described above, the District revised the rule applicability to include large development projects that are not currently subject to the rule and made editorial and clarifying changes. The revisions are generally clear and strengthen the rule. In addition to addressing the enforceability concerns outlined in our prior action, if the District plans to rely on emission reductions from this rule for attainment or progress demonstrations, the District should revise section 3.17 to further clarify which ''Grandfathered Large Development Projects'' are exempt from the rule by quantifying ''substantial loss'' and include other specific criteria that would allow for these provisions to be applied in a consistent and replicable manner.

With respect to rule stringency, we note that Rule 9510 is an ISR rule, and that EPA is prohibited by the CAA from requiring states and local air agencies to include ISR programs in SIPs.[1] Because EPA cannot require a state or local air agency to adopt and implement an ISR program, the EPA cannot require that such a program meet any particular level of stringency. Therefore, we are not evaluating amended Rule 9510 for compliance with the RACM/RACT or BACM/BACT requirements.

We conclude the rule is consistent with the relevant requirements, policy, and guidance regarding SIP relaxations since the rule revisions add further applicability and strengthen the current SIP-approved rule. However, we continue to conclude that the rule is not fully consistent with the relevant requirements, policy, and guidance on enforceability. While Rule 9510 does not meet all the evaluation criteria for enforceability, the EPA proposes to fully approve the submitted rule because it would strengthen the SIP compared to the current SIP-approved rule. In light of the deficiencies identified in our prior action and above, we continue to conclude that the rule should not be credited in any attainment and rate of progress/reasonable further progress demonstrations. The TSD has more information on our evaluation.

[1] CAA section 110(a)(5)(A)(i).

C. The EPA's Recommendations to Further Improve the Rule

The TSD includes recommendations for the next time the local agency modifies the rule.

D. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rule. We will accept comments from the public on this proposal until March 29, 2021. If we take final action to approve the submitted rule, our final action will incorporate this rule into the federally enforceable SIP.

III. Incorporation by Reference

In this rulemaking, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the San Joaquin Valley Unified Air Pollution Control District rule described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through *https://www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

• Does not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 16, 2021.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 2021–03481 Filed 2–24–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R02–OAR–2020–0431, FRL–10016–26–Region 2]

Approval and Promulgation of State Plans for Designated Facilities; New York; Section 111(d) State Plan for MSW Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to New York's section 111(d) state plan (the ''State Plan'') for Municipal Solid Waste (MSW) landfills, pursuant to the Clean Air Act (''CAA'' or the ''Act''). The proposed State Plan revision consists of amendments to New York's ''Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills,'' as well as attendant revisions to ''General Provisions.'' The primary goal of this regulation is to implement and enforce the Emission Guidelines (EG) promulgated by the EPA for MSW landfills on August 29, 2016. The goal of the revised federal EG is to reduce emissions of landfill gas containing Non-methane Organic Compounds (NMOC) and methane by lowering the emissions threshold at which an existing MSW landfill must install and operate a Gas Collection and Control System (GCCS). The emission threshold reduction will address air emissions from all affected MSW landfills, including NMOC and methane. The reduction of emissions will improve air quality and protect the public health from exposure to landfill gas emissions.

DATES: Written comments must be received on or before March 29, 2021.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R02–OAR–2020–0431 at *http://www.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, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Fausto Taveras, Environmental Protection Agency, Region 2, 290 Broadway, New York, New York 10007–1866, at (212) 637–3378, or by email at *Taveras.Fausto@epa.gov.*

SUPPLEMENTARY INFORMATION: The Supplementary Information section is arranged as follows:

I. EPA Action
A. What action is the EPA proposing today?
B. Who is affected by New York's revised State Plan?
II. Background
A. What is a state plan?
B. Why is the EPA requiring New York to submit a revised MSW landfill state plan?
C. What are the requirements for a revised MSW landfill state plan?
D. What revisions did the EPA make to *40 CFR part 60 subpart Cf* on August 29, 2016?
III. New York's State Plan
A. What is contained in the New York's revised State Plan?
B. What approval criteria did we use to evaluate New York's revised State Plan?
IV. Incorporation by Reference
V. What is the EPA's conclusion?
VI. Statutory and Executive Order Reviews

I. EPA Action

A. What action is the EPA proposing today?

The EPA is proposing to approve the State of New York's revised section 111(d) state plan for MSW landfills, for the purpose of incorporating the adoption of Title 6 of the New York Codes, Rules, and Regulations (NYCRR) Part 208. In a letter dated December 11, 2019, the New York State Department of Environmental Conservation (NYSDEC), on behalf of the State of New York, submitted to the EPA a state plan entitled, ''Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills,'' which contains a New York State-approved regulation for the purpose of lowering the emissions threshold within MSW landfills through the installation of Gas Collection and Control Systems (GCCS). The State Plan incorporates by reference the revised EG codified at 40 CFR part 60 subpart Cf, which applies to MSW landfills that have accepted waste at any

time since November 8, 1987, and commenced construction, reconstruction, or modification on or before July 17, 2014.

In accordance with the CAA, New York previously submitted a state plan on October 8, 1998, which was approved by the EPA on July 19, 1999. (*See* 64 FR 38582). New York submitted a revised State Plan dated December 11, 2019 to fulfill the requirements of section 111(d) of the Act. The EPA is proposing to approve New York's State Plan revision since it applies to major sources of NMOC and methane emissions. This proposed approval, once finalized and effective, will render New York's revised MSW rule federally enforceable.

B. Who is affected by New York's revised State Plan?

New York's revised State Plan applies to existing MSW landfills with a design capacity threshold of 2.5 million megagrams (Mg) and 2.5 million cubic meters of waste. Existing MSW landfills are landfills that have accepted waste after November 8, 1987, and began construction, reconstruction, or modification on or prior to July 17, 2014.

II. Background

A. What is a state plan?

Section 111 of the CAA, ''Standards of Performance for New Stationary Sources,'' directs the EPA to establish emission standards for stationary sources of air pollution that could potentially endanger the public health or welfare. These standards are referred to as New Source Performance Standards (NSPS). Section 111(d) addresses the process by which the EPA and states regulate standards of performance for existing sources. When NSPS are promulgated for new sources, section 111(d) and EPA regulations require that the EPA publish an Emission Guideline (EG) to regulate the same pollutants from existing facilities. States in which existing facilities are found must develop a state plan to adopt the requirements of the EG into the state's body of regulations. States must also include in their state plans other requirements, such as inventories, legal authority, reporting and recordkeeping, and public participation documentation, to demonstrate their ability to enforce the state plans. State plan submittal and revisions under CAA section 111(d) must be consistent with the applicable EG, in this case 40 CFR part 60 subpart Cf, and the requirements of 40 CFR part 60 subpart B, and part 62 subpart A. Under CAA section 111(d), states are required to submit state plan revisions within three years after promulgation of the EPA's emission guidelines in order to incorporate the federal provisions, unless otherwise specified within the emission guidelines. The original deadline specified within 40 CFR part 60 subpart Cf for a state plan to be submitted to the EPA was May 30, 2017; as amended on August 26, 2019, the new deadline to submit a state plan became August 29, 2019. *See* 40 CFR 60.30f(b); 84 FR 44547, 44556 (Aug. 26, 2019).

B. Why is the EPA requiring New York to submit a revised MSW landfill state plan?

On March 12, 1996, the EPA promulgated federal Emission Guidelines (EG), codified at 40 CFR part 60 subpart Cc, ''Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills.'' 61 FR 9905 (Mar. 12, 1996). Under this EG, a state plan must include the installation of a gas collection and control system at each MSW landfill that accepted waste after November 8, 1987, has a design capacity greater than or equal to 2.5 million Mg and 2.5 million cubic meters, and that emits NMOC at a rate of 50 Mg per year or more. *See* 40 CFR 60.33c(b). In accordance with section 111 of the CAA, on September 24, 2001, the NYSDEC promulgated 6 NYCRR Part 208, ''Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills,'' in compliance with the EPA's federal EG for MSW landfills 40 CFR part 60 subpart Cc.

Due to the significant changes within the landfill industry, such as increased scientific understanding of landfill gas emissions, and changes in operation practices, as well as increase in landfill size and age, the EPA determined that it was appropriate to update the 1996 EG. As a result, on August 29, 2016, the EPA promulgated a revised EG, codified at 40 CFR part 60 subpart Cf, entitled, ''Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills.'' *See* 81 FR 59275 (Aug. 29, 2016). The revised EG updated the control requirements, monitoring, reporting, and recordkeeping provisions for existing MSW landfill sources. The revised EG is designed to significantly reduce emissions of landfill gas containing NMOC and methane by further reducing the emissions threshold at which a landfill must install and operate a GCCS. In order to continue complying with the Act and the newly adopted EG, on August 5, 2019, New York adopted its revised 6 NYCRR Part 208, ''Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills,'' and amended Part 200, ''General Provisions,'' with an effective date of September 4, 2019. The purpose of the revisions was to incorporate by reference the revised EG for MSW landfills promulgated at 40 CFR part 60 subpart Cf.

On August 26, 2019, the EPA finalized a rule (referred to as the ''Ba Rule'') that amended the revised EG codified at 40 CFR part 60 subpart Cf. *See* 84 FR 44547 (Aug. 26, 2019). In a separate regulatory action, entitled, ''Revisions to Emission Guidelines Implementing Regulations,'' the EPA finalized revisions to the old implementing regulations for EG. *See* 84 FR 32520 (Jul. 8, 2019). Specifically, the new implementing regulations at 40 CFR part 60 subpart Ba amended the timing requirements in 40 CFR 60.23 and 60.27 for the submission of state plans, the EPA's review of state plans, and the issuance of federal plans. *See* 40 CFR 60.23a and 60.27a. Since New York's revised State Plan was submitted after the final Ba rule amendments, the plan was evaluated in accordance with the new implementing regulations. The EPA is proposing to approve New York's State Plan since it is at least as protective as the standards set forth in the EG, as amended on August 29, 2016, and is in accordance with the new Ba implementing regulations.

C. What are the requirements for a revised MSW landfill state plan?

Under the new Ba implementing regulations, a section 111(d) state plan submittal must meet the completeness requirements of 40 CFR part 60 subpart Ba, sections 60.23a and 60.27a(g). Section 60.27a(g) states in relevant part, ''Any plan or plan revision that a State submits to the EPA, and that has not been determined by the EPA by the date 6 months after receipt of the submission to have failed to meet the minimum criteria, shall on that date be deemed by operation of law to meet such minimum criteria.'' *See* 40 CFR 60.27a(g)(1). New York submitted its plan to the EPA on December 11, 2019. Since more than six months have passed since the date of the plan submission, the plan is deemed to have met the completeness criteria contained in 40 CFR 60.27a(g).

The EPA has reviewed the substance of New York's revised State Plan in accordance with the EG at 40 CFR part 60 subpart Cf, as amended on August 29, 2016. Subpart Cf establishes EG and compliance times for the control of designated pollutants from certain

designated MSW landfills. Subpart Cf requires that MSW landfills that have a design capacity of greater than or equal to 2.5 Mg by mass and 2.5 million cubic meters by volume incorporate a GCCS if they exceed the emission threshold. The amended EG apply to landfills that commenced construction, reconstruction, or modification on or before July 17, 2014, and have accepted waste at any time since November 8, 1987. States with affected facilities are required to submit a section 111(d) state plan to implement and enforce all provisions of the EG, as amended on August 29, 2016, and codified at subpart Cf.

D. What revisions did the EPA make to the EG, as amended on August 29, 2016, and codified at 40 CFR part 60 subpart Cf?

Landfills are the third largest source of human-related methane emissions in the United States.[1] Methane is a potent greenhouse gas that is 28 to 36 times more effective than carbon dioxide at trapping heat in the atmosphere over a 100-year period.[2] For these reasons, and due to significant changes within the landfill industry that allowed for additional reduction of emissions at a reasonable cost, the EPA updated its emission guidelines that were adopted in 1996 on August 29, 2016. In addition to revisions to the EG and compliance times for existing MSW landfills, the control requirements, monitoring, reporting, and record-keeping provisions were also updated.

The revised EG is designed to further reduce emissions of landfill gas containing NMOC and methane. The revised EG lowers the emission threshold at which a landfill must install and operate a GCCS. Under the 1996 EG, the emission threshold at which MSW landfills were required to install and operate a GCCS was 50 Mg/year of NMOC. By contrast the revised EG reduces the threshold for installing a GCCS to 34 Mg/year for active MSW landfills. Closed MSW landfills will retain the threshold of 50 Mg/year of NMOC for installing a GCCS. Other major revisions to the EG include revisions to surface emissions monitoring, wellhead monitoring, and address the definition of landfill gas treatment system.

A summary of major provisions in the revised EG include the following:

- Retention of the design capacity threshold of 2.5 million Mg and 2.5 million cubic meters of waste in order for the rule to apply.
- A new alternative modeling procedure, referred to as ''Tier 4,'' used to determine when to install a GCCS.
- Clarification of the definition of Landfill Gas Treatment and use of treated landfill gas.
- Removal of wellhead oxygen/nitrogen operational standards and corresponding corrective action for their exceedances.
- Addition of an electronic reporting requirement using the EPA's electronic reporting tool (ERT).
- Updated criteria for capping, removing, or decommissioning a portion of the GCCS in low-producing landfill gas areas.
- Addition of a requirement that landfills must conduct surface emission monitoring (SEM) at all cover penetrations and openings within the area of the landfill in which the waste has been placed and where a GCCS is required.
- New provisions for startup, shutdown, and malfunction periods.

New York's revised State Plan, dated December 11, 2019, for existing MSW landfills, incorporates by reference all the revisions to the EG as of August 29, 2016, codified at 40 CFR part 60 subpart Cf.

III. New York's State Plan

A. What is contained in the New York revised State Plan?

In order to implement the 2016 amended EG for existing MSW landfills located in New York state, NYSDEC submitted its revised section 111(d) state plan for existing MSW landfills, dated December 11, 2019, which made revisions to Title 6 of the NYCRR, at Parts 200 and 208.

On August 5, 2019, New York repealed previously enacted 6 NYCRR Part 208, and replaced it with a newly adopted Part 208, ''Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills,'' and simultaneously revised Part 200, ''General Provisions.'' [3] The majority of MSW landfills that are regulated by Part 208 are located in rural communities throughout New York state. The revised rule is designed to reduce emissions of NMOC and methane from these landfills by lowering the emission threshold at which the owners and operators of these landfills must install a GCCS. The emission guidelines and revised Part 208 retain the formal design capacity threshold of 2.5 Mg and 2.5 million cubic meters of waste for MSW landfills. Part 208 defines existing MSW landfills as landfills that accepted waste after November 8, 1987 and began construction, reconstruction, or modification prior to July 17, 2014. Consistent with the revised EG promulgated at 40 CFR part 60 subpart Cf, the trigger threshold for installing a GCCS in Part 208 is reduced from 50 Mg/year to 34 Mg/year of NMOC for active MSW landfills. Since closed landfills do not produce as much landfill gas as an active landfill, the trigger threshold for installing a GCCS remains at 50 Mg/year of NMOC for closed MSW landfills. Landfill operators and owners had thirty days from the adoption date of the revised Parts 200 and 208 to comply with the revised regulation, or until September 4, 2019. In order to be considered for the ''closed landfill subcategory,'' MSW landfills had to submit a closure report within one year after the revised Part 208 became effective, *i.e.,* by September 4, 2020. New York's revised rule also includes the alternative site-specific emission threshold determination methodology to determine when a landfill must install a GCCS, referred to as Tier 4. Tier 4 is based on SEM and requires four consecutive quarters of surface emissions below 500 parts per million (ppm) of methane, followed by quarterly SEM reports for active landfills and annual SEM reports for closed landfills. Both active and closed landfills are required to notify delegated authorities thirty days prior to conducting the Tier 4 test so that officials can be present to observe the SEM, keep up-to-date records of the SEM readily accessible for at least five years, and send annual reports to NYSDEC of the SEM monitoring results.

NYSDEC's revised Part 208 also incorporates the removal of certain wellhead oxygen/nitrogen operational standards in 40 CFR part 60 subpart Cf. Owners and operators are no longer required to report or take corrective action based on exceedances of specified operational standards for nitrogen/oxygen levels at wellheads. However, landfill owners or operators

[1] ''[MSW] landfills are the third-largest source of human-related methane emissions in the United States, accounting for approximately 15.1 percent of these emissions in 2018.'' *See https://www.epa.gov/lmop/basic-information-about-landfill-gas.*

[2] *Id.*

[3] New York previously codified landfill regulations at NYCRR Part 360, ''Municipal Solid Waste Landfill Permitting,'' which were included in New York's section 111(d) state plan that was submitted on October 8, 1998 and approved by the EPA on July 19, 1999. (*See* 64 FR 38582, 38585). To avoid duplication between NYSDEC's Division of Air Resources and Division of Solid and Hazardous Materials, and to add compliance milestones pursuant to 40 CFR 60.23, NYSDEC transferred the EG requirements from NYCRR Part 360 to Part 208 in 2001. No revisions to the State Plan were made at that time to reflect the regulatory transfer within NYSDEC.

must continue to monitor and maintain records of nitrogen/oxygen levels on a monthly basis, in order to make any necessary adjustments to the GCCS. New York's revised Part 208 adopts the federally mandated electronic reporting requirements, including, certain performance test reports, NMOC emission rate reports, annual reports, Tier 4 emission rate reports, and wet landfilling practices. The test reports are submitted through the EPA web portal, known as the Central Data Exchange (CDX), using the Compliance and Emissions Data Reporting Interface (CEDRI, or the ERT). New requirements for landfill gas treatment were developed within the revised Part 208 in compliance with the federal EG. Landfills are required to develop a site-specific treatment system monitoring plan, and keep records demonstrating effective monitoring of filtration, dewatering, and compression system performance. The treatment system monitoring plan must be submitted as part of a Title V permit application, and the monitoring parameters would be included in the permit as applicable enforceable conditions. Accordingly, the EPA proposes to approve New York's revised State Plan for existing MSW landfills, since it includes all elements required by the amended EG in 40 CFR part 60 subpart Cf.

B. What approval criteria did we use to evaluate New York's revised State Plan?

The EPA reviewed the substance of New York's revised State Plan for approval based on the requirements set forth in 40 CFR 60.24 through 60.26, ''Subpart B-Adoption and Submittal of State Plans for Designated Facilities;'' 40 CFR 60.23a, ''Adoption and submittal of State plans; public hearings;'' 40 CFR 60.27a, ''Actions by the Administrator;'' 40 CFR part 60 subpart Cf, ''Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills;'' and 40 CFR part 62 subpart A, ''General Provisions'' for ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants.''

IV. Incorporation by Reference

In this document, the EPA is also proposing to incorporate by reference NYSDEC rules discussed in section III of this preamble in accordance with the requirements of 1 CFR 51.5. The EPA has made, and will continue to make, these materials available through the docket for this action, EPA–R02_OAR–2020–0431, at *http://www.regulations.gov,* and at the EPA Region II Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. What is the EPA's Conclusion?

The EPA has determined that New York's revised State Plan meets all the applicable approval criteria in 40 CFR part 60 subpart Cf, 40 CFR 60.24 through 60.26, 40 CFR 60.23a; 40 CFR 60.27a, and 40 CFR part 62 subpart A. Therefore, the EPA is proposing to approve New York State's section 111(d) revised State Plan for existing MSW landfills, which includes revisions to 6 NYCRR Part 208, ''Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills,'' and Part 200, ''General Provisions,'' with an effective date of September 4, 2019.

VI. Statutory and Executive Order Reviews

Pursuant to EPA regulations, the Administrator may approve a plan or any portion thereof upon a determination that it meets sections 111(d) and 129 of the Act and applicable regulations. *See* 40 CFR 62.02.

Accordingly, this action, if finalized, would merely approve state law that meets federal requirements, and would not impose additional requirements beyond those imposed by state law. For that reason, this action, if finalized:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735 (Oct. 4, 1993)); and Executive Order 13563 (76 FR 3821 (Jan. 21, 2011));
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255 (Aug. 10, 1999));
- Is not an ''economically significant'' regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885 (April 23, 1997));
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355 (May 22, 2001));
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) because application of those requirements would be inconsistent with the CAA; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)).

In addition, this proposed rule is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications, and will not impose substantial direct compliance costs on tribal governments, or preempt tribal law, as specified by Executive Order 13175 (65 FR 67249 (Nov. 9, 2000)).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Landfills, Reporting and recordkeeping requirements, Waste treatment and disposal.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 10, 2021.

Walter Mugdan,

Acting Regional Administrator, Region 2.

[FR Doc. 2021–03054 Filed 2–24–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0088; FRL–10020–47]

Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities (February 2021)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Filing of petition and request for comment.

SUMMARY: This document announces the Agency's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before March 29, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2021–0088, by using the *Federal eRulemaking Portal* at

http://www.regulations.gov. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR [part 174 and/or part 180] for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the request before responding to the petitioner. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petition described in this document contains data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this document, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

Amended Tolerances for Non–Inerts

1. PP 0F8855. (EPA–HQ–OPP–2020–0607). Bayer CropScience, 800 N Lindbergh Blvd., St. Louis, MO 63167, requests to amend the tolerance(s) in 40 CFR 180.661(a)(1) for residues of the fungicide fluopyram (*N*-[2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl]-2-(trifluoromethyl)benzamide) in or on Grain, cereal, group 15, except corn and rice from 4.0 parts per million (ppm) to 0.5 ppm, and Rapeseed subgroup 20A from 5.0 ppm to 0.3 ppm. High performance liquid chromatography-electrospray ionization/tandem mass spectrometry (LC/MS/MS) is used to measure and evaluate the chemical fluopyram. Contact: RD.

2. PP 0F8855. (EPA–HQ–OPP–2020–0607). Bayer CropScience, 800 N Lindbergh Blvd., St. Louis, MO 63167, requests to amend the tolerance(s) in 40 CFR 180.661(2) for residues of the fungicide fluopyram (*N*-[2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl]-2-(trifluoromethyl)benzamide) and its metabolite 2-(trifluoromethyl)benzamide, expressed in parent equivalents in or on the animal commodities of Cattle, fat from 0.70 ppm to 0.60 ppm, Cattle, meat from 0.80 ppm to 0.60 ppm, Cattle, meat byproducts from 7.5 ppm to 6.0 ppm, Egg from 0.08 ppm to 0.06 ppm, Goat, fat from 0.70 ppm to 0.60 ppm, Goat, meat from 0.80 ppm to 0.60 ppm, Goat, meat byproducts from 7.5 ppm to 6.0 ppm, Hog, fat from 0.20 ppm to 0.01 ppm, Hog, meat from 0.02 ppm to 0.01 ppm, Hog, meat byproducts from 0.20 ppm to 0.06 ppm, Horse, fat from 0.70 ppm to 0.60 ppm, Horse, meat from 0.80 ppm to 0.60 ppm, Horse, meat byproducts from 7.5 ppm to 6.0 ppm, Poultry, fat from 0.04 ppm to 0.03 ppm, Poultry, meat from 0.04 ppm to 0.03 ppm, Poultry, meat byproducts from 0.20 ppm to 0.10 ppm, Sheep, fat from 0.70 ppm to 0.60 ppm, Sheep, meat from 0.80 ppm to 0.60 ppm, and Sheep, meat byproducts from 7.5 ppm to 6.0 ppm. High performance liquid chromatography-electrospray ionization/tandem mass spectrometry (LC/MS/MS) is used to measure and evaluate the chemical fluopyram and its metabolite 2-(trifluoromethyl)benzamide. Contact: RD.

New Tolerances for Non–Inerts

1. PP 0E8847. (EPA–HQ–OPP–2020–0419). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide, fludioxonil, [4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile] in or on carrot, roots at 7 parts per million (ppm); celtuce at 15 ppm; cottonseed subgroup 20C at 0.05 ppm; dragon fruit at 20 ppm; durian at 20 ppm; fennel, florence, fresh leaves and stalk at 15 ppm; jackfruit at 20 ppm; leaf petiole vegetable subgroup 22B at 15 ppm; leafy greens subgroup 4–16A at 30 ppm; mangosteen at 5 ppm; persimmon, Japanese at 5 ppm; sunflower subgroup 20B at 0.01 ppm; tropical and subtropical, small fruit, inedible peel, subgroup 24A at 20 ppm; vegetable, legume, group 6, except bean, dry and bean, succulent at 0.01 ppm; vegetable, root, except sugar beet, subgroup 1B, except carrot and ginseng at 0.75 ppm; and vegetable, tuberous and corm, subgroup 1C, except yam, true, tuber at 6 ppm. Upon approval of the aforementioned tolerances, it is proposed that 40 CFR 180.516 be amended to remove established tolerances for the residues of fludioxonil, [4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile] in or on the raw agricultural commodities: Carrots at 7.0 ppm; cotton, undelinted seed at 0.05 ppm; dragon fruit at 1.0 ppm; leaf petioles subgroup 4B at 15 ppm; leafy greens subgroup 4A at 30 ppm; longan at 20 ppm; lychee at 20 ppm; melon subgroup 9A at 0.03 ppm; safflower, seed at 0.01 ppm; Spanish lime at 20 ppm; sunflower, seed at 0.01 ppm; vegetable, legume, group 6 at 0.01 ppm; vegetable, root, except sugar beet, subgroup 1B at 0.75 ppm; and vegetable, tuberous and corm, subgroup 1C at 6.0 ppm. The analytical method uses Syngenta Crop Protection Method AG–597B. This method has passed an EPA petition method validation for several commodities, which is currently the enforcement method for fludioxonil. Contact: RD.

2. PP 0E8862. (EPA–HQ–OPP–2020–0603). The Interregional Research Project No. 4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180.677 for residues of the insecticide cyflumetofen, 2-methoxyethyl α-cyano-α-[4-(1,1-dimethylethyl)phenyl]-β-oxo-2-(trifluoromethyl)benzenepropanoate in or on Hop, dried cones at 30 parts per million (ppm). The ''Method for Determination of Residues of Cyflumetofen (BAS 9210 I) and its Metabolites in Plant Matrices Using LC–MS/MS; BASF Analytical Method Number: D1003; Dated: September 26, 2011'' and ''Independent Laboratory Validation of BASF Method D1003 for BAS 9210 I and B–1 in Hops using LC–MS/MS; Author: Nadzeya Homazava, 13 June 2017.'' BASF Doc ID 2017/1002961 are used to measure and evaluate the chemical. Contact: RD.

3. PP 0F8853. (EPA–HQ–OPP–2020–0375). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide, bicyclopyrone in or on banana at 0.01 parts per million (ppm); broccoli at 0.01 ppm; garlic, bulb at 0.02 ppm; hops, dried cones at 0.04 ppm; horseradish at 0.015 ppm; onion, bulb: 0.02 ppm, onion, green at 0.05 ppm; papaya at 0.01 ppm; plantains at 0.01 ppm; strawberry at 0.01 ppm; sweet potato, roots at 0.02 ppm; timothy, forage at 0.9 ppm; timothy, hay at 1.5 ppm; and watermelon at 0.01 ppm. The Analytical methods GRM030.05A, GRM030.05B, GRM030.08A is used to measure and evaluate the chemical bicyclopyrone. Contact: RD.

4. PP 0F8855. (EPA–HQ–OPP–2020–0607). Bayer CropScience, 800 N Lindbergh Blvd., St. Louis, MO 63167 requests to establish a tolerance in 40 CFR part 180.661 for residues of the fungicide fluopyram (*N*-[2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl]-2-(trifluoromethyl)benzamide) in or on coffee at 0.03 parts per million (ppm). High performance liquid chromatography-electrospray ionization/tandem mass spectrometry (LC/MS/MS) is used to measure and evaluate the chemical fluopyram. Contact: RD

5. *PP* 0F8858. (EPA–HQ–OPP–2021–0020). Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide, fludioxonil, [4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile] in or on tree nut crop group 14–12, except pistachios at 0.2 parts per million (ppm) and almond hulls at 15 ppm. The analytical method uses Syngenta Crop Protection Method AG–597B. This method has passed an EPA petition method validation for several commodities, which is currently the enforcement method for fludioxonil. *Contact:* RD.

Authority: 21 U.S.C. 346a.

Dated: February 12, 2021.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2021–03714 Filed 2–24–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket No. 20–36; FCC 20–156; FRS 17403]

Unlicensed White Space Device Operations in the Television Bands

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seeks comment on the use of a terrain-based propagation model such as Longley-Rice for determining white space channel availability and seeks to develop a record on whether or not to implement such a model. In particular, the Commission seeks comment on the effect use of such a model would have on availability of channels for white space devices, how a terrain-based model such as Longley-Rice could be implemented within the current white space device framework, the technical parameters necessary to use such a model for identifying available spectrum while protecting incumbents from harmful interference, and various database and device implementation issues.

DATES: Comments are due on or before March 29, 2021; reply comments are due on or before April 26, 2021.

ADDRESSES: You may submit comments, identified by ET Docket No. 20–36, by any of the following methods:

- *Federal Communications Commission's Website: http://apps.fcc.gov/ecfs/.* Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Hugh Van Tuyl, Office of Engineering and Technology, 202–418–7506, *Hugh.VanTuyl@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's further notice of proposed rulemaking (FNPRM), in ET Docket No. 20–36, FCC 20–156, adopted on October 27, 2020, and released on October 28, 2020. The full text of this document is available for public inspection and can be downloaded at: *https://www.fcc.gov/document/fcc-increases-unlicensed-wireless-operations-tv-white-spaces-0* or by using the search function for ET Docket No. 20–36 on the Commission's ECFS web page at *www.fcc.gov/ecfs.*

Synopsis

1. *Discussion.* The Commission addresses Dynamic Spectrum Alliance, Wireless Internet Service Providers Association (WISPA), and Public Interest Spectrum Coalition arguments that the Commission should determine white space channel availability using a terrain-based model, such as the Longley-Rice Irregular Terrain Model (Longley-Rice model), which they assert will determine channel availability more accurately than the current contour-based model used by the Commission. For example, a terrain-based model could permit a white space device to deploy at a location where the television signal is shielded by a large hill or mountain, whereas the existing methodology does not account for such shielding. National Association of Broadcasters (NAB) and Sennheiser, however, oppose using the Longley-Rice model due to concerns about its accuracy in protecting TV receivers and because it may slow operation of the white space database.

2. *Current protection model.* Under current rules, white space devices must generally operate outside the defined co-channel and adjacent channel television station protected contours. The rules provide a table of separation distances beyond the protected contour that white space devices must meet that is based on the white space device's equivalent isotropic radiated power (EIRP) and height above average terrain (HAAT). These distances are based on a desired-to-undesired (D/U) signal ratio of 23 dB at the edge of the protected contour for co-channel operation, and −33 dB at the edge of the protected contour for adjacent channel operation, with a 14 dB allowance for TV receive antenna front-to-back ratio. The distances were calculated using the F(50,10) curves for separation distances of greater than 15 kilometers, the F(50,50) curves for separation distances of 1.5 to 15 kilometers, and the TM–91–1 model for separation distances of less than 1.5 kilometers.

3. *Longley-Rice model.* The Longley-Rice model is used to make predictions of radio signal field strength using the median attenuation calculated as a function of distance and the signal variability in time and space. The model can be run in point-to-point mode where it examines a specific radio signal path between a transmitter and a receiver, or in area mode in which it predicts field strength at many geographic points within a specified area. Each operational mode uses a terrain elevation profile in making predictions; in the point-to-point mode path-specific parameters can be determined from the terrain profile between the transmitter and receiver, and in area mode the elevation profile between the transmitter and each specific reception point is examined. The model may require a large number of reception points to be individually examined. It also requires a large set of input parameters encompassing system parameters (*e.g.,* frequency, polarization, antenna heights), environmental parameters (*e.g.,* terrain irregularity, electrical ground constants, surface refractivity, climate information), deployment parameters, and statistical parameters (*e.g.,* reliability and confidence level). Based on the predicted radio signal attenuation and using additional factors such as transmitter power and antenna directivity, the D/U signal ratio can be estimated and compared against the 23 dB co-channel and −33 dB adjacent channel standards used as the basis when developing the white space device rules to predict whether harmful interference is likely to occur to television reception.

4. The Longley-Rice model can be implemented using a variety of methodologies. For example, the area subject to calculation can be divided into rectangular cells, *e.g.,* a 1-by-1 kilometer grid, and the field strength predictions are calculated at a point in each cell, such as the geographic center or the population centroid. The Commission notes that as computing power has increased over the years, it is most common to execute the model in point-to-point mode and use a batch process to evaluate each grid cell within a specified area. Nevertheless, the Commission seeks comment on various implementations for white space device evaluation which include both area and point to point mode as it is concerned about the available processing power, capabilities and time requirements to run many simultaneous batch processes to evaluate a large number of white space devices that may query the database for available channel information at the same time. The Commission seeks comment on whether it should specify a specific operational mode and how the model should be implemented under a specific mode or both operational modes.

5. As a threshold matter, the Commission seeks comment on whether using a terrain-based model, and in particular the Longley-Rice model, would better serve the white space device community as well as television broadcasters and other protected entities in the television bands. Commenters should specify the pros and cons of their preferred approach as it relates either to the Commission's existing contour method or other terrain-based propagation models. The Commission seeks comment on how the Longley-Rice model could be used to determine available white space channels. Would it be used only to determine if a white space device at a specific geographic location and power level meets the co- and adjacent channel D/U ratios? Or should the propagation model be used for wider applicability such as for determining separation distances necessary to ensure other protected entities such as licensed wireless microphones, television translator receive sites, cable headends, and land mobile stations do not experience harmful interference? In such cases, what criteria should be used to determine the protection distances? Should D/U ratios be used here too, or some other metric such as an interference-to-noise ratio? Commenters should provide detailed technical reasoning regarding how the metric they support achieves the necessary protection levels. In addition, the Commission seeks comment on whether the propagation model can be used to determine which areas are ''less congested'' and thus subject to more flexible rules. In this case, what criteria should be used as the basis for determining a ''less congested'' area as it relates to use of the propagation model? Could using the Longley-Rice propagation model for this purpose permit additional areas to be designated as ''less congested'' to provide more flexibility for white space devices? Similarly, the Commission seeks comment on whether the propagation model can be applied not only to fixed white space devices, but also to personal/portable, mobile and narrowband IoT white space devices. In each context, are there specific provisions required for how the model is implemented to account for the

different white space device operational modes and use cases?

6. What mode—point-to-point or area—is appropriate for each situation? For fixed white space devices, it would seem intuitive to use the point-to-point mode to examine a specific radio path to the television station contour. However, the Commission seeks comment on what specific path should be examined—the shortest path to the contour or possibly a different path where the white space device and television contour are further apart, but due to terrain shielding effects, may have less attenuation. How would each path be determined and how many specific paths would need to be evaluated before a determination can be made as to whether a channel is available for white space device use? Or would it be better to run the propagation model in area mode to determine the points along the television contour with the highest co- and adjacent channel D/U ratios and then run the model again in point-to-point mode for those specific transmission paths? Should a D/U threshold be set to determine which paths need further examination? If so, how close to the 23 dB co-channel and −33 dB adjacent channel thresholds do they need to be? And if an initial area mode calculation must be performed, what grid size is appropriate and what point within each grid cell should be used for analysis purposes? Using similar logic, how could the model be applied to determine ''less congested'' areas and operating locations for personal/portable, mobile or narrowband white space devices? Should it be run only in area mode or must additional point-to-point calculations also be performed? Commenters should provide detail regarding how the model can be applied to each of the situations likely to be encountered for various white space device types.

7. The Commission also seeks comment on whether the Longley-Rice model would always determine the same or shorter separation distances from a TV contour than the current model, or whether there are cases where it could require greater separation distances, and therefore reduce white space device channel availability. How justified are the concerns expressed by the NAB regarding the use of the Longley-Rice model to protect television reception? NAB argues that the Longley-Rice model requires transmitter and receiver locations to be known with precision, while television receiver locations are not reflected in any database and cannot be passively detected, and that current television receiver protection requirements for white space devices are not overly conservative or based on worst-case assumptions. The Commission seeks comment on NAB's assertions. Commenters that favor use of the Longley-Rice model should provide specific reasons regarding how NAB's concerns can be addressed.

8. The Commission further seeks comment on whether the Longley-Rice model should be the exclusive means of determining white space channel availability, or whether it should be an optional alternative to the current protection model. As an alternative model, would it be more appropriate to use the Longley-Rice model in combination with other propagation models in some circumstances such as the Commission requires for 6 GHz unlicensed devices, where different propagation models are specified at different distances? Finally, the Commission seeks comment on whether the Longley-Rice model can or should be used for modeling the TV coverage itself, and therefore possibly allowing white space device operation within a TV protected contour as calculated using the F(50,90) curves so long as the minimum D/U ratios are met.

9. The Commission also seeks comment on the technical requirements that need to be specified if the Commission permits the use of the Longley-Rice model. What inputs are necessary for using the model in either point-to-point mode or area mode for each white space device type, potential use situation as well as for determining ''less congested'' areas and protection distances for each type of protected entity? Which of these inputs should be specified by rule and which can be determined either by the white space device operator or the database? Commenters should be as specific as possible regarding their preference for input parameters and provide engineering justification for those preferences. What grid size and which location within each grid cell should be used for determining white space channel availability?

10. The Commission further seeks comment on the terrain database that should be used with the Longley-Rice model or any alternative terrain-based model that the Commission specifies. Should the Commission require the use of a particular terrain database, such as one based on 3-arc second data or 1-arc second data? Should the Commission instead simply specify some minimum criteria for a terrain database, *e.g.,* granularity, and allow the use of any terrain database that meets or exceeds that criteria?

11. *Model Implementation.* The Commission seeks comment on the various implementation factors that must be considered if the Commission adopts rules to allow the use of the Longley-Rice model or another terrain-based propagation model. As an initial matter, the white space database administrator would need time to implement this change to its system. How long should the Commission provide for the database administrator to implement these necessary changes? What type of testing should be performed to ensure that a white space database using a terrain-based model provides accurate results? Should the Commission perform its own testing or should it require public testing as it did when initially designating white space database administrators? The Commission also seeks comment on any effect that these changes might have on database and network performance. If the amount of overhead data necessary to use the Longley-Rice model significantly increases over what is necessary under the existing rules, would the result be slower response times as Sennheiser suggests? If so, would this detrimentally affect the utility of white space devices? Would such changes affect the capacity of the database to handle large numbers of white space devices simultaneously?

12. Are changes needed to white space devices if the database is modified to base channel availability on the Longley-Rice model? Does the information sent from white space devices to the database need to change from the data set currently sent? If so, could all existing devices be updated? If not, how should the database deal with devices that can send the necessary data and those that cannot? Should the Commission require that devices be updated within a specific time period? What should that time period be? Would any of the needed changes to a white space device affect its emissions and necessitate a change to its equipment authorization records?

13. How would the database using the Longley-Rice model account for any device location uncertainty? What actions should be taken if the propagation model determines that an existing operational white space device on a specific channel based on current protection distances no longer meets the D/U ratios after performing the required calculations? Should that device no longer be permitted to operate on that channel at its current power level or could the existing separation distances specified in the rules be considered a safe harbor for operations?

14. The operational changes and effects of implementing the Longley-Rice model for determining white space device channel availability range from technical and modelling considerations to specific model implementation factors to database and device matters. The Commission asks that commenters comprehensively examine all aspects of the rule changes that would be needed and the effect they would have if it were to modify the white space device rules to specify use of the Longley-Rice model rather than the current contour-based method of protecting television stations and other protected entities in the TV bands.

Procedural Matters

15. *Paperwork Reduction Act Analysis.* This document contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, the Commission note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), it previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

16. *Initial Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities of the proposals addressed in this FNPRM. The Full IRFA is found in Appendix D at *https://www.fcc.gov/document/fcc-increases-unlicensed-wireless-operations-tv-white-spaces-0.* Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines for comments on the FNPRM, and they should have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of this FNPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with the Regulatory Flexibility Act.

17. The Commission requests written public comment on the IRFA. Comments must be filed in accordance with the same filing deadlines as comments filed in response to the FNPRM and must have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of this FNPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with the Regulatory Flexibility Act.

18. *Ex Parte Presentations.* The proceeding this FNPRM initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule § 1.1206(b). In proceedings governed by rule § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

19. *Filing Requirements.* Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20–304 (March 19, 2020). *https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy.*

20. *People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Ordering Clauses

21. Accordingly, *it is ordered*, pursuant to Sections 4(i), 201, 302, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 201, 302a, 303, that this *further notice of proposed rulemaking* is hereby *adopted.*

22. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this *further notice of proposed rulemaking,* including the Initial Regulatory Flexibility Analyses, to the

Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2021–03437 Filed 2–24–21; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 86, No. 36
Thursday, February 25, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 19, 2021.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 29, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Office of the Assistant Secretary for Civil Rights

Title: USDA Program Discrimination Complaint Form.

OMB Control Number: 0508–0002.

Summary of Collection: Under 7 CFR 15.6 ''any person who believes himself or any specific class of individuals to be subjected to discrimination . . . may by himself or by an authorized representative file a written complaint based on the ground of such discrimination.'' The collection of this information is the avenue by which the individual or his representative may file such a complaint. The requested information is necessary for the Office of the Assistant Civil Rights to address the alleged discriminatory action.

Need and Use of the Information: The requested information which can be submitted by filling out the USDA Program Discrimination Form or by submitting written correspondence, is necessary in order for the USDA Office of the Assistant Secretary for Civil Rights (OASCR) to address the alleged discriminatory action. The respondent is asked to provide his/her name, mailing address, property address (if different from mailing address), telephone number, email address (if any) and to provide a name and contact information for the respondent's representative (if any). A brief description of who was involved with the alleged discriminatory action, what occurred and when, is requested. The program discrimination complaint filing information, which is voluntarily provided by the respondent. OASCR uses the form information obtained from the respondent to evaluate, investigate, attempt resolution, and process alleged complaints. If information regarding alleged discrimination is not collected from the individual who believes he/she has experienced discrimination in a USDA program, it would not be possible for the USDA to address and rectify the alleged discrimination.

Description of Respondents: Producers, applicants, and USDA customers.

Number of Respondents: 278.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 278.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–03848 Filed 2–24–21; 8:45 am]

BILLING CODE 3410–9R–P

CIVIL RIGHTS COMMISSION

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission public business meeting.

DATES: Friday, February 26, 2021, 3:30 p.m. EST.

FOR FURTHER INFORMATION CONTACT: Angelia Rorison: 202–376–7700; *publicaffairs@usccr.gov.*

ADDRESSES: Meeting to take place by telephone and is open to the public by telephone: 1–800 218–2154, Conference ID 331–7214. Computer assisted real-time transcription (CART) will be provided. The web link to access CART (in English) on Friday, February 26, 2021, is *https://www.streamtext.net/player?event=USCCR.* Please note that CART is text-only translation that occurs in real time during the meeting and is not an exact transcript.

Meeting Agenda

I. Approval of Agenda

II. Business Meeting

- A. Vote on Commissioner Norma Cantu to serve as USCCR Commission Chair
- B. Vote on FEMA Discovery Plan
- C. Vote on Commission Statement on Walter E. Williams

III. Adjourn Meeting

Dated: February 23, 2021.

Angelia Rorison,

Director of Media and Communications, U.S. Commission on Civil Rights.

[FR Doc. 2021–04042 Filed 2–23–21; 4:15 pm]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–10–2021]

Foreign-Trade Zone (FTZ) 49—Newark and Elizabeth, New Jersey; Notification of Proposed Production Activity; Celgene Corporation (Biopharmaceuticals); Warren and Summit, New Jersey

Celgene Corporation (Celgene) submitted a notification of proposed production activity to the FTZ Board for its facilities in Warren and Summit, New Jersey. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on February 12, 2021.

A separate application has been submitted for FTZ designation at the company's facilities under FTZ 49. The facilities are used for the production of cell therapy products. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status material and specific finished product described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Celgene from customs duty payments on the foreign-status material used in export production. On its domestic sales, for the foreign-status material noted below, Celgene would be able to choose the duty rate during customs entry procedures that applies to cell therapy products (duty-free). Celgene would be able to avoid duty on foreign-status material which becomes scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment. The material sourced from abroad is human primary cells (''T-cells'') (duty-free).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is April 6, 2021.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: February 22, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–03907 Filed 2–24–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–11–2021]

Foreign-Trade Zone (FTZ) 38—Spartanburg County, South Carolina; Notification of Proposed Production Activity; Bosch Security Systems, LLC; (Surveillance, Detection, Evacuation, and Management Systems); Greer, South Carolina

Bosch Security Systems, LLC (Bosch) submitted a notification of proposed production activity to the FTZ Board for its facility in Greer, South Carolina. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on February 17, 2021.

The Bosch facility is located within FTZ 38. The facility will be used for the kitting of video surveillance, intrusion detection, fire detection and voice evacuation systems, firmware or software upgrades and/or configurations, as well as access control and management systems and related components and accessories. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Bosch from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status materials/components noted below, Bosch would be able to choose the duty rates during customs entry procedures that apply to various kits (access control training; recorder; control panel programming; transformer; power supply; charger case/cabinet; battery charger; programming modem; public address systems; transmitter; control unit; communication signal radiator; media converter; receiver; fire/intrusion detection systems; decoder; network controller; wireless microphone system; speaker system; amplifier system; speaker repair; security system program; secure digital card; camera with camera module; surveillance camera system; network recorder; camera; camera mounting; controller; smoke detector; fire panel; logo label; control panel components; motion detector; power supply module; touch screen keypad; control panel; fire/intrusion/access detection systems; remote keypad; audio/light mixer); and, fire/intrusion detection systems (duty rate ranges from duty-free to 3.5%). Bosch would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Plastic components (label; keypad SDI (serial digital interface); tubing; mounting frame; cable tie); poly components (zipper storage bag; bag); gaskets (including rubber; waterproof wood; waterproof cork; plate); paperboard components (sleeve kit; motion detector label kit; panel insert/box; packaging; label; blank label); tech literature; steel components (hardware kit; screw); stainless steel components (fire enclosure with door; enclosure; spacer; mounting plate); aluminum wall mounts with cable; screwdriver bit sets; enclosure locks and keys; locks and keys; clamps; brackets; pole mount adapters; two-speed driver kits; security system keyboards; EM card readers (card reader technology); card readers; configured hard disk drives; Universal Serial Bus (USB); subscriber identification module (SIM) cards; controllers (access control system; battery; network; video security system; burglar alarm system); enclosures (National Electrical Manufacturers Association (NEMA) rated; medium; fire system; access control system); transformers; power supplies; charger cases/cabinets; dome camera covers; lithium batteries; lead-acid batteries; backup power supply components (battery box; battery charger; dual battery harness; low battery disconnect module); modems/transformers; modules (ethernet communication; expansion input; plug-in cellular; expansion; auxiliary relay; access system; retrofit; interface; line (LN) bus); weekly timers; message managers; transmitters (voice/data; bodypack; signal); control units; communication signal radiators; media converters; central station receivers; input expansions; wireless bus; output expansions; communicators (universal dual path; plug-in; control); video stream decoders; wireless sets; handhelds; plates (mounting; trim); microphone wireless heads; antennae; mics; column speakers; amplifiers; loudspeaker components (voice coil; cone; spider; dome; panel); domes (dust; fixed; pan, tilt, zoom (PTZ); bullet); spider coils; supervision controls; DVD recorders; blank DVDs; wireless key fobs; internet protocol (IP) security mics; key fobs; fixed position holds; bill traps; cameras; receivers; pendant arms; camera components (pendant; housing;

adapter; housing assembly; plate); mounting components (kit; conversion ring; frame); wall mounts; surface mount boxes; surveillance cabinets; ceiling support kits; duct smoke detector components (housing; head); detectors (smoke; motion; passive infrared (PIR)/microwave (MW); wireless motion; glass break); end-of-line bases; flush detector heads; smoke detector bases with wiring; indoor sirens; necklace pendants for access control cards; manual stations for fire alarm activation; panels (fire; intrusion system; light emitting diode (LED) command control; control; IP control; controller); contact monitors; keypads (including two-line alpha numeric; LED; basic; alpha/numeric; touch screen; liquid crystal display (LCD) text); wall horns/strobes; sample tubes for duct smoke alarms; labels (blank; recycle battery); interface modules for an intrusion system panel; e-net interfaces; request to exit sensors; battery shelves; trim rings; drop-ceiling flush; detector housings; power supply brackets; dummy covers; power supply module interfaces; wireless surface mounts; wireless loop inputs; trim plates for keypads; external annunciators; switches (tamper proof for intrusion systems; dual phone line; dual tamper); end of line resistors; phone jacks; panel rails; window/door contacts; touch screens; cable clamps; electrical knockout plugs; audio/light mixers; cables; phone cords; dual battery harnesses; cable sets; cables under 80V; and, security camera lenses (duty rate ranges from duty-free to 8.5%). The request indicates that certain materials/components are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is April 6, 2021.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Juanita Chen at *juanita.chen@trade.gov* or 202–482–1378.

Dated: February 22, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–03909 Filed 2–24–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–907]

Ultra-High Molecular Weight Polyethylene From the Republic of Korea: Final Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that ultra-high molecular weight polyethylene (ultra-high polyethylene) from Republic of Korea (Korea) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2019, through December 31, 2019. The final dumping margins of sales at LTFV are listed in the ''Final Determination'' section of this notice.

DATES: Applicable February 25, 2021.

FOR FURTHER INFORMATION CONTACT: Ian Hamilton or Peter Skarlatos, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4798 or (202) 482–0324, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 6, 2020, Commerce published the *Preliminary Determination,* in which we also postponed the final determination to February 18, 2021.[1] A summary of the events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum, which is hereby adopted by this notice.[2]

Scope of the Investigation

The product covered by this investigation is ultra-high polyethylene from Korea. For a complete description of the scope of the investigation, *see* Appendix I.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).[3]

Changes Since the Preliminary Determination

Based on our analysis of both the comments received and the information received in lieu of on-site verification, we made certain changes to the margin calculations for KPIC. For a discussion of these changes, *see* the ''Margin Calculation'' section of the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated all-others rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and margins determined entirely under section 776 of the Act. Section 735(c)(5)(B) of the Act provides that if the estimated weighted-average dumping margins for all individually investigated exporters and producers are zero or *de minimis* or determined

[1] *See Ultra-High Molecular Weight Polyethylene from the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 85 FR 63095 (October 6, 2020) (*Preliminary Determination*).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Ultra-High Molecular Weight Polyethylene from the Republic of Korea,'' dated concurrently with this notice (Issues and Decision Memorandum).

[3] *See* Commerce's Letter, Antidumping Duty Investigation of Ultra-High Molecular Weight Polyethylene from the Republic of Korea, dated October 21, 2020; *see also* KPIC's Letter, ''Ultra-High Molecular Weight Polyethylene from the Republic of Korea: Response to Questionnaire Issued In Lieu of Verification,'' dated November 2, 2020.

entirely under section 776 of the Act, then Commerce may use any reasonable method to establish the estimated all-others rate, including averaging the estimated weighted-average dumping margins determined for the individually investigated exporters and producers.

Commerce calculated an individual estimated weighted-average dumping margin for KPIC, the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for KPIC is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin (percent)
Korea Petrochemical Ind. Co., Ltd./KPIC Corporation	7.84
All Others	7.84

Disclosure

We intend to disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

For this final determination, for entries made by KPIC and the companies covered by the all-others rate, in accordance with section 735(c)(4)(A) of the Act, we will direct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of subject merchandise, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after October 6, 2020, the date of publication of the *Preliminary Determination* of this investigation in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin as follows: (1) The cash deposit rate for the respondent listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not the respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, we will notify the ITC of the final affirmative determination of sales at LTFV. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of ultra-high polyethylene from Korea no later than 45 days after our final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: February 18, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The merchandise covered by the scope is ultra-high molecular weight polyethylene. Ultra-high molecular weight polyethylene is a linear polyethylene, in granular or powder form is defined by its molecular weight, as defined by Margolie's Equation, of greater than 1.0×106 g/mol. Ultra-high molecular weight polyethylene may also be defined by its melt mass-flow rate of <0.1 g/10 min, measured at 190 °C and 21.6 kg load, based on the methods and calculations set forth in the International Organization for Standardization (ISO) standards 21304–1 and 21304–2. Ultra-high molecular weight polyethylene has a Chemical Abstract Service (CAS) registry number of 9002–88–4.

The scope includes all ultra-high molecular weight polyethylene in granular or powder forms meeting the above specifications regardless of additives introduced in the manufacturing process. Ultra-high molecular weight polyethylene blended with other products is included in the scope of this investigation where ultra-high molecular weight polyethylene accounts for more than 50 percent, by actual weight, of the blend and the resulting blend maintains a molecular weight, as defined by Margolie's Equation, of greater than 1.0×106 g/mol and/or a melt mass-flow rate of <0.1 g/10 min.

Excluded from the scope of the investigation is medical-grade ultra-high molecular weight polyethylene. Medical grade ultra-high molecular weight polyethylene has a minimum viscosity of 2,000 ml/g at a concentration of 0.02% at 135 °C (275 °F) in decahydronaphthalene and an elongational stress of 0.2 MPa or greater. Medical-grade ultra-high molecular weight polyethylene is further defined by its ash and trace element content, which shall not exceed the following maximum quantities as set forth in ISO–5834–1: Ash (125 mg/kg), titanium (40 mg/kg), calcium (5 mg/kg), chlorine (30 mg/kg), and aluminum (20 mg/kg). ISO 5834–1 further defines medical grade ultra-high molecular weight polyethylene by its particulate matter content, which requires that there shall be no more than three particles of contaminant per 300 ± 20 g tested. Each of the above criteria is calculated based on the standards and methods used in ISO 5834–1.

Ultra-high molecular weight polyethylene is classifiable under the HTSUS subheadings 3901.10.1000 and 3901.20.1000. Although the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary

II. Background
III. Changes Since the *Preliminary Determination*
IV. Discussion of the Issues
Comment 1: Whether Commerce's Final Determination Should be Provisional and Whether Commerce Provided Adequate Time for KPIC's Response to the in-Lieu of On-Site Verification Questionnaire
Comment 2: KPIC's Home Market Freight Expense Adjustment
Comment 3: KPIC's Reported Product Codes and Product Characteristics
Comment 4: Ministerial Errors in the *Preliminary Determination*
Comment 5: Whether the Record Demonstrates That KPIC Accurately Reported its Actual Cost of Production (COP)
Comment 6: Whether Commerce Reasonably Adjusted KPIC's Ethylene COP
V. Recommendation

[FR Doc. 2021–03903 Filed 2–24–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–053]

Certain Aluminum Foil From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; Final Determination of No Shipments; 2017–2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) has analyzed the case and rebuttal briefs submitted by interested parties and finds that exporters of certain aluminum foil (aluminum foil) from the People's Republic of China (China) sold subject merchandise in the United States at prices below normal value during the period of review (POR) November 2, 2017, through March 31, 2019.

DATES: Applicable February 25, 2021.

FOR FURTHER INFORMATION CONTACT: Chelsey Simonovich or Michael J. Heaney, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: at (202) 482–1979 or (202) 482–4475, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* of the administrative review of the antidumping duty order on June 24, 2020.[1] The administrative review covers two mandatory respondents: (1) Jiangsu Zhongji Lamination Materials Co., (HK) Ltd.; Jiangsu Zhongji Lamination Materials Stock Co., Ltd.; Jiangsu Zhongji Lamination Materials Co., Ltd.; and Jiangsu Huafeng Aluminum Industry Co., Ltd. (collectively, Zhongji),[2] and (2) Xiamen Xiashun Aluminum Foil Co., Ltd. (Xiashun). The administrative review also covers ten other companies that were not selected for individual examination.

On July 21, 2020, Commerce tolled all deadlines for administrative reviews by 60 days.[3] On December 15, 2020, Commerce extended the deadline for the final results of this administrative review by 60 days.[4] The deadline for the final results of this review is now February 19, 2021. For a complete description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[5]

Scope of the Order [6]

The merchandise covered by this administrative review is aluminum foil from China. For a full description of the scope, *see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in interested parties' briefs are addressed in the Issues and Decision Memorandum. A list of the issues raised by interested parties and to which we responded in the Issues and Decision Memorandum is provided in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and the electronic versions of the Issues and Decision Memorandum are identical in content.

Final Determination of No Shipments

In the *Preliminary Results,* we found no evidence calling into question the no-shipment claims of Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd. No parties commented on this preliminary decision. For the final results of this review, we continue to find that Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd. had no shipments of subject merchandise to the United States during the POR.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties, Commerce has made two changes to the *Preliminary Results.* First, for Zhongji, we have revised our calculation of ash/dross to account for the metal content of the ash/dross. Second, we have revised our calculation of an adverse inference with regard to Xiashun. For a more detailed discussion of these changes, *see* the Final Analysis Memoranda for Zhongji and Xiashun.[7]

Separate Rate

In the *Preliminary Results,* we found that information placed on the record by Zhongji; Xiashun; Alcha International Holdings Limited; Dingsheng Aluminum Industries Hong Kong Trading Co.; Granges Aluminum (Shanghai) Co., Ltd; Hangzhou Dingsheng Import & Export Co., Ltd.; Hunan Suntown Marketing Limited; Jiangsu Alcha Aluminum Co., Ltd.; Shanghai Shenyan Packaging Materials

[1] *See Certain Aluminum Foil from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, Preliminary Determination of No Shipments, and Partial Rescission; 2017–2019,* 85 FR 37829 (June 24, 2020) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] In the less-than-fair-value (LTFV) investigation, we collapsed Jiangsu Zhongji Lamination Materials Co., (HK) Ltd.; Jiangsu Zhongji Lamination Materials Stock Co., Ltd.; Jiangsu Zhongji Lamination Materials Co., Ltd.; and Jiangsu Huafeng Aluminum Industry Co., Ltd. as a single entity. *See Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less-Than Fair Value and Postponement of Final Determination,* 82 FR 50858 (November 2, 2017), and accompanying Preliminary Decision Memorandum at 16–18, unchanged in *Certain Aluminum Foil from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 83 FR 9282 (March 5, 2018). We find that record evidence in this administrative review supports continuing to treat these companies as a single entity.

[3] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[4] *See* Memorandum, ''Certain Aluminum Foil from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated December 15, 2020.

[5] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Certain Aluminum Foil from the People's Republic of China; 2017–2019,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[6] *See Certain Aluminum Foil from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 83 FR 17362 (April 19, 2018) (*Order*).

[7] *See* Memorandum, ''Final Analysis Memorandum for Zhongji,'' dated concurrently with this memorandum; *see also* Memorandum, ''Final Analysis Memorandum for Xiashun,'' dated concurrently with this memorandum.

Co.; SNTO International Trade Limited; and Suzhou Manakin Aluminum Processing Technology Co., Ltd. demonstrates that these entities are entitled to separate rate status.[8] We received no comments or arguments since the issuance of the *Preliminary Results* that provide a basis for reconsideration of these determinations. Therefore, for these final results, we continue to find that the companies listed in the table for the ''final results of the review'' section of this notice are eligible for a separate rate. For a more detailed discussion of this issue, *see* Issues and Decision Memorandum.

Final Results of the Review

Commerce determines that the following weighted-average dumping margins exist for the period November 2, 2017, through March 31, 2019:

Exporter	Weighted-average margin (percent)
Jiangsu Zhongji Lamination Materials Co., (HK) Ltd./Jiangsu Zhongji Lamination Materials Stock Co., Ltd./Jiangsu Zhongji Lamination Materials Co., Ltd./Jiangsu Huafeng Aluminum Industry Co., Ltd	23.62
Xiamen Xiashun Aluminum Foil Co., Ltd	47.57
Alcha International Holdings Limited	35.60
Dingsheng Aluminum Industries Hong Kong Trading Co	35.60
Granges Aluminum (Shanghai) Co., Ltd	35.60
Hangzhou Dingsheng Import & Export Co., Ltd	35.60
Hunan Suntown Marketing Limited	35.60
Jiangsu Alcha Aluminum Co., Ltd	35.60
Shanghai Shenyan Packaging Materials Co	35.60
SNTO International Trade Limited	35.60
Suzhou Manakin Aluminum Processing Technology Co., Ltd	35.60

For the respondents which are eligible for a separate rate, but were not selected for individual examination in this administrative review, we have assigned a margin based on the average of the weighted average dumping margins calculated for Zhongji and Xiashun, consistent with section 735(c)(3)(A) of the Act.

China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[9] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity in this review, the entity is not under review and the entity's rate (*i.e.,* 105.80 percent) is not subject to change.[10]

Assessment Rates

Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b). In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific assessment rates for merchandise subject to this review. We calculated importer (or customer)-specific assessment rates for merchandise subject to this review on a per-unit (*i.e.,* per-kilogram) basis. Specifically, we calculated a per-unit assessment rate by aggregating the antidumping duties due for all U.S. sales to that importer (or customer) and divided this amount by the total quantity sold to that importer (or customer) during the POR. To determine whether the duty assessment rates are *de minimis,* in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculate importer- (or customer-) specific *ad valorem* ratios based on the estimated entered value. If an importer (or customer)-specific assessment rate is *de minimis* (*i.e.,* less than 0.50 percent), Commerce will instruct CBP to liquidate that importer's (or customer's) entries of subject merchandise without regard to antidumping duties.

Consistent with its recent notice,[11] Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For Xiashun and Zhongji and for each of the 10 companies identified above as eligible for a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review; (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate published for the completed segment of the most recent period; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their

[8] *See Preliminary Results* and accompanying Preliminary Decision Memorandum at 7–10.

[9] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[10] *See Order,* 83 FR at 17363.

[11] *See Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings,* 86 FR 3995 (January 15, 2021).

responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Orders

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5) and 19 CFR 351.213(h)(1).

Dated: February 19, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Changes Since the *Preliminary Results*
V. Discussion of the Issues
Comment 1: Proper Sources for Certain Zhongji Surrogate Values
Comment 2: Allocation of Factory Overhead Expenses
Comment 3: Modification of Liquidation Instructions for Certain Zhongji Sales
Comment 4: Zhongji Double Remedies Adjustment
Comment 5: Application of an Adverse Inference to Xiashun for 14 Non-Metal Inputs
Comment 6: Xiashun Run-Around Scrap
Comment 7: Xiashun Market Economy Inputs
Comment 8: Separate Rate Assigned to Non-Examined Companies
VI. Recommendation

[FR Doc. 2021–03838 Filed 2–24–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–021]

Melamine From the People's Republic of China: Final Results of the Expedited Five-Year Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of this sunset review, the Department of Commerce (Commerce) finds that revoking the countervailing duty (CVD) order on melamine from the People's Republic of China (China) would likely lead to continuation or recurrence of countervailable subsidies at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: Applicable February 25, 2021.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Smith, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2181.

SUPPLEMENTARY INFORMATION:

Background

On December 28, 2015, Commerce published in the **Federal Register** the CVD *Order* on melamine from China.[1] On November 3, 2020, Commerce published the notice of initiation of the first sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On November 10, 2020, Commerce received a notice of intent to participate from Cornerstone Chemical Company (Cornerstone, or domestic interested party), within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] Cornerstone claimed interested party status under section 771(9)(C) of the Act, as a domestic producer engaged in the production of melamine in the United States.

On November 25, 2020, Commerce received a substantive response from the domestic interested party within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[4] We received no substantive response from any other domestic or interested parties in this proceeding and no hearing was requested.

On December 23, 2020, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.[5] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of this *Order.*

Scope of the Order

The merchandise subject to the *Order* is melamine (Chemical Abstracts Service (CAS) registry number 108–78–01, molecular formula $C_3H_6N_6$).[6] Melamine is a crystalline powder or granule typically (but not exclusively) used to manufacture melamine formaldehyde resins. All melamine is covered by the scope of this order irrespective of purity, particle size, or physical form. Melamine that has been blended with other products is included within this scope when such blends include constituent parts that have been intermingled, but that have not been chemically reacted with each other to produce a different product. For such blends, only the melamine component of the mixture is covered by the scope of this order. Melamine that is otherwise subject to this order is not excluded when commingled with melamine from sources not subject to this order. Only the subject component of such commingled products is covered by the scope of this order.

The subject merchandise is provided for in subheading 2933.61.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading and CAS registry number are provided for convenience and customs purposes, the written description of the scope is dispositive.

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. The Issues and Decision Memorandum is a public document and is on file electronically via the

[1] *See Melamine from the People's Republic of China: Antidumping Duty and Countervailing Duty Orders,* 80 FR 80751 (December 28, 2015) (*Order*).

[2] *See Initiation of Five-Year (''Sunset'') Review,* 85 FR 69585 (November 3, 2020).

[3] *See* Cornerstone's Letter, ''Five-Year ('Sunset') Review Of Countervailing Duty Order On Melamine From the People's Republic Of China: Domestic Interested Party Notice of Intent to Participate,'' dated November 10, 2020.

[4] *See* Cornerstone's Letter, ''Five-Year ('Sunset') Review Of Countervailing Duty Order On Melamine From The People's Republic Of China: Domestic Interested Party Substantive Response,'' dated November 25, 2020.

[5] *See* Commerce's Letter, ''Sunset Reviews for November 2020,'' dated December 23, 2020.

[6] Melamine is also known as 2,4,6-triamino-s-triazine; l,3,5-Triazine-2,4,6-triamine; Cyanurotriamide; Cyanurotriamine; Cyanuramide; and by various brand names.

Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* A list of topics discussed in the Issues and Decision Memorandum is included as an appendix to this notice. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of countervailable subsidies at the following rates:

Manufacturers/producers/exporters	Net countervailable subsidy (percent)
Far-Reaching Chemical Co., Ltd	154.00
M and A Chemicals Corp China	154.00
Qingdao Unichem International Trade Co., Ltd	154.00
Shandong Liaherd Chemical Industry Co., Ltd	156.90
Zhongyuan Dahua Group Co., Ltd	154.00
All Others	154.58

Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing the final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.218.

Dated: February 19, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. History of the *Order*
IV. Scope of the *Order*
V. Legal Framework
VI. Discussion of the Issues
1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
2. Net Countervailable Subsidy Rates Likely To Prevail
3. Nature of the Subsidies
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2021–03901 Filed 2–24–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–850, A–588–880, A–580–911, A–469–824]

Thermal Paper From Germany, Japan, the Republic of Korea, and Spain: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable February 25, 2021.

FOR FURTHER INFORMATION CONTACT: David Goldberger at (202) 482–4136 (Germany); Alex Wood at (202) 482–1959 (Japan); Kristen Ju at (202) 482–3699 or Aleksandras Nakutis at (202) 482–3147 (Republic of Korea (Korea)); or Abdul Alnoor at (202) 482–4554 (Spain), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On October 27, 2020, the Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of thermal paper from Germany, Japan, Korea, and Spain.[1] Currently, the preliminary determinations are due no later than March 16, 2021.

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1)(A) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On February 4 and 16, 2021, the petitioners[2] submitted timely requests that Commerce postpone the preliminary determinations in these LTFV investigations.[3] The petitioners requested postponement of the preliminary determinations to: (1) Provide additional time to evaluate, comment on, and/or resolve issues in the questionnaire responses received in these investigations; or (2) in the case of the Spain investigation, to keep the investigation on the same schedule as the Germany, Japan, and Korea investigations.[4]

For the reasons stated above and because there are no compelling reasons to deny the request, in accordance with section 733(c)(1)(A) of the Act, Commerce is postponing the deadline for the preliminary determinations by 50 days (*i.e.,* 190 days after the date on which these investigations were initiated). As a result, Commerce will issue its preliminary determinations no later than May 5, 2021. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

[1] *See Thermal Paper from Germany, Japan, the Republic of Korea, and Spain: Initiation of Less-Than-Fair-Value Investigations,* 85 FR 69580 (November 3, 2020).

[2] The petitioners are Appvion Operations, Inc. and Domtar Corporation.

[3] *See* Petitioners' Letters, ''Thermal Paper from Germany: Petitioners' Request for Postponement of the Preliminary Determination,'' dated February, 4, 2021; ''Thermal Paper from the Republic of Korea: Petitioners' Request for Postponement of the Preliminary Determination,'' dated February, 4, 2021; ''Thermal Paper from the Republic of Japan: Petitioners' Request for Postponement of the Preliminary Determination,'' dated February, 16, 2021; and ''Thermal Paper from Spain: Petitioners' Request for Postponement of the Preliminary Determination,'' dated February, 16, 2021.

[4] *Id.*

Dated: February 18, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021–03902 Filed 2–24–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA844]

Fisheries of the U.S. Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting; Cancellation

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of cancellation of SEDAR 80 Life History Topical Working Group Webinar I for U.S. Caribbean Queen Triggerfish.

SUMMARY: The SEDAR 80 stock assessment of U.S. Caribbean queen triggerfish will consist of a series of data webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 80 Life History Topical Working Group Webinar I was scheduled for March 10, 2021.

ADDRESSES:

Meeting address: The meeting was to be held via webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; Email: *Julie.neer@safmc.net*.

SUPPLEMENTARY INFORMATION: The meeting notice published on February 3, 2021 (86 FR 8003). This notice announces that the meeting is cancelled.

(Authority: 16 U.S.C. 1801 *et seq.*)

Dated: February 19, 2021.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–03856 Filed 2–24–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA853]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Exempted Fishing Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of receipt of an application for exempted fishing permit; request for comments.

SUMMARY: NMFS announces the receipt of an application for an exempted fishing permit (EFP) from Dr. David Portnoy, Texas A&M University, Corpus Christi. If granted, the EFP would allow a limited harvest of speckled hind in South Atlantic Federal waters by select commercial fishermen. The samples collected would be used to assess the speckled hind population structure, genetic diversity, and life history in the South Atlantic.

DATES: Written comments must be received on or before March 12, 2021.

ADDRESSES: You may submit comments on the application, identified by ''NOAA–NMFS–2021–0007'' by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter ''NOAA–NMFS–2021–0007'' in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Frank Helies, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of the EFP application may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/southeast/about-us/south-atlantic-speckled-hind-exempted-fishing-permit-application/.*

FOR FURTHER INFORMATION CONTACT: Frank Helies, 727–824–5305; email: *frank.helies@noaa.gov.*

SUPPLEMENTARY INFORMATION: The EFP is requested under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C 1801 *et seq.*), and regulations at 50 CFR 600.745(b) concerning exempted fishing.

Currently, Federal regulations at 50 CFR 622.181 (b)(3) prohibit the harvest and possession of speckled hind in or from South Atlantic Federal waters. Speckled hind are sedentary, long-lived, deep-water groupers and are considered to be undergoing overfishing in the U.S. South Atlantic. There are no known data regarding the stock structure of speckled hind in South Atlantic waters and little is known about their biology; consequently, there are not enough data to accurately determine whether the species is overfished.

Dr. Portnoy was awarded a Marine Fisheries Initiative grant to assess the population structure, genetic diversity, and life history of speckled hind in the U.S. South Atlantic. Beginning in 2018, Dr. Portnoy has already acquired some of his project's needed speckled hind samples from fishery independent surveys conducted by NMFS and the South Carolina Department of Natural Resources. However, as a result of low encounter rates with the species since 2018, and reduced fishery independent survey effort in 2020, additional samples will need to be collected through this EFP to obtain a sufficient number of samples for the project.

If granted, the EFP would be valid through August 31, 2022, and would allow a limited harvest of up to 40 speckled hind per calendar year (up to 80 total for the duration of the EFP) in the Federal waters of the South Atlantic. The EFP would exempt select commercial fishermen from Federal regulations prohibiting the harvest and possession of speckled hind in Federal waters of the South Atlantic at 50 CFR 622.181(b)(3). Because speckled hind would be harvested incidentally during routine commercial fishing trips, NMFS does not expect that any additional environmental impacts would occur through the issuance of the EFP.

Dr. Portnoy proposes to collect speckled hind from select commercial fishermen who occasionally encounter speckled hind in South Atlantic Federal waters during routine commercial

fishing operations. Currently, two commercial fishermen have volunteered to participate in the EFP while using hook-and-line gear fishing in South Atlantic Federal waters in depths ranging from 70 ft (21 m) to 600 ft (183 m). If the fishermen encounter a speckled hind, a fin clip would be taken from the harvested speckled hind and shipped to the Marine Genomics Laboratory at Texas A&M University, Corpus Christi, Texas. The sampled fin clip would be used for genetic studies. All sampled speckled hind carcasses would be shipped to the NMFS Southeast Fisheries Science Center for otolith extraction to determine age and growth parameters. The results of the EFP are expected to contribute to improved understanding of speckled hind population structure, genetic diversity, and life history in the U.S. South Atlantic. The EFP results could help support future scientific and management decisions for the speckled hind stock in the South Atlantic.

NMFS finds the application warrants further consideration based on a preliminary review. Possible conditions the agency may impose on the permit, if granted, include but are not limited to, a prohibition on fishing within marine protected areas, marine sanctuaries, or special management zones without additional authorization. A final decision on issuance of the EFP will depend on NMFS' review of public comments received on the application, consultations with the appropriate fishery management agencies of the affected states, the South Atlantic Fishery Management Council, and the U.S. Coast Guard, and a determination that the activities to be taken under the EFP are consistent with all other applicable laws.

Authority: 16 U.S.C 1801 *et seq.*

Dated: February 22, 2021.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–03889 Filed 2–24–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA884]

Endangered and Threatened Species; Initiation of 5-Year Review for Cook Inlet Beluga Whale (*Delphinapterus leucas*) Distinct Population Segment

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of initiation of 5-year review; request for information.

SUMMARY: NMFS announces its intent to conduct a 5-year review of the endangered Cook Inlet beluga whale (*Delphinapterus leucas*) distinct population segment (DPS). NMFS is required by the Endangered Species Act (ESA) to conduct 5-year reviews to ensure that listing classifications of species are accurate. The 5-year review must be based on the best scientific and commercial data available at the time of the review. We request submission of any such information on the Cook Inlet beluga whale DPS, particularly information on its status, threats, and recovery, that has become available since the previous 5-year review was issued in February 2017.

DATES: To allow us adequate time to conduct this review, we must receive your information no later than April 26, 2021. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: Submit your information, identified by docket number NOAA–NMFS–2021–0010, by either of the following methods:

- *Federal e-Rulemaking Portal:* Go to *www.regulations.gov.* In the Search box, enter the above docket number for this notice. Then, click on the Search icon. On the resulting web page, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written information to Jon Kurland, Assistant Regional Administrator for Protected Resources, Alaska Region NMFS, Attn: Records Office. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: NMFS may not consider comments or other information if sent by any other method, to any other address or individual, or received after the comment period ends. All comments and information received are a part of the public record and NMFS will post the comments for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Jill Seymour, NMFS Alaska Region, *jill.seymour@noaa.gov.*

SUPPLEMENTARY INFORMATION: Section 4(c)(2)(A) of the ESA requires that the Secretary, through NMFS, conduct a review of listed species at least once every 5 years. The regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing species currently under active review. Based on such reviews, we determine whether a listed species should be delisted, or be reclassified from endangered to threatened or from threatened to endangered (16 U.S.C. 1533(c)(2)(B)). As described by the regulations in 50 CFR 424.11(e), the Secretary shall delist a species if the Secretary finds that, after conducting a status review based on the best scientific and commercial data available: (1) the species is extinct; (2) the species does not meet the definition of an endangered species or a threatened species; or (3) the listed entity does not meet the statutory definition of a species. Any change in Federal classification would require a separate rulemaking process.

The Cook Inlet beluga whale DPS was listed as endangered under the ESA on October 22, 2008 (73 FR 62919). Background information on the DPS is available on the NMFS website at: *https://www.fisheries.noaa.gov/species/beluga-whale.*

Determining if a Species Is Threatened or Endangered

Section 4(a)(1) of the ESA requires that we determine whether a species is endangered or threatened based on one or more of the five following factors: (1) The present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. Section 4(b) also requires that our determination be made on the basis of the best scientific and commercial data available after conducting a review of the status of the species and after taking into account those efforts, if any, being made by any State or foreign nation to protect such species.

Public Solicitation of New Relevant Information

To ensure that the 5-year review is complete and based on the best scientific and commercial data available, we are soliciting new information from the public, governmental agencies, Tribes, the scientific community, industry, environmental entities, and any other

interested parties concerning the status of the listed Cook Inlet beluga whale DPS. Categories of requested information include: (1) Species biology including, but not limited to, population trends, distribution, abundance, demographics, and genetics; (2) habitat conditions including, but not limited to, amount, distribution, suitability, and important features for conservation; (3) status and trends of threats; (4) conservation measures that have been implemented that benefit the species, including monitoring data demonstrating effectiveness of such measures; (5) need for additional conservation measures; and (6) other new information, data, or corrections including, but not limited to, taxonomic or nomenclatural changes and improved analytical methods for evaluating extinction risk.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: February 22, 2021.

Angela Somma,

Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–03890 Filed 2–24–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA901]

Western Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings and a partially closed meeting.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its 139th Scientific and Statistical Committee (SSC), Pelagic and International Standing Committee, Executive and Budget Standing Committee, and 185th Council meetings to take actions on fishery management issues in the Western Pacific Region. A portion of the Council's Executive and Budget Standing Committee meeting will be closed to the public for a briefing on litigation by counsel.

DATES: The meetings will be held between March 16 and March 25, 2021. For specific times and agendas, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The meetings will be held by web conference via WebEx. Instructions for connecting to the web conference and providing oral public comments will be posted on the Council website at *www.wpcouncil.org.* For assistance with the web conference connection, contact the Council office at (808) 522–8220.

The following venues will be the host sites for the 185th Council meeting: Cliff Pointe, 304 W O'Brien Drive, Hagatna, Guam; BRI Building, Suite 205, Kopa Di Oru St., Garapan, Saipan, CNMI; and, Tedi of Samoa Building Suite 208B, Fagatogo Village, American Samoa.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; phone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: All times shown are in Hawaii Standard Time. The 139th SSC meeting will be held between 11 a.m. and 5 p.m. on March 16–18, 2021. The Pelagic and International Standing Committee will be held between 1 p.m. and 3 p.m. on March 22, 2021. The Executive and Budget Standing Committee meeting will be held between 3:30 p.m. and 5:30 p.m. on March 22, 2021. The portion of the Executive and Budget Standing Committee from 4 p.m. to 4:30 p.m. will be closed to the public in accordance with section 302(i)(3) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The 185th Council meeting will be held between 11 a.m. and 5 p.m. on March 23–25, 2021.

Please note that the evolving public health situation regarding COVID–19 may affect the conduct of the March Council and its associated meetings. At the time this notice was submitted for publication, the Council anticipated convening the Council meeting by web conference with host site locations in Guam, CNMI and American Samoa. Council staff will monitor COVID–19 developments and will determine the extent to which in-person public participation at host sites will be allowable consistent with applicable local and federal safety and health guidelines. If public participation will be limited to web conference only or on a first-come-first-serve basis consistent with applicable guidelines, the Council will post notice on its website at *www.wpcouncil.org.*

Agenda items noted as ''Final Action'' refer to actions that result in Council transmittal of a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under sections 304 or 305 of the MSA. In addition to the agenda items listed here, the Council and its advisory bodies will hear recommendations from Council advisors. An opportunity to submit public comment will be provided throughout the agendas. The order in which agenda items are addressed may change and will be announced in advance at the Council meeting. The meetings will run as late as necessary to complete scheduled business.

Background documents for the 185th Council meeting will be available at *www.wpcouncil.org.* Written public comments on final action items at the 185th Council meeting should be received at the Council office by 5 p.m. HST, March 19, 2021, and should be sent to Kitty M. Simonds, Executive Director; Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522–8220 or fax: (808) 522–8226; or email: *info.wpcouncil@noaa.gov.* Written public comments on all other agenda items may be submitted for the record by email throughout the duration of the meeting. Instructions for providing oral public comments during the meeting will be posted on the Council website. This meeting will be recorded for the purposes of generating the minutes of the meeting.

Agenda for the 139th Scientific and Statistical Committee Meeting

Tuesday, March 16, 2021, 11 a.m. to 5 p.m.

1. Introductions
2. Approval of Draft Agenda and Assignment of Rapporteurs
3. Status of the 138th SSC Meeting Recommendations
4. Report from Pacific Islands Fisheries Science Center Director
5. Program Planning and Research

A. NMFS Briefing on Executive Order 14008 on Tackling the Climate Crisis at Home and Abroad
B. SSC Three-Year Plan
C. Updates to the Pacific Island Stock Assessment Prioritization
D. Integration of the 'Catch it Log it' app information into fisheries assessments and monitoring
E. Socio-Economic Context for Fisher-Shark Interaction in the Marianas
F. Public Comment
G. SSC Discussion and Recommendations

6. Island Fisheries

A. Main Hawaiian Island (MHI) Deep 7 Bottomfish Fishery

1. Report on the MHI Deep 7 Bottomfish Western Pacific Stock Assessment Review (WPSAR)
2. 2021 Deep 7 Bottomfish Stock Assessment Update
3. Updates to the Acceptable Biological Catch (Action Item)

B. Territorial Bottomfish Fisheries

1. Approaches for Managing the American Samoa Bottomfish Fishery
2. Impact Analyses of the Guam Bottomfish Management Unit Species (BMUS) Rebuilding Plan (Action Items)
C. Public Comment
D. SSC Discussion and Recommendations

Wednesday, March 17, 2021, 11 a.m. to 5 p.m.

A. Seabird Mitigation Measures in the Hawaii Longline Fishery
1. Options for Modifying Shallow-set Longline Fishery Seabird Mitigation Measures
2. Draft Tori Line Specifications for Deep-set Longline Fishery
B. Shallow-set Longline Reasonable and Prudent Measures Working Group Update
C. SSC Working Group on False Killer Whale Take Reduction Measures
D. Endangered Species Act (ESA) Consultations for the Hawaii Deep-set Longline Fishery, American Samoa Longline Fishery, and Bottomfish Fisheries
E. ESA and Marine Mammal Protection Act (MMPA) Updates
F. Public Comment
G. SSC Discussion and Recommendations
8. Pelagic Fisheries
A. American Samoa Longline Annual Fishery Report
B. Hawaii Longline Annual Fishery Report
C. Monte Carlo Analyses of Longline Mitigation Measures
D. Oceanic Whitetip Shark Working Group Report and Options Document to Address MSA 304(i) Obligations
E. Wire Leader Regulatory Amendment for the Hawaii Longline fishery (Action Item)
F. Addressing MSA 304(i) Obligations for Western & Central North Pacific Striped Marlin
1. Addressing Mitigation Measures to Move Towards Ending International Overfishing
2. US Catch Limits for Western & Central North Pacific Striped Marlin (Action Item)
G. International Fisheries
1. South Pacific Regional Fisheries Management Organization (SPRFMO) Science Committee
2. Report of Outcomes of the 17th Session of the Western Central Pacific Fisheries Commission (WCPFC)
3. Conceptual Frame for Workshop on Bigeye Tuna Management in Western Central Pacific Ocean (WCPO) Longline Fisheries
4. Outcomes of the 34th Fisheries and Agriculture Organization (FAO) Committee on Fisheries (COFI)
H. Public Comment
I. SSC Discussion and Recommendations

Thursday, March 18, 2021, 11 a.m. to 5 p.m.

9. Other Business
A. June 2021 SSC Meetings Dates
10. Summary of SSC Recommendations to the Council

Agenda for the Pelagic and International Standing Committee

Monday, March 22, 2021, 1 p.m. to 3 p.m.

1. Oceanic Whitetip Shark Working Group Report and Options Document to Address MSA 304(i) Obligations
2. Wire Leader Regulatory Amendment in Hawaii Longline Fisheries (Initial Action)
3. Addressing MSA 304(i) Obligations for Western & Central North Pacific Striped Marlin
A. Addressing Mitigation Measures to Move Towards Ending International Overfishing
B. US Catch Limits for Western & Central North Pacific Striped Marlin (Final Action)
4. Outcomes of the 34th FAO COFI
5. Advisory Group Report and Recommendations
5. Other Issues
6. Public Comment
7. Discussion and Recommendations

Agenda for the Executive and Budget Standing Committee

Monday, March 22, 2021, 3:30 p.m. to 5:30 p.m. (4 p.m. to 4:30 p.m. CLOSED)

1. Financial Reports
2. Administrative Reports
3. Coral Critical Habitat Working Group and Council Response
4. Council Family Changes
5. Update on Litigation (Closed Session—pursuant to MSA § 302(i)(3))
6. Meetings and Workshops
7. Other Issues
8. Public Comment
9. Discussion and Recommendations

Agenda for the 185th Council Meeting

Tuesday, March 23, 2021, 11 a.m. to 5 p.m.

1. Welcome and Introductions
2. Approval of the 185th Agenda
3. Approval of the 184th Meeting Minutes
4. Executive Director's Report
5. Agency Reports
A. National Marine Fisheries Service
1. Pacific Islands Regional Office
2. Pacific Islands Fisheries Science Center
B. NOAA Office of General Counsel Pacific Islands Section
C. Enforcement
1. U.S. Coast Guard
2. NOAA Office of Law Enforcement
3. NOAA Office of General Counsel Enforcement Section
D. U.S. State Department
E. U.S. Fish and Wildlife Service
F. Public Comment
G. Council Discussion and Action
6. Pelagic & International Fisheries
A. American Samoa Longline Annual Fishery Report
B. Hawaii Longline Annual Fishery Report
C. Oceanic Whitetip Shark Working Group Report and Options Document to Address MSA 304(i) Obligations
D. Wire Leader Regulatory Amendment in Hawaii Longline Fisheries (Initial Action)
E. Addressing MSA 304(i) Obligations for Western & Central North Pacific Striped Marlin
1. Addressing Mitigation Measures to Move Towards Ending International Overfishing
2. U.S. Catch Limits for Western & Central North Pacific Striped Marlin (Final Action)
F. International Fisheries
1. Report of Outcomes of the SPRFMO Meeting
2. Report of Outcomes of the 17th Session of the WCPFC
3. Conceptual Frame for Workshop on Bigeye Tuna Management in WCPO Longline Fisheries
4. Outcomes of the 34th FAO COFI
G. Advisory Group Report and Recommendations
1. Pelagic Plan Team
2. Advisory Panel
3. Fishing Industry Advisory Committee
4. Non-Commercial Fishing Advisory Committee
5. Scientific & Statistical Committee
H. Standing Committee Report and Recommendations
I. Public Comment
J. Council Discussion and Action

Tuesday, March 23, 2021, 4:30 p.m. to 5 p.m.

Public Comment on Non-Agenda Items

Wednesday, March 24, 2021, 11 a.m. to 5 p.m.

7. Protected Species
A. Seabird Mitigation Measures
1. Options for Modifying Shallow-set Longline Fishery Seabird Mitigation Measures
2. Draft Tori Line Specifications for Deep-set Longline Fishery

B. Shallow-set Longline Reasonable and Prudent Measures Working Group Update
C. ESA Consultations for the Hawaii Deep-set Longline Fishery, American Samoa Longline Fishery, and Bottomfish Fisheries
D. ESA and MMPA Updates
E. Coral Critical Habitat Working Group and Council Response
F. Advisory Group Report and Recommendations
1. Pelagic Plan Team
2. Advisory Panel
3. Fishing Industry Advisory Committee
4. Non-Commercial Fishing Advisory Committee
5. Scientific & Statistical Committee
G. Public Comment
H. Council Discussion and Action
8. American Samoa Archipelago
A. Motu Lipoti
B. Department of Marine and Wildlife Resources Report
1. CARES Act distribution of funds
2. Coral Reef Fishery Management Plan
C. Department of Commerce Alia Tele Project
D. Post Authority Malaloa Commercial Dock Extension Update
E. American Samoa Bottomfish Fisheries
1. Territorial Bottomfish Fishery Management Plan
2. Approaches for Bottomfish Fishery Management
F. Advisory Group Report and Recommendations
1. Advisory Panel
2. Fishing Industry Advisory Committee
3. Non-Commercial Fishing Advisory Committee
4. Scientific & Statistical Committee
G. Public Comment
H. Council Discussion and Action
9. Mariana Archipelago
A. Guam
1. Isla Informe
2. Department of Agriculture/Division of Aquatic and Wildlife Resources Report
a. CARES Act distribution of funds
b. Mandatory Licensing and Reporting
c. Coral Reef Fishery Management Plan
3. Environmental Assessment of the Guam Bottomfish Stock Rebuilding Plan (Final Action)
4. Socio-Economic Context for Fisher-Shark Interaction in the Marianas
B. CNMI
1. Arongol Falú
2. Department of Land and Natural Resources (DLNR)/Division of Fish and Wildlife Report
a. CARES Act distribution of funds
b. Mandatory Licensing and Reporting Implementation
C. Advisory Group Reports and Recommendations
1. Advisory Panel
2. Fishing Industry Advisory Committee
3. Non-Commercial Fishing Advisory Committee
4. Scientific & Statistical Committee
D. Public Comment
E. Council Discussion and Action

Thursday, March 25, 2021, 11 a.m. to 5 p.m.

10. Program Planning and Research
A. National Legislative Report
B. NMFS Briefing on Executive Order 14008 on Tackling the Climate Crisis at Home and Abroad
C. Three Year SSC Plan
D. Updates on the CatchIt LogIt Implementation
E. Integration of the 'CatchIt LogIt' app information into fisheries assessments and monitoring
F. Fisheries 101 Capacity Building
G. Updates to the Pacific Island Stock Assessment Prioritization
H. Regional Communications & Outreach Report
I. Advisory Group Report and Recommendations
1. Advisory Panel
2. Fishery Data Collection and Research Committee
3. Fishing Industry Advisory Committee
4. Non-Commercial Fishing Advisory Committee
5. Scientific & Statistical Committee
J. Public Comment
K. Council Discussion and Action
11. Hawai'i Archipelago & Pacific Remote Island Areas (PRIA)
A. Moku Pepa
B. DLNR/Division of Aquatic Resources Report
1. CARES Act funding distribution
C. Main Hawaiian Island Deep 7 Bottomfish Fishery
1. Updates to the Deep 7 Bottomfish Complex Stock Assessment
2. Report on the WPSAR of the Deep 7 Bottomfish Update
3. Update to the Deep 7 Bottomfish Annual Catch Limits (Initial Action)
D. Hawaii Non-Commercial Data Collection Plans
E. Advisory Group Report and Recommendations
1. Advisory Panel
2. Fishing Industry Advisory Committee
3. Non-Commercial Fishing Advisory Committee
4. Scientific & Statistical Committee
F. Public Comment
G. Council Discussion and Action
12. Administrative Matters
A. Financial Reports
B. Administrative Reports
C. Council Coordination Committee
D. Council Family Changes
E. Meetings and Workshops
F. Standing Committee Report and Recommendations
G. Public Comment
H. Council Discussion and Action
13. Other Business

Non-emergency issues not contained in this agenda may come before the Council for discussion and formal Council action during its 185th meeting. However, Council action on regulatory issues will be restricted to those issues specifically listed in this document and any regulatory issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 22, 2021.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–03911 Filed 2–24–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Patent and Trademark Resource Center Metrics

The United States Patent and Trademark Office (USPTO) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The USPTO invites comment on this information collection renewal, which helps the USPTO assess the impact of its information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on December 17, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: United States Patent and Trademark Office, Department of Commerce.

Title: Patent and Trademark Resource Center Metrics.

OMB Control Number: 0651–0068.

Form Number: None.

Type of Review: Extension and revision of a currently approved information collection.

Number of Respondents: 90 respondents per year.

Average Hour per Response: The USPTO estimates that it will take the public approximately 30 minutes (0.50 hours) to complete a response, depending on the complexity of the particular item. This includes the time to gather the necessary information, create the documents, and submit the completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 180 hours.

Estimated Total Annual Non-Hour Cost Burden: $0.

Needs and Uses: The participating Patent and Trademark Resource Centers (PTRCs) uses this information collection to provide metrics pertaining to the use of patent and trademark services by the public, as well as the public outreach efforts of their libraries.

Affected Public: Private Sector; State, Local, or Tribal Government.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce, USPTO information collections currently under review by OMB.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 0651–0068.

Further information can be obtained by:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0068 information request'' in the subject line of the message.
- *Mail:* Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Kimberly Hardy,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2021–03847 Filed 2–24–21; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Applications for Trademark Registration

The United States Patent and Trademark Office (USPTO) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The USPTO invites comment on this information collection renewal, which helps the USPTO assess the impact of its information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on December 18, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: United States Patent and Trademark Office, Department of Commerce.

Title: Applications for Trademark Registration.

OMB Control Number: 0651–0009.

Form Numbers:

- PTO 1478 (Trademark/Service Mark Application, Principal Register)
- PTO 1479 (Trademark/Service Mark Form, Supplemental Register)
- PTO 1480 (Certification Mark Form, Principal Register)
- PTO 1481 (Collective Membership Mark Form, Principal Register)
- PTO 1482 (Collective Trademark/Service Mark Form, Principal Register)

Type of Review: Extension and revision of a currently approved information collection.

Number of Respondents: 506,837 respondents per year.

Average Hour per Response: The USPTO estimates that it takes the public approximately 40 minutes (0.67 hours) to 50 minutes (0.83 hours), depending on the complexity of the situation, to gather the necessary information, prepare the appropriate documents, and submit the information to the USPTO.

Estimated Total Annual Respondent Burden Hours: 377,830 hours.

Estimated Total Annual Non-Hour Cost Burden: $151,994,532.

Needs and Uses: The United States Patent and Trademark Office (USPTO) administers the Trademark Act, 15 U.S.C. 1051 *et seq.,* which provides for the Federal registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Individuals and businesses who use their marks, or intend to use their marks, in commerce regulated by Congress may file an application with the USPTO to register their marks. Registered marks remain on the register indefinitely, so long as the owner of the registration files the necessary maintenance documents.

This information collection addresses submissions required by the regulations at 37 CFR part 2 for initial applications regarding the registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Trademarks can be registered on either the Principal or Supplemental Register. The Trademark Act and regulations mandate that each certificate of registration include the mark, the goods and/or services in connection with which the mark is used, ownership information, dates of use, and certain other information. The USPTO also provides similar information concerning pending applications. The register and pending application information may be accessed by an individual or by businesses to determine the availability of a mark. By accessing the USPTO's information, parties may reduce the possibility of initiating use of a mark previously adopted by another.

Affected Public: Private sector; individuals or households.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce, USPTO information collections currently under review by OMB.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search

function and entering either the title of the information collection or the OMB Control Number 0651–0009.

Further information can be obtained by:

• *Email: InformationCollection@uspto.gov.* Include ''0651–0009 information request'' in the subject line of the message.

• *Mail:* Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Kimberly Hardy,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2021–03915 Filed 2–24–21; 8:45 am]

BILLING CODE 3510–16–P

CONSUMER PRODUCT SAFETY COMMISSION

Commission Agenda and Priorities; Notice of Hearing

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Notice of public hearing.

SUMMARY: The U.S. Consumer Product Safety Commission (Commission or CPSC) will conduct a public hearing to receive views from all interested parties about the Commission's agenda and priorities for fiscal year 2022, which begins on October 1, 2021. We invite members of the public to participate. Written comments and oral presentations concerning the Commission's agenda and priorities for fiscal year 2022 will become part of the public record. Due to the COVID–19 pandemic, this year's hearing will be held virtually as a CPSC Webinar meeting. All attendees should pre-register for the Webinar. To pre-register for the Webinar, please visit *https://attendee.gotowebinar.com/register/2395411838620426511* and fill in the information. After registering, you will receive a confirmation email containing information about joining the webinar. Instructions for the hearing participants and other interested parties will be made available on the CPSC website on the public calendar: *https://www.cpsc.gov/Newsroom/Public-Calendar.*

DATES: The hearing will begin via Webinar at 10 a.m. EDT on April 7, 2021, and will conclude the same day.

ADDRESSES: Due to the COVID–19 pandemic, this year's hearing will be held virtually as a Webinar meeting at *https://attendee.gotowebinar.com/register/2395411838620426511.* Requests to make oral presentations, and texts of oral presentations and written comments should be captioned, ''Agenda and Priorities FY 2022,'' and sent by electronic mail (email) to: *cpsc-os@cpsc.gov.* Requests to make oral presentations and the written text of any oral presentations must be received by the Division of the Secretariat not later than 5 p.m. Eastern Daylight Time (EDT) on March 17, 2021. The Commission will accept written comments as well. These also must be received by the Division of the Secretariat not later than 5 p.m. EDT on March 17, 2021.

FOR FURTHER INFORMATION CONTACT: For information about the hearing, or to request an opportunity to make an oral presentation, please send an email to Alberta E. Mills, Division of the Secretariat, U.S. Consumer Product Safety Commission at *cpsc-os@cpsc.gov.* An electronic copy of the CPSC's Strategic Plan can be found at: *www.cpsc.gov/about-cpsc/agency-reports/performance-and-budget.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 4(j) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2053(j)) requires the Commission to establish an agenda for action under the laws the Commission administers, and to the extent feasible, select priorities for action at least 30 days before the beginning of each fiscal year. Section 4(j) of the CPSA provides further that before establishing its agenda and priorities, the Commission shall conduct a public hearing and provide an opportunity for the submission of comments.

II. Registration for CPSC Webinar

The public hearing will be held on April 7, 2021, at 10:00 a.m. EDT via CPSC Webinar. All attendees should pre-register for the Webinar. To pre-register for the Webinar, please visit *https://attendee.gotowebinar.com/register/2395411838620426511* and fill in the information. After registering you will receive a confirmation email containing information about joining the webinar. Instructions for the hearing participants and other interested parties will be made available on the CPSC website on the public calendar: *https://www.cpsc.gov/Newsroom/Public-Calendar.*

III. Oral Presentations and Submission of Written Comments

The Commission is preparing the agency's fiscal year 2022 Operating Plan, which establishes its agenda and priorities for fiscal year 2022. Fiscal year 2022 begins on October 1, 2021. Through this notice, the Commission invites the public to comment on the Commission's agenda and priorities that will be established in the fiscal year 2022 Operating Plan.

Persons who desire to make oral presentations at the hearing on April 7, 2021, should send an email to Alberta E. Mills, Division of the Secretariat, U.S. Consumer Product Safety Commission at *cpsc-os@cpsc.gov* not later than 5 p.m. EDT on March 17, 2021. Texts of the oral presentation should be captioned, ''Agenda and Priorities FY 2022,'' and must be received not later than 5 p.m. EDT on March 17, 2021. Presentations should be limited to approximately 10 minutes. The Commission reserves the right to impose further time limitations on all presentations and other restrictions to avoid duplication of presentations.

If you do not want to make an oral presentation, but would like to provide written comments, you may do so. Written comments should be captioned, ''Agenda and Priorities FY 2022,'' and sent to Alberta E. Mills, Division of the Secretariat, U.S. Consumer Product Safety Commission at *cpsc-os@cpsc.gov* not later than 5 p.m. EDT on March 17, 2021.

Alberta E. Mills,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2021–03888 Filed 2–24–21; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2021–SCC–0030]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Program for International Student Assessment 2022 (PISA 2022) Main Study Recruitment and Field Test

AGENCY: Institute of Educational Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a change to a currently existing information collection.

DATES: Interested persons are invited to submit comments on or before March 29, 2021.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of

this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carrie Clarady, 202–245–6347.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Program for International Student Assessment 2022 (PISA 2022) Main Study Recruitment and Field Test.

OMB Control Number: 1850–0755.

Type of Review: Change to a currently existing information collection.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 11,733.

Total Estimated Number of Annual Burden Hours: 5,716.

Abstract: The Program for International Student Assessments (PISA) is an international assessment of 15-year-olds, which focuses on assessing students' reading, mathematics, and science literacy. PISA was first administered in 2000 and is typically conducted every three years. The United States has participated in all of the previous cycles and planned to participate in 2021 in order to track trends and to compare the performance of U.S. students with that of students in other education systems. PISA is sponsored by the Organization for Economic Cooperation and Development (OECD). In the United States, PISA is conducted by the National Center for Education Statistics (NCES), within the U.S. Department of Education. In each administration of PISA, one of the subject areas (reading, mathematics, or science literacy) is the major domain and has the broadest content coverage, while the other two subjects are the minor domains. PISA emphasizes functional skills that students have acquired as they near the end of mandatory schooling (aged 15 years), and students' knowledge and skills gained both in and out of school environments. The next administration of PISA will focus on mathematics literacy as the major domain. Reading and science literacy will also be assessed as minor domains, with additional assessment of financial literacy. In addition to the cognitive assessments described above, PISA 2022 will include questionnaires administered to school principals and assessed students. To prepare for the main study, PISA countries will conduct a field test in the spring of the year previous, primarily to evaluate newly developed assessment and questionnaire items but also to test the assessment operations. The request to conduct PISA 2021 main study recruitment and field test was approved in December 2019 (OMB #1850–0755 v.23–24). This request: (1) Updates the package to reflect all of the changes made to respond to the global coronavirus pandemic, including delaying the field test that was previously scheduled for 2020 to 2021 and the main study data collection to 2022; (2) updates the field test recruitment materials and student video; (3) adds COVID–19 protocols; (4) replaces the state, district and school letters for the 2021 field test and 2022 main study; and (5) adds coronavirus pandemic-related items in the school and student questionnaires.

Dated: February 22, 2021.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–03918 Filed 2–24–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19–2757–004.

Applicants: California Independent System Operator Corporation.

Description: Compliance filing: 2021–02–18 Notice of Withdrawal—Order No. 831 to be effective N/A.

Filed Date: 2/18/21.

Accession Number: 20210218–5124.

Comments Due: 5 p.m. ET 3/11/21.

Docket Numbers: ER20–2452–001.

Applicants: Hamilton Liberty LLC.

Description: Compliance filing: Informational Filing Pursuant to Schedule 2 of the PJM OATT & Request for Waiver to be effective N/A.

Filed Date: 2/19/21.

Accession Number: 20210219–5158.

Comments Due: 5 p.m. ET 3/12/21.

Docket Numbers: ER20–2453–002.

Applicants: Hamilton Patriot LLC.

Description: Compliance filing: Informational Filing Pursuant to Schedule 2 of the PJM OATT & Request for Waiver to be effective N/A.

Filed Date: 2/19/21.

Accession Number: 20210219–5165.

Comments Due: 5 p.m. ET 3/12/21.

Docket Numbers: ER21–293–003.

Applicants: Horizon West Transmission, LLC.

Description: Compliance filing: Horizon West Transmission, LLC Amendment to December 31 Letter Order Comp Filing to be effective 1/1/2021.

Filed Date: 2/19/21.

Accession Number: 20210219–5160.

Comments Due: 5 p.m. ET 3/12/21.

Docket Numbers: ER21–714–001.

Applicants: Indiana Crossroads Wind Farm LLC.

Description: Tariff Amendment: Supplement to Market-Based Rate Application and Revised MBR Tariff to be effective 2/21/2021.

Filed Date: 2/19/21.

Accession Number: 20210219–5095.

Comments Due: 5 p.m. ET 3/12/21.

Docket Numbers: ER21–1170–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 5961; Queue No. AE1–226 to be effective 1/19/2021.

Filed Date: 2/18/21.

Accession Number: 20210218–5118.

Comments Due: 5 p.m. ET 3/11/21.

Docket Numbers: ER21–1171–000.
Applicants: Essential Power Newington, LLC.
Description: Baseline eTariff Filing: IROL–CIP Rate Schedule to be effective 2/18/2021.
Filed Date: 2/18/21.
Accession Number: 20210218–5119.
Comments Due: 5 p.m. ET 3/11/21.
Docket Numbers: ER21–1172–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA 5972; Queue No. AE2–062 to be effective 1/19/2021.
Filed Date: 2/18/21.
Accession Number: 20210218–5135.
Comments Due: 5 p.m. ET 3/11/21.
Docket Numbers: ER21–1173–000.
Applicants: Pacific Gas and Electric Company.
Description: Notice of Termination of Service Agreement (No. 2) with Sunrise Cogeneration and Power Company of Pacific Gas and Electric Company.
Filed Date: 2/18/21.
Accession Number: 20210218–5151.
Comments Due: 5 p.m. ET 3/11/21.
Docket Numbers: ER21–1174–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to WMPA, Service Agreement No. 5729; Queue No. AF1–021 to be effective 7/9/2020.
Filed Date: 2/19/21.
Accession Number: 20210219–5010.
Comments Due: 5 p.m. ET 3/12/21.
Docket Numbers: ER21–1175–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Cancellation: Notice of Cancellation of WMPA, SA No. 4768; Queue No. AC1–117 to be effective 3/15/2021.
Filed Date: 2/19/21.
Accession Number: 20210219–5041.
Comments Due: 5 p.m. ET 3/12/21.
Docket Numbers: ER21–1176–000.
Applicants: Delta's Edge Solar, LLC.
Description: Baseline eTariff Filing: Baseline filing to be effective 2/20/2021.
Filed Date: 2/19/21.
Accession Number: 20210219–5063.
Comments Due: 5 p.m. ET 3/12/21.
Docket Numbers: ER21–1177–000.
Applicants: Crossett Solar Energy, LLC.
Description: Baseline eTariff Filing: Baseline filing to be effective 2/20/2021.
Filed Date: 2/19/21.
Accession Number: 20210219–5066.
Comments Due: 5 p.m. ET 3/12/21.
Docket Numbers: ER21–1178–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA/CSA, Service Agreement Nos. 5159 and 5189; Queue No. AB2–040 to be effective 8/8/2018.
Filed Date: 2/19/21.
Accession Number: 20210219–5070.
Comments Due: 5 p.m. ET 3/12/21.
Docket Numbers: ER21–1179–000.
Applicants: Crescent Wind LLC.
Description: Tariff Cancellation: Notice of Cancellation of Market-Based Rate Tariff to be effective 4/21/2021.
Filed Date: 2/19/21.
Accession Number: 20210219–5079.
Comments Due: 5 p.m. ET 3/12/21.
Docket Numbers: ER21–1180–000.
Applicants: New England Power Company.
Description: § 205(d) Rate Filing: Sched 20A Service Agreement with Vitol and Request for Notice Requirement Waiver to be effective 11/1/2020.
Filed Date: 2/19/21.
Accession Number: 20210219–5080.
Comments Due: 5 p.m. ET 3/12/21.
Docket Numbers: ER21–1181–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3127R3 Montana-Dakota Utilities Co. NITSA NOA to be effective 2/1/2021.
Filed Date: 2/19/21.
Accession Number: 20210219–5096.
Comments Due: 5 p.m. ET 3/12/21.
Docket Numbers: ER21–1182–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Cancellation: Notice of Cancellation of WMPA, SA No. 4479, Queue Position No. AB1–055 to be effective 4/22/2021.
Filed Date: 2/19/21.
Accession Number: 20210219–5102.
Comments Due: 5 p.m. ET 3/12/21.
Docket Numbers: ER21–1183–000.
Applicants: Tucson Electric Power Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 347, Concurrence to PNM RS No. 175 to be effective 4/21/2021.
Filed Date: 2/19/21.
Accession Number: 20210219–5105.
Comments Due: 5 p.m. ET 3/12/21.
Docket Numbers: ER21–1184–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 876 to be effective 2/16/2021.
Filed Date: 2/19/21.
Accession Number: 20210219–5180.
Comments Due: 5 p.m. ET 3/12/21.
Docket Numbers: ER21–1185–000.
Applicants: Southwest Power Pool, Inc.
Description: Request For Limited Waiver, et al. of Southwest Power Pool, Inc.
Filed Date: 2/19/21.
Accession Number: 20210219–5188.
Comments Due: 2 p.m. ET 2/22/21.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RD21–4–000.
Applicants: North American Electric Reliability Corporation.
Description: Petition of The North American Electric Reliability Corporation For Approval of Proposed Reliability Standard FAC–008–5—Facility Ratings.
Filed Date: 2/19/21.
Accession Number: 20210219–5097.
Comments Due: 5 p.m. ET 3/22/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 19, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–03887 Filed 2–24–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Central Valley Project—Rate Order No. WAPA–194

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of rate order concerning Energy Imbalance Market Services, Sale of Surplus Products, and revisions to existing Energy Imbalance and Generator Imbalance rate schedules.

SUMMARY: This Rate Order confirms, approves, and places into effect Provisional Formula Rates for the Central Valley Project's (CVP) Energy Imbalance Market (EIM) Services, Sale of Surplus Products (SSP), and revisions

to the existing Energy Imbalance (EI) and Generator Imbalance (GI) formula rates (collectively, Provisional Formula Rates). The Provisional Formula Rates are associated with three events: Participation in the California Independent System Operator's (CAISO) EIM; alignment of CVP's SSP with other Western Area Power Administration (WAPA) regions; and revision of existing EI and GI rate schedules.

DATES: The Provisional Formula Rates under rate schedules CV–EIM1S, CV–EIM4S, CV–EIM9S, and CV–SSP2 [1] are effective on March 25, 2021, and will remain in effect through December 31, 2024, pending confirmation and approval by the Federal Energy Regulatory Commission (FERC) on a final basis or until superseded. The Provisional Formula Rates under rate schedules CV–EID5 and CV–GID2 are effective on the first day of the first full billing period after March 25, 2021, and will remain in effect through December 31, 2024, pending confirmation and approval by FERC on a final basis or until superseded.

FOR FURTHER INFORMATION CONTACT: Ms. Sonja Anderson, Regional Manager, Sierra Nevada Region, Western Area Power Administration, 114 Parkshore Drive, Folsom, CA 95630, or email: *SNR-RateCase@wapa.gov,* or Ms. Autumn Wolfe, Rates Manager, Sierra Nevada Region, Western Area Power Administration, (916) 353–4686 or email: *SNR-RateCase@wapa.gov.*

SUPPLEMENTARY INFORMATION: On September 12, 2019, as part of Rate Order WAPA–185, FERC confirmed and approved WAPA's formula rates for EI and GI Services and Rate Schedules CV–EID4 and CV–GID1 through September 30, 2024.[2] On July 31, 2020, WAPA published a notice in the **Federal Register** (FRN) (85 FR 46083) that proposed: (1) New formula rates for participation in EIM (CV–EIM1S, CV–EIM4S, and CV–EIM9S); (2) formula rate schedule SSP (CV–SSP2) that is consistent with other WAPA regions; and (3) revised EI (CV–EID5) and GI (CV–GID2) formula rate schedules. These rates are formula-based methodologies that include an annual update to the data in the rate formulas. The FRN initiated a public consultation and comment period and set forth the date and location of the public information and public comment forums.

WAPA made the decision to enter EIM on August 27, 2019, in the document posted on the website: *https://www.wapa.gov/regions/SN/PowerMarketing/Documents/sn-eim-recommendation-memo.pdf.* The participation in CAISO's EIM provides market liquidity to make EI purchases to maintain just and reasonable pricing, reduces WAPA's financial risk if there are few or no resources to purchase, mitigates the negative impacts of changing generation mix, and addresses WAPA's EI requirements with greater available resources. WAPA has a duty to recover its costs within certain statutory periods for fiscal year annual expenses and for capital repayment of projects based on DOE Orders and statutory obligations. WAPA will recover EIM costs through the CVP Power Revenue Requirement (PRR), including startup costs and EIM load costs for those customers with loads too small to identify. Any potential EIM benefits will also pass through to the PRR.

Legal Authority

By Delegation Order No. 00–037.00B, effective November 19, 2016, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to the WAPA Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve on a final basis, remand, or disapprove such rates to FERC. By Delegation Order No. 00–002.00S, effective January 15, 2020, the Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary of Energy. By Redelegation Order No. 00–002.10E, effective February 14, 2020, the Under Secretary of Energy further delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Assistant Secretary for Electricity. By Redelegation Order No. 00–002.10–05, effective July 8, 2020, the Assistant Secretary for Electricity further delegated the authority to confirm, approve, and place such rates into effect on an interim basis to WAPA's Administrator. This rate action is issued under Redelegation Order No. 00–002.10–05 and Department of Energy procedures for public participation in rate adjustments codified at 10 CFR part 903.[3]

Following DOE's review of WAPA's proposal, I hereby confirm, approve, and place Rate Order No. WAPA–194, which provides the formula rates for the CVP's EIM Services, SSP, and revisions to the existing EI and GI service, into effect on an interim basis. WAPA will submit Rate Order No. WAPA–194 to FERC for confirmation and approval on a final basis.

Department of Energy Administrator, Western Area Power Administration

In the Matter of:
Western Area Power Administration Formula Rates for the Central Valley Project Energy Imbalance Market Services, Sale of Surplus Products, Revisions to Existing Energy Imbalance) and Generator Imbalance Formula Rates Rate Order No. WAPA–194

Order Confirming, Approving, and Placing the Energy Imbalance Market Services, Sale of Surplus Products, and Revisions to Existing Energy Imbalance and Generator Imbalance Formula Rates for the Central Valley Project Into Effect on an Interim Basis

The Provisional Formula Rates in Rate Order No. WAPA–194 are established following section 302 of the Department of Energy (DOE) Organization Act (42 U.S.C. 7152).[4]

By Delegation Order No. 00–037.00B, effective November 19, 2016, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to the Western Area Power Administration's (WAPA) Administrator; (2) the authority to confirm, approve, and place into effect such rates on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, or to remand or disapprove such rates to the Federal Energy Regulatory Commission (FERC). By Delegation Order No. 00–002.00S, effective January 15, 2020, the Secretary of Energy also delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Under Secretary of Energy. By Redelegation Order No. 00–002.10E, effective February 14, 2020, the Under Secretary of Energy further delegated the authority to confirm, approve, and

[1] The Balancing Authority of Northern California accelerated the implementation date for Frequency Response Reserve, which is included under the Rate Schedule for SPP. To accommodate the schedule, WAPA implemented a short-term rate for SPP as CV–SSP1. This necessitated a change in numbering from proposed Rate Schedule CV–SSP1 to final Rate Schedule CV–SSP2.

[2] Order Confirming and Approving Rate Schedule on a Final Basis, FERC Docket No. EF19–4–000, 168 FERC ¶ 62,150 (2019).

[3] 50 FR 37835 (Sept. 18, 1985) and 84 FR 5347 (Feb. 21, 2019).

[4] This Act transferred to, and vested in, the Secretary of Energy the power marketing functions of the Secretary of the Department of the Interior and the Bureau of Reclamation (Reclamation) under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); and other acts that specifically apply to the Central Valley Project.

place such rates into effect on an interim basis to the Assistant Secretary for Electricity. By Redelegation Order No. 00–002.10–05, effective July 8, 2020, the Assistant Secretary for Electricity further delegated the authority to confirm, approve, and place such rates into effect on an interim basis to WAPA's Administrator. This rate action is issued under Redelegation Order No. 00–002.10–05 and Department of Energy procedures for public participation in rate adjustments set forth at 10 CFR part 903.[5]

Acronyms, Terms, and Definitions

As used in this Rate Order, the following acronyms, terms, and definitions apply.

BA: As defined in WAPA's OATT, is Balancing Authority and is the responsible entity that integrates resource plans ahead of time, maintains load Interchange-generation balance within a Balancing Authority Area, and supports interconnection frequency in real time.

BAA: As defined in WAPA's OATT, is Balancing Authority Area; the term Balancing Authority Area shall have the same meaning as ''Control Area.''

BANC: As defined in WAPA's OATT, is Balancing Authority of Northern California (BANC). A joint powers authority that provides BA and other services to its members and other entities within the BAA. Members/entities of BANC may in turn provide transmission service to customers.

Base Resource: As defined in Central Valley Project's 2025 Marketing Plan, Base Resource is the Central Valley and Washoe Project power (capacity and energy) output determined by WAPA to be available for marketing, including the environmental attributes, after meeting the requirements of project use and first preference customers, and any adjustments for maintenance, reserves, system losses, and certain ancillary services.

Transmission Customer Base Schedule: As defined in WAPA's OATT, Attachment S, means Transmission Customers Base Schedule and is an energy schedule that provides Transmission Customer hourly-level forecast data and other information used as the baseline by which to measure Imbalance Energy for purposes of EIM settlement. The term ''Transmission Customer Base Schedule'' as used in this Tariff is synonymous with the term ''EIM Participant Base Schedule'' used in the EIM Entity's business practices, and may refer collectively to the components of such schedule (resource, Interchange, Intrachange, and load determined pursuant to the EIM Entity's business practices) or any individual components of such schedule. This term is synonymous to ''Base Schedule.''

CAISO: As defined in WAPA's OATT, is the California Independent System Operator Corporation. A state-chartered, California, non-profit public benefit corporation that operates the transmission facilities of all CAISO participating transmission owners and dispatches certain generating units and loads. The CAISO is the MO for the EIM.

Capacity: As defined in Central Valley Project's 2025 Marketing Plan, is the electric capability of a generator, transformer, transmission circuit, or other equipment.

Conforming Load: The term is not officially defined by CAISO at this time and will be addressed in the future. The following description reasonably aligns with the CAISO's use of the term in defining load forecasting requirements under EIM: Is the load that changes in a reasonably predictable, uniform manner that is environmentally driven. A conforming load has a load profile that is similar to the aggregated load profile. Due to conventional weather- and temperature-based patterns, conforming loads can be forecast with a high level of accuracy using historical and meteorological data.

CVP: As defined in Central Valley Project's 2025 Marketing Plan, is Central Valley Project. The multipurpose Federal water development project extending from the Cascade Range in northern California to the plains along the Kern River south of the city of Bakersfield, California.

DOE: United States Department of Energy.

DOE Order RA 6120.2: Department of Energy Order outlining power marketing administration financial reporting and rate-making procedures.

EI Service: Energy Imbalance Service is an ancillary service that provides for the difference between the scheduled and the actual delivery of energy to a load within the Transmission Provider's Sub-BAA.

EIM: As defined in CAISO's Business Practice Manual, means Energy Imbalance Market and is the rules and procedures in Section 29 of the CAISO Tariff governing the CAISO's operation of the Real-Time Market in BAAs outside of the CAISO BAA and the participation of EIM Market Participants in the Real-Time Market.

EIM Administrative Charge: As defined in CAISO's Business Practice Manual, is the fee imposed on transaction in the energy imbalance market as described in section 29.11(i)(1) of the CASIO Tariff.

EIM Entity: As defined in WAPA's OATT, Attachment S, is a BAA that enters into the MO's EIM Entity Agreement to enable the EIM to occur in its BAA. BANC is the EIM Entity for the BANC EIM Entity BAA. For the purposes of this Attachment S, the EIM Entity is the BANC EIM Entity or the entity selected by the BANC EIM Entity who is certified by the MO. WAPA SN participates in the CAISO Western EIM under the BANC EIM Entity.

EIM Participating Resource: As defined in WAPA's OATT, Attachment S, is a resource or a portion of a resource: (1) That meets the Transmission Provider's eligibility requirements; (2) has been certified by the BANC EIM Entity for participation in the EIM; and (3) for which the generation owner and/or operator enters into the MO's EIM Participating Resource Agreement and any agreements as may be required by BANC and/or the BANC EIM Entity.

EIM Non-Participating Resource: As defined on CAISO's website *https://www.westerneim.com/Documents/EIMTrack5-MeteringFAQ.pdf,* EIM Resource that does not participate in the Real-Time Market but is required to be identified in the EIM BAA for settling charges and payments related to nonparticipating load and nonparticipating resources.

Energy: As defined in Central Valley Project's 2025 Marketing Plan, is measured in terms of the work it is capable of doing over a period of time; electric energy is usually measured in kilowatt-hours or megawatt-hours.

FERC: Federal Energy Regulatory Commission.

Firm Point-to-Point Transmission Service: As defined in WAPA's OATT, is transmission service reserved and/or scheduled between specified Points of Receipt and Delivery pursuant to Part II of the Tariff.

First Preference Customers/Entity: As defined in Central Valley Project's 2025 Marketing Plan, is a preference customer and/or a preference entity (an entity qualified to use, but not using, preference power) within a country or origin (Trinity, Calaveras, and Tuolumne) as specified under the Trinity River Division Act (69 Sta. 719) and the New Melones Project provisions of the Flood Control Act of 1962 (76 Stat. 1173, 1191–1192).

Frequency Response Reserve (FRR) or (FR): As defined in SMUD's Operating Reserves OP–114, ''NERC/WECC does not have an official definition for Frequency Response Reserve (FRR) yet.

[5] 50 FR 37835 (Sept. 18, 1985) and 84 FR 5347 (Feb. 21, 2019).

BANC is defining the FRR as an amount of reserve in MW that is synchronized to the system and can automatically respond to system frequency deviation. BANC in coordination with WAPA and SMUD procures and monitors sufficient FRR in both Day-Ahead scheduling process and Real-Time operations to ensure that BANC meet NERC Reliability Standard BAL–003–1.1 R1.''

FY: Fiscal year; October 1 to September 30.

Generating Unit: As defined in CAISO Tariff, is an individual electric generator and its associated plant and apparatus whose electrical output is capable of being separately identified and metered or a Physical Scheduling Plant that, in either case, is: Located within the CAISO BAA (which includes a Pseudo-Tie of a generating unit to the CAISO BAA) or, for purposes of scheduling and operating the Real-Time Market only, an EIM Entity BAA; connected to the CAISO Controlled Grid, either directly or via interconnected transmission, or distribution facilities or via a Pseudo-Tie; and capable of producing and delivering net Energy (Energy in excess of a generating station's internal power requirements).

GI Service: Generator Imbalance Service is an ancillary service that provides for the difference between the output of a generator and the delivery schedule from that generator to: (1) another BAA, (2) the BANC BAA, or (3) a load within the Transmission Provider's Sub-BAA. GI Service during EIM participation is that associated with a generator that is not an EIM Participating Resource located in the Transmission Provider's Sub-BAA.

kW: As defined in WAPA's 2025 Marketing Plan, is kilowatt. A unit measuring the rate of production of electricity; one kilowatt equals one thousand watts.

LAP: Load Aggregation Point is a set of Pricing Nodes as specified in Section 27.2 of the CAISO Tariff that are used for the submission of Bids and Settlement of Demand.

Load Ratio Share: As defined in WAPA's OATT, is the ratio of a Transmission Customer's Network Load to the Transmission Provider's total load computed in accordance with Sections 34.2 and 34.3 of the Network Integration Transmission Service under Part III of the Tariff and calculated on a rolling twelve month basis.

Long-Term Firm Point-to-Point Transmission Service: As defined in WAPA's OATT, is Firm Point-to-Point Transmission Service under Part II of the Tariff with a term of one year or more.

MO: As defined in WAPA's OATT, Attachment S, is Market Operator. The entity responsible for operation, administration, settlement, and oversight of the EIM. The CAISO is the current MO of the EIM.

MO Tariff: As defined in WAPA's OATT, Attachment S, is those portions of the MO's approved tariff, as such tariff may be modified from time to time, that specifically apply to the operation, administration, settlement, and oversight of the EIM.

MW: As defined in Central Valley Project's 2025 Marketing Plan, is a unit measuring the rate of production of electricity; one megawatt equals one million watts.

NERC: The North American Electric Reliability Corporation.

New Rate: As defined in WAPA's OATT, means the modification of a Rate for transmission or ancillary services provided by the Transmission Provider which has been promulgated pursuant to the rate development process outlined in Power and Transmission Rates, 10 CFR part 903 (2006).

NITS: Network Integration Transmission Service, as defined in WAPA's OATT, is the transmission service provided under Part III of the Tariff.

Non-Conforming Load: The term is not officially defined by CAISO at this time and will be addressed in the future. The following description reasonably aligns with the CAISO's use of the term in defining load forecasting requirements under EIM: Is the load with unpredictable load pattern, *e.g.,* pumps, industrial plants, etc., that makes it difficult for the CAISO model to accurately forecast. CAISO's load forecasting model uses historical actual conforming load data and meteorological data determined necessary to accurately forecast the conforming load. When non-conforming load causes more than 5% deviation (hourly) from the total actual load, they should be modeled separately from the load that CAISO will forecast for the EIM Entity (the conforming load). This requirement is part of the EIM Readiness Criteria in accordance with CAISO Tariff section 29.2(b)(7)(A)(iv).

Non-Firm Point-to-Point Transmission Service: As defined in the Tariff, is Point-to-Point Transmission Service under the Tariff that is reserved and scheduled on an as-available basis and is subject to Curtailment or Interruption as set forth in Section 14.7 under Part II of the Tariff. Non-Firm Point-to-Point Transmission Service is available on a stand-alone basis for periods ranging from one hour to one month. The Transmission provider may offer Non-Firm Point-to-Point Transmission Service for periods longer than one month. If offered, the terms and conditions will be consistent with Part II of the Tariff and will be posted on the Transmission Provider's OASIS.

OASIS: As defined in WAPA's OATT, is Open Access Same-Time Information System. The information system and standards of conduct contained in Part 37 of FERC's regulations and all additional requirements implemented by subsequent FERC orders dealing with OASIS.

OATT: The Open Access Transmission Tariff or 'OATT', including all schedules or attachments thereto, of the Transmission Provided as amended from time to time, and approved by the Commission.

OM&R: Operation, Maintenance, and Replacements expense refers to the annual expense incurred for attending/servicing/replacement of power and transmission lines and facilities.

Preference: As defined in Central Valley Project's 2025 Marketing Plan, is the requirements of Reclamation Law that provide for preference in the sale of Federal power be given to certain entities, such as governments (state, Federal and Native American), municipalities and other public corporations or agencies, and cooperatives and other nonprofit organizations financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936 (*See, e.g.,* Reclamation Project Act of 1939, Section 9(c), 43 U.S.C. 485h(c)).

Point-to-Point Transmission Service: As defined in WAPA's OATT, is the reservation and transmission of capacity and energy on either a firm or non-firm basis from the Point(s) of Receipt to the Point(s) of Delivery under Part II of the Tariff.

Project Use: As defined in Central Valley Project's 2025 Marketing Plan, is power as defined by Reclamation Law and/or used to operate CVP and Washoe Project facilities.

Power: As defined in Central Valley Project's 2025 Marketing Plan, is capacity and energy.

Provisional Formula Rates: The formula rates confirmed, approved, and placed into effect on an interim basis by the Deputy Secretary of Energy or his designee.

PRR: Power Revenue Requirement is revenue required by the PRS to recover annual expenses (such as operation and maintenance, purchase power, transmission service expenses, interest, and deferred expenses) and repay Federal investments and other assigned costs.

PRS: Power Repayment Study, as defined in DOE Order RA 6120.2 and used for the rate adjustment period, is a tool used to determine if the projected power revenue for each project is adequate to meet the annual revenue requirement. The PRS is used to calculate how much revenue is needed to meet annual investment obligations, O&M expenses, and repayment requirements (including repayment periods).

Rate: As defined in WAPA's OATT, means the monetary charge or the formula for computing such a charge for any electric service provided a Transmission Provider as defined in 10 CFR part 903.

Rate Adjustment: As defined in WAPA's OATT, means a change in an existing rate or rates, or the establishment of a rate or rates for a new service. It does not include a change in rate schedule provisions or in contract terms, other than changes in the price per unit of service, nor does it include changes in the monetary charge pursuant to a formula stated in a rate schedule or a contract as defined in 10 CFR part 903.

Rate Formula Adjustment: As defined in WAPA's OATT, means a change in an existing rate formula, or the establishment of a rate formula for a new service. It does not include updates to the monetary charge pursuant to a formula stated in a rate schedule or a contract.

Rate Brochure: A document prepared for public distribution explaining the rationale and background for the information contained in this rate order.

Reclamation: United States Department of the Interior; Bureau of Reclamation, and formerly the United States Reclamation Service.

Reclamation Law: As defined in WAPA's 2025 Marketing Plan, refers to a series of Federal laws with a lineage dating back to the late 1800s. Viewed as a whole, those laws create the framework under which WAPA markets CVP power.

Regulation: As defined in CAISO's Tariff, is the service provided either by resources certified by the CAISO as equipped and capable of responding to the CAISO's direct digital control signals, or by System Resources that have been certified by the CAISO as capable of delivering such service to the CAISO BAA, in an upward and downward direction to match, on a Real-Time basis, Demand and resources, consistent with established NERC and WECC reliability standards and any requirements of the Nuclear Regulatory Commission, or its successor. Regulation is used to control the operating level of a resource within a prescribed area in response to a change in system frequency, tie line loading, or the relation of these to each other so as to maintain the target system frequency and/or the established Interchange with other BAAs within the predetermined Regulation Limits. Regulation includes both an increase in Energy production by a resource or decrease in Energy consumption by a resource (Regulation Up) and a decrease in Energy production by a resource or increase in Energy consumption by a resource (Regulation Down). Regulation Up and Regulation Down are distinct capacity products, with separately stated requirements and Ancillary Service Marginal Pricings in each Settlement Period.

Resource Sufficiency: CAISO defines and proposes resource sufficiency evaluation require all BAAs offer sufficient resources to meet their bid-in demand, reliability capacity to meet forecasted net load, provide ramp capability to meet their 24-hour net demand variation, and their forecasted ancillary service and imbalance reserve requirements (adjusted for diversity benefit).

Short-Term Firm Point-to-Point Transmission Service: As defined in WAPA's OATT, is Firm Point-to-Point Transmission Service under Part II of the Tariff with a term of less than one year.

Sub-BAA: As defined in WAPA's OATT, is Sub-Balancing Authority Area. An electric power system operating within a host BAA that is bounded by meters and is responsible for BAA-like performance of generation, load, and transmission. WAPA–SN is a Sub-BAA within the BANC BAA.

Tariff: As defined in WAPA's OATT, is the Open Access Transmission Tariff or 'OATT', including all schedules or attachments thereto, of the Transmission Provided as amended from time to time, and approved by the Commission.

TO: As defined in WAPA's OATT, means Transmission Owner and is the entity that owns, leases or otherwise possesses an interest in the portion of the Transmission System at the Point of Interconnection and may be a Party to the Small Generator Interconnection Agreement to the extent necessary.

Transmission Customer: As defined in WAPA's OATT, is any Eligible Customer (or its Designated Agent) that (i) executes a Service Agreement, or (ii) requests in writing that the Transmission Provider provide transmission service without a Service Agreement, pursuant to section 15.3 of the Tariff. This term is used in the Part I Common Service Provisions to include customers receiving transmission service under Part II and Part III of this Tariff.

Transmission Provider: As defined in WAPA's OATT, is the Regional Office of the WAPA that owns, controls, or operates the facilities used for the transmission of electric energy in interstate commerce and provides transmission service under the Tariff.

Transmission System: As defined in WAPA's OATT, is the facilities owned, controlled, or operated by the Transmission Provider that are used to provide transmission service under Part II and Part III of the Tariff.

UIE: As defined in WAPA's OATT, Attachment S, is Uninstructed Imbalance Energy. Settlement charges incurred by the Transmission Provider on behalf of Transmission Customers due to uninstructed deviations of supply or demand.

WAPA: United States Department of Energy, Western Area Power Administration.

WAPA–SN: United States Department of Energy, Western Area Power Administration, Sierra Nevada Region.

WECC: The Western Electricity Coordinating Council.

Webex: The Webex is an online secure by invite only meeting platform used by WAPA. The general website is *https://doe.webex.com.*

Website: WAPA's public online source for resources at *https://www.wapa.gov/regions/SN/rates/Pages/Rate-Case-2021-WAPA-194.aspx.*

Effective Date

The Provisional Formula Rates, under Rate Schedules CV–EIM1S, CV–EIM4S, CV–EIM9S, and CV–SSP2, are effective on March 25, 2021, and will remain in effect through December 31, 2024, pending confirmation and approval by FERC on a final basis or until superseded. The Provisional Formula Rates, under Rate Schedules CV–EID5 and CV–GID2, are effective on the first day of the first full billing period after March 25, 2021, and will remain in effect through December 31, 2024, pending confirmation and approval by FERC on a final basis or until superseded.

Public Notice and Comment

WAPA followed the Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions, 10 CFR part 903, in developing these formula rates. WAPA took steps to involve interested parties in the rate process:

1. On July 31, 2020, a **Federal Register** notice (85 FR 46083) (Proposal

FRN) announced the proposed formula rates and launched a 90-day public consultation and comment period.

2. On July 31, 2020, WAPA notified Preference Customers and interested parties of the proposed rates and provided a copy of the Proposal FRN.

3. On August 17, 2020, WAPA held a public information forum via Webex. WAPA's representatives explained the proposed Formula Rates, answered questions, and gave notice that more information was available in the customer rate brochure.

4. On August 17, 2020, WAPA held a public comment forum via Webex to provide an opportunity for customers and other interested parties to comment for the record.

5. WAPA provided a website that contains all dates, customer letters, presentations, FRNs, customer Rate Brochure, and other information about this rate process. The website is located at *https://www.wapa.gov/regions/SN/rates/Pages/Rate-Case-2021-WAPA-194.aspx.*

6. During the 90-day consultation and comment period, which ended on October 29, 2020, WAPA received twelve oral comments and one written comment. The comments and WAPA's responses are addressed below. All comments have been considered in the preparation of this Rate Order.

Oral comments were received from the following organizations:

Balancing Authority of Northern California (BANC), California
University of California (UC) Davis, California
Northern California Power Agency (NCPA), California
Modesto Irrigation District (MID), California
Turlock Irrigation District (TID), California
City of Redding (REU), California

Written comments were received from the following organization:

Northern California Power Agency (NCPA), California

Supplementary Information

WAPA will participate in EIM, as a Transmission Provider, within BANC's BAA. To recover all imbalance costs, WAPA will need rates for: (1) EIM Administrative Service (CV–EIM1S), (2) EIM EI Service (CV–EIM4S), and (3) EIM GI Service (CV–EIM9S). The new EIM Administrative Services Provisional Formula Rate (CV–EIM1S) will allow WAPA to pass through certain administrative costs incurred by WAPA resulting from its participation in EIM as a Transmission Provider. The Provisional Formula Rates and cost allocation for Administrative, EI and GI Services will be in effect when WAPA is participating in EIM, and to the extent WAPA incurs associated settlements during market suspension or contingency.

In addition to implementing new rates, WAPA revised the existing rates for EI Services (CV–EID4) and GI Services (CV–GID1). Since CAISO's EIM economically dispatches energy under CAISO's Tariff to meet the imbalances for loads and resources over multiple BAAs as a centralized, automated, and region-wide dispatch for imbalances, WAPA revised its settlement of EI and GI Services to settle financially rather than with energy. The revised EI Services (CV–EID5) and GI Services (CV–GID2) rate schedules apply when EIM has been suspended.

The Provisional Formula Rate for the Sale of Surplus Products (CV–SSP2) is a new rate. This rate makes WAPA–SN's practices consistent with other WAPA regions. CV–SSP2 is further discussed in the section on Sale of Surplus Products.

The Provisional Formula Rates along with the existing effective formula rates provide WAPA with sufficient revenue to recover annual OM&R expenses, interest expense, aid to irrigation, and capital repayment requirements while ensuring repayment of the project within the cost recovery criteria set forth in DOE Order RA 6120.2.

The Provisional Formula Rates under rate schedules CV–EIM1S, CV–EIM4S, CV–EIM9S, and CV–SSP2, will go into effect on March 25, 2021, through December 31, 2024, or until WAPA changes the formula rates through another public rate process pursuant to 10 CFR part 903, whichever occurs first. The Provisional Formula Rates under rate schedules CV–EID5 and CV–GID2 will go into effect on the first day of the first full billing period after March 25, 2021, through December 31, 2024, or until WAPA changes the formula rates through another public rate process pursuant to 10 CFR part 903, whichever occurs first.

EIM Administrative Service Charge, CV–EIM1S

WAPA's new rate schedule, CV–EIM1S, is applicable under Attachment S, Addendum 1, of WAPA's Tariff. CV–EIM1S will apply when WAPA, as Transmission Provider, is participating in EIM and when EIM has not been suspended. EIM Administrative Service and the associated rate will apply in addition to the services provided under Schedule 1 of WAPA's Tariff, which are incorporated in existing WAPA transmission service rates. To the extent WAPA incurs EIM Administrative Service related charges during periods of market suspension or contingency, as described in Attachment S, Section 11, of WAPA's Tariff, Schedule 1S and rate schedule CV–EIM1S will both apply to ensure that WAPA, as Transmission Provider, remains revenue-neutral for its participation in EIM.

EIM Administrative Service recovers the administrative costs for participating in EIM by WAPA as a Transmission Provider, including, but not limited to, such administrative charges as may be incurred by WAPA from the MO and those MO charges passed through by the EIM Entity.

Unless such charges are allocated to the Transmission Customer directly by the EIM Entity, all Transmission Customers purchasing Long-Term Firm Point-to-Point Transmission Service, Short-Term Firm Point-to-Point Transmission Service, Non-Firm Point-to-Point Transmission Service, or NITS from WAPA will be required to acquire EIM Administrative Service from WAPA.

The MO's Administrative Service charge, as defined in the MO's Tariff, will be included in CV–EIM1S. This rate also includes administrative charges assessed to WAPA by the EIM Entity based on net energy load within the WAPA Sub-BAA. The new formula rate for EIM Administrative Service Charge will be sub-allocated to WAPA's Transmission Customers based on load ratio share for the time-period in which WAPA incurs EIM administrative costs.

WAPA's costs for EIM start up, including software, hardware, and other features, to implement EIM, will not be included as administrative costs under this schedule. WAPA will allocate startup costs for EIM according to the cost allocation methodologies and procedures discussed under the Energy Imbalance Market Cost Allocation heading, below.

EIM Energy Imbalance Service, CV–EIM4S

WAPA's new rate schedule, CV–EIM4S for Energy Imbalance Service, is applicable under Schedule 4S of the Tariff. CV–EIM4S will apply when WAPA, as Transmission Provider, is participating in EIM and when EIM has not been suspended. In accordance with Attachment S, Section 11, of WAPA's Tariff, Schedule 4 of the Tariff will apply when WAPA is not participating in EIM or when EIM has been suspended. To the extent WAPA incurs EIM EI Service related charges from the EIM Entity during periods of market suspension or contingency, as described in Attachment S, Section 11, of WAPA's

Tariff, Schedule 4S and rate schedule CV–EIM4S will both apply to ensure that WAPA, as Transmission Provider, remains revenue-neutral for its participation in EIM.

EIM EI Service is provided when a difference occurs between the scheduled and the actual delivery of energy to a load located within the WAPA Sub-BAA. WAPA offers this service when transmission service is used to serve load within the WAPA Sub-BAA.

Unless subsequently imposed by the MO as part of the MO Tariff and promulgated by WAPA through rate proceedings, there will be no incremental transmission charge assessed for transmission use related to EIM EI Service. Transmission Customers must have transmission service rights, as set forth in Attachment S of the Tariff.

The formula rate for EIM EI Service, CV–EIM4S, is the deviation of the Transmission Customer's metered load compared to the load component of the Transmission Customer Base Schedule settled as UIE for the period of the deviation at the applicable LAP price where the load is located.

Unless such charges are allocated to the Transmission Customer directly by the EIM Entity, a Transmission Customer will be responsible for any pass-through charges/credits associated with applicable EIM EI Service charges allocated to WAPA, as Transmission Provider, for its participation in the EIM, in accordance with this rate schedule. WAPA will sub-allocate load charges based on a Transmission Customer's load ratio share.

EIM Generator Imbalance Service, CV–EIM9S

EIM GI Service is provided when a difference occurs between the output of a generator that is not an EIM Participating Resource located in the WAPA Sub-BAA, as reflected in the resource component of the Transmission Customer Base Schedule, and the delivery schedule from that generator to: (1) Another BAA, (2) the BANC BAA, or (3) a load within the WAPA Sub-BAA. The EIM Entity does not allow EIM Non-Participating Resources.

WAPA's new rate schedule, CV–EIM9S, is applicable under Schedule 9S of the Tariff. CV–EIM9S will apply when WAPA, as Transmission Provider, is participating in EIM and when EIM has not been suspended. In accordance with Attachment S, Section 11, of WAPA's Tariff, Schedule 9 and CV–EIM9S will both apply when WAPA is not participating in the EIM and when the EIM has been suspended. To the extent WAPA incurs EIM GI Service-related charges from the EIM Entity during periods of market suspension or contingency, as described in Attachment S, Section 11, of WAPA's Tariff, Schedule 9S and CV–EIM9S will both apply to ensure that WAPA, as Transmission Provider, remains revenue-neutral for its participation in EIM.

Unless subsequently imposed by the MO as part of the MO Tariff and promulgated by WAPA through rate proceedings, there will be no incremental transmission charge assessed for transmission use related to EIM GI Service. Transmission Customers must have transmission service rights, as set forth in Attachment S of the Tariff.

EIM GI Services does not have a direct rate component for EIM GI Services for EIM Non-Participating Resources. WAPA expects all EIM Participating Resources to directly settle with CAISO. However, if charges are allocated to the Transmission Provider by the EIM Entity, a Transmission Customer will be responsible for any pass-through charges/credits associated with applicable EIM GI Service charges allocated to WAPA, as Transmission Provider, for its participation in EIM, in accordance with CV–EIM9S. Such charges will be included due to operational adjustments of any affected interchange. WAPA will directly assign charges and/or sub-allocate charges based on the Transmission Customer's load ratio share. In the event the EIM Entity modifies its procedures to allow EIM Non-Participating Resources, WAPA will update CV–EIM9S.

Energy Imbalance Service, CV–EID5

WAPA revised its existing rate schedule for EI Services, CV–EID4, to settle charges financially rather than with energy. Component one to the EI schedule states: ''EI Service is applied to deviations as follows unless otherwise dictated by contract or policy: (1) Deviations within the bandwidth will be tracked and settled financially at the greater of the California Independent System Operator market price or WAPA's actual cost.'' The revised EI Services rate schedule, CV–EID5, will remain in effect when EIM has been suspended.

Generator Imbalance Service, CV–GID2

WAPA revised its existing rate schedule for GI Services, CV–GID1, to settle charges financially rather than with energy. Component one to the GI schedule states: ''GI is applied to deviations as follows unless otherwise dictated by contract or policy: (1) Deviations within the bandwidth will be tracked and settled financially at the greater of the California Independent System Operator market price or WAPA's actual cost.'' The GI schedule further adds to component one: ''to the extent that an entity incorporates intermittent resources, deviations will be charged as follows unless otherwise dictated by contract or policy: (1) Deviations within the bandwidth will be tracked and settled financially at the greater of the California Independent System Operator market price or WAPA–SN's actual cost.'' The revised GI Services rate schedule, CV–GID2, will apply when EIM has been suspended.

Sale of Surplus Products (SSP), CV–SSP2

WAPA's new rate schedule, CV–SSP2, is applicable for the sale of surplus energy and/or capacity products. This includes: (1) Energy, (2) Frequency Response, (3) Regulation, (4) Reserves, and (5) Resource Sufficiency. If any surplus products are available, WAPA may make the product(s) available for sale, provided entities enter into separate agreement(s), which will specify the terms of sale(s).

WAPA will determine the charge for each product at the time of sale to be the greater of WAPA's cost or market rates including transmission charges, as appropriate. WAPA may use a separate agreement(s) to specify the terms of sale(s). The customer will be responsible for acquiring additional transmission service necessary to deliver the product(s), for which a separate charge may be incurred from the transmission provider(s).

SSP includes two new products for sale: FRR and Resource Sufficiency. FRR is a new product requirement based on Reliability Standard BAL–003–1.1, as approved by NERC. FRR is used to serve load immediately in the event of a system contingency. Generating units that are on-line and generating at less than maximum output provides these reserves. FRR supplies capacity that is available immediately to serve load and is synchronized with the power system. BANC implemented this requirement in January 2021, and WAPA therefore will include this FRR service under rate schedule CV–SSP2.[6]

[6] As discussed in footnote 1, BANC accelerated the implementation of FRR, which was originally scheduled to take effect in April 2021. WAPA proposed to include FRR service under the proposed rate for SSP, as discussed in the July 31, 2020, **Federal Register** notice. To accommodate BANC's accelerated schedule, WAPA implemented

Continued

Resource Sufficiency product supplies capacity to aid with EIM balancing resources to load forecast, and flexible ramping for aid with EIM 15-minute ramp up or down. WAPA bids energy into the EIM market for immediate dispatch. Resource Sufficiency is not a spin or regulation product. It is a new product available to BANC EIM members as a balancing or flexible ramping product. WAPA's Merchant handles the sale and bidding of the products in EIM, which may result in adjustments to the EIM Transmission Customer Base Schedule market submission or bid ranges.

Energy Imbalance Market Cost Allocation

WAPA's EIM cost allocation methodology for EIM implementation costs and net EIM ongoing charges and/or benefits will be allocated to the CVP PRR, with an exception for Non-Conforming Loads which will be directly charged to the customer. BANC's, WAPA's, and Reclamation's EIM implementation costs will be recovered over a period not to exceed three years. WAPA has identified four separate categories to allocate ongoing charges and/or benefits: (1) Conforming Loads; (2) Non-Conforming Loads; (3) small loads; and (4) statutory loads.

A Conforming Load is a type of load generally associated with a weather-based element, which is somewhat predictable based on given conditions. For Conforming Loads, WAPA will allocate the net EIM ongoing cost and/or net benefits to the CVP PRR.

A Non-Conforming Load changes abnormally—such as a factory that consumes high demand intermittently. For Non-Conforming Loads, WAPA will allocate the net EIM ongoing charges and/or benefits directly to the customer(s) with the Non-Conforming Load(s), in accordance with WAPA's applicable draft business practice, BP–44 ''Energy Imbalance Market Settlements,'' posted on its OASIS, or at *http://www.oasis.oati.com/woa/docs/WASN/WASNdocs/Energy_Imbalance_Market_Settlements_Clean_v1.1.pdf.*

EIM implementation costs and net ongoing costs will be allocated to the CVP PRR for customers with small loads less than one MW. WAPA will assign load charges and benefits for those customers with statutory obligations, such as project use, to the CVP PRR. Customers with small loads or with statutory obligations will not directly pay nor benefit from EIM charges.

a rate for the short term sale of SSP (which included FRR) CV–SSP–1, with an effective date of January 7, 2021. CV–SSP–2 will supersede CV–SSP–1.

Comments

WAPA received twelve oral comments and one written comment during the public consultation and comment period. The comments expressed have been paraphrased, where appropriate, without compromising the meaning of the comments.

A. *Comment:* Commenter from BANC provided clarification regarding WAPA's share of BANC's annual ongoing costs for EIM. The commenter explained the annual cost presented, approximately $376,597 per year, is a little low as it is based on 9 calendar months, not a whole year. WAPA's share of BANC's annual ongoing costs for a full year will be approximately $417,000 per year.

Response: WAPA agreed to update the estimated cost information to reflect ongoing costs of approximately $417,000 per year.

B. *Comment:* Commenter asked whether there are savings associated with implementation of EIM and, if so, where WAPA will account for the savings in the PRR.

Response: EIM costs and benefits will be allocated to the PRR. WAPA anticipates the annual benefits to exceed the annual costs beginning in FY 2022, after the BANC EIM implementation costs are fully expensed.

C. *Comment:* Commenter asked whether WAPA or Reclamation plan to hire additional staff to support the implementation of EIM, or if the implementation costs are just a shift from other activities. Commenter asked whether the current staff will be charged to EIM.

Response: No additional staff will be needed. EIM activities will be absorbed as part of WAPA's current labor staff. WAPA has separate labor codes for EIM. WAPA employees will record their time to the EIM specific labor codes. WAPA will be providing EIM cost/benefit information at future customer meetings.

D. *Comment:* Commenter requested clarification regarding EIM implementation and ongoing costs not being charged to the PRR until after the rate proceedings. Commenter asked whether customers would begin paying in October 2020.

Response: The costs will be included in the FY 2021 PRR, which is for the period October 2020 through September 2021. The costs are included in the PRR at the beginning of FY 2021 to allow a full 12 months to recover the implementation costs. WAPA recovers such costs under its current rates. If there are revisions made to the proposed allocation of EIM implementation costs, WAPA will provide an adjustment to the PRR as needed to reflect the revisions. The estimated EIM costs are included in the 10-year PRR forecast posted to WAPA's website.

E. *Comment:* Commenter asked how often WAPA will monitor the costs and benefits of participation in EIM. Commenter asked whether, if the costs are greater than the benefits, WAPA will stop participating in EIM.

Response: WAPA expects the annual financial benefits of EIM to exceed annual costs, but EIM also brings intangible benefits. WAPA will closely monitor the costs and benefits and will share information at future customer meetings.

F. *Comment:* Commenter asked whether the 3-year rolling average of the net energy load percentage (used for determining participating entities share of BANC ongoing costs) is an ongoing rolling average for prospective costs.

Response: Yes, this is a prospective 3-year rolling average.

G. *Comment:* Commenter asked where Turlock Irrigation District (TID) fits within the Conforming and Non-Conforming Loads in WAPA's footprint, and noted that currently, TID has a Base Resource percentage it pays. Commenter asked whether this would remain the same. The commentor asked whether the Provisional Rates for EIM directly apply to TID.

Response: WAPA Merchant Customers (such as TID) will be impacted by the Tier 2 allocation of EIM costs and benefits that are applied to the PRR and will share in the costs and benefits based on Base Resource percentages. The Provisional Rates for EIM do not directly apply to TID since TID does not take transmission service under the WAPA Tariff.

H. *Comment:* Commenter asked WAPA to clarify which customers identified on slide 15 of WAPA's public information forum presentation represents the 8.6% of WAPA's net energy load, and of those customers, which are considered Conforming or Non-Conforming Loads. Commenter asked whether there is a process for tracking those costs.

Response: All of the customers identified on slide 15 represent WAPA's 8.6% net energy load, and all are Conforming Loads, except for Lawrence Livermore National Labs (LLNL) and project use. LLNL and project use are considered non-conforming loads. LLNL will be directly charged for all EIM costs related to their non-conforming loads. Project use will not be charged, as it does not share in the costs or benefits of EIM. The process for the allocation of

Tier 1 costs is described in Business Practice-44 (BP44) posted on OASIS. The presentation is posted on WAPA's website at *https://www.wapa.gov/regions/SN/rates/Documents/wapa-194-eim-public-information-forum-presentation-2020-08-13.pdf.*

I. *Comment:* Commenter noted that slide 40 of the WAPA public information forum presentation states that charge code 4575 will be allocated based on load ratio share; however, slide 47 states that it will be allocated based on simple division by five.

Response: For charge code 4575 from BANC, as the EIM Entity, the scheduling coordinator charges are allocated based on load ratio share, as described on slide 40. For charge code 4575 from WAPA, as a EIM Participating Resource, the scheduling coordinator charges are allocated by number of resource identifications, as described on slide 47. The presentation is posted on WAPA's website at *https://www.wapa.gov/regions/SN/rates/Documents/wapa-194-eim-public-information-forum-presentation-2020-08-13.pdf.*

J. *Comment:* Commenter asked whether, as described on slide 39 of the WAPA public information forum presentation, regarding changes at the intertie after T–57, Tracy Pump would be different than its load. Comment asked whether WAPA has a sense of how often that would happen. Commenter also asked how on slide 41 the first three costs are allocated since there is no applicable rate schedule, and whether, if it is not a rate schedule, it is pursuant to a business process.

Response: Slide 39 does not apply to Tracy Pump. Only Conforming Loads are submitted to CAISO through BANC as the EIM Entity. Tracy Pump is not a generator nor is it at an intertie. Tracy Pump is a Non-Conforming Load modeled as a non-generator resource. Since Tracy Pump is the load, it will not be different than its load. The first three charge codes in the table on slide 41 are related to BANC administrative charges. BANC administrative charges are not recovered under the EIM Rate Schedules because they are determined to be specific to WAPA's generation and load participation in EIM. They are recovered as a cost on the annual PRR. The presentation is posted on the *WAPA's website at https://www.wapa.gov/regions/SN/rates/Documents/wapa-194-eim-public-information-forum-presentation-2020-08-13.pdf.*

K. *Comment:* Commenter asked whether the simulations WAPA performed to measure Sub-Balancing Area resources and demand in EIM consider the limitations on hydrology in terms of managing levels.

Response: WAPA attempted to capture the limitations of hydrology by applying the caps. For the EIM dispatches, WAPA used a cap of 50 MWh per hour, 300 MWh/day, and 600 MWh/week. In the simulation, if the resource is continually receiving incremental (or decremental) dispatch during the day, WAPA capped that to 300 MWh, then assumed that bidding is put on hold until the resource receives a decremental (or incremental) dispatch. At the end of the day, the resource can potentially be in a net positive or negative energy position. The 600 MWh cap for the week is applied similarly to the 300 MWh cap that is in place for the day.

L. *Comment:* Commenter asked whether the information on slide 86 of the WAPA public information forum presentation, in regard to the 11 MW of FR, describes the surplus product or the Sub-BA requirement. Commenter asked whether there is a specific charge related to the FR for the SBA.

Response: The 11 MW is the SBA requirement. WAPA will provide its own FR, so there would not be a charge from BANC. If WAPA needed to purchase FR, it would be at market rates. WAPA would sell at market rates for the reserves and set a price for the energy similar to how WAPA markets spin. The presentation is posted on WAPA's website at *https://www.wapa.gov/regions/SN/rates/Documents/wapa-194-eim-public-information-forum-presentation-2020-08-13.pdf.*

Certification of Rates

WAPA's Administrator certifies that the Provisional Formula Rates for the CVP and services under Rate Schedules CV–EIM1S, CV–EIM4S, CV–EIM9S, CV–SSP2, CV–EID5, and CV–GID2 are the lowest possible rates, consistent with sound business principles. The Provisional Formula Rates were developed following administrative policies and applicable laws.

Availability of Information

Information about this rate adjustment, including the customer rate brochure, PRSs, comments, letters, memorandums, and other supporting materials that were used to develop the Provisional Formula Rates, is available for inspection and copying at the Sierra Nevada Region, Western Area Power Administration, 114 Parkshore Drive, Folsom, California 95630. These documents are also available on WAPA's website at *https://www.wapa.gov/regions/SN/rates/Pages/Rate-Case-2021-WAPA-194.aspx.*

Ratemaking Procedure Requirements

Environmental Compliance

WAPA determined that this action fits within the class listed in Appendix B to Subpart D of 10 CFR part 1021.410: Categorical exclusions applicable to B4.3: Electric power marketing rate changes and B4.4: Power marketing services and activities, which do not require preparation of either an environmental impact statement (EIS) or an environmental assessment (EA).[7] Specifically, WAPA has determined that this rulemaking is consistent with activities identified in B4, Categorical Exclusions Applicable to Specific Agency Actions (see 10 CFR part 1021, Appendix B to Subpart D, Part B4. A copy of the categorical exclusion determination is available on WAPA's website at *https://www.wapa.gov/regions/SN/environment/Pages/environment.aspx.*

Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Submission to the Federal Energy Regulatory Commission

The Provisional Formula Rates herein confirmed, approved, and placed into effect on an interim basis, together with supporting documents, will be submitted to FERC for confirmation and final approval.

Order

In view of the above and under the authority delegated to me, I hereby confirm, approve, and place into effect, on an interim basis, Rate Order No. WAPA–194. The rates will remain in effect on an interim basis until: (1) FERC confirms and approves them on a final basis; (2) subsequent rates are confirmed and approved; or (3) such rates are superseded.

Signing Authority

This document of the Department of Energy was signed on February 10, 2021, by Mark A. Gabriel, Administrator, Western Area Power Administration, pursuant to delegated authority from the Acting Secretary of Energy. That document, with the original signature and date, is

[7] The determination was done in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4321–4347; the Council on Environmental Quality Regulations for implementing NEPA (40 CFR parts 1500–1508); and DOE NEPA Implementing Procedures and Guidelines (10 CFR part 1021).

maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on February 19, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

Rate Schedule CV–EIM1S

United States Department of Energy

Western Area Power Administration

Central Valley Project

Schedule of Rate for Energy Imbalance Market Administrative Service Charge

Effective: March 25, 2021, through December 31, 2024.

Available: Within the marketing area served by the Western Area Power Administration (WAPA), Sierra Nevada Customer Service Region (SN).

Applicable: This rate applies to WAPA–SN customers when WAPA–SN, as Transmission Provider, is participating in Energy Imbalance Market (EIM) and when EIM has not been suspended. To the extent WAPA–SN incurs EIM Administrative Service-related charges from the EIM Entity during periods of market suspension or contingency, this schedule also applies to ensure that WAPA–SN, as Transmission Provider, remains revenue-neutral for its participation in EIM.

Character and Conditions of Service: EIM Administrative Service Charge recovers the administrative costs for participating in the EIM by WAPA–SN as a Transmission Provider, including but not limited to such administrative charges as may be incurred by WAPA–SN from California Independent System Operator (CAISO) as the EIM Market Operator (MO) and/or Balancing Authority of Northern California (BANC) as the EIM Entity.

Unless such charges are allocated to the Transmission Customer directly by BANC, all Transmission Customers purchasing Long-Term Firm Point-to-Point Transmission Service, Short-Term Firm Point-to-Point Transmission Service, Non-Firm Point-to-Point Transmission Service, or Network Integration Transmission Service from WAPA–SN shall be required to acquire EIM Administrative Service Charge from WAPA–SN.

CAISO's Administrative Service Charge, as defined in the MO Tariff, is included in this rate. This rate also includes administrative charges assessed to WAPA–SN by BANC based on net energy load within the WAPA–SN Sub-Balancing Authority Area.

Formula Rate: The formula rate for EIM Administrative Service Charge includes three components:

Component 1: The EIM Administrative Service Charge will be sub-allocated to WAPA–SN's Transmission Customers based on load ratio share for the time period in which WAPA–SN incurs EIM administrative costs.

Component 2: Any charges or credits associated with the creation, termination, or modification to any tariff, contract, or rate schedule accepted or approved by the Federal Energy Regulatory Commission (FERC) or other regulatory bodies will be passed on to each relevant customer. FERC's or other regulatory bodies' accepted or approved charges or credits apply to the service to which this rate methodology applies. When possible, WAPA–SN will pass through directly to the relevant customer FERC's or other regulatory bodies' accepted or approved charges or credits in the same manner WAPA–SN is charged or credited. If FERC's or other regulatory bodies' accepted or approved charges or credits cannot be passed through directly to the relevant customer in the same manner WAPA–SN is charged or credited, the charges or credits will be passed through using Component 1 of the formula rate.

Component 3: Any charges or credits from the Host Balancing Authority (HBA) applied to WAPA–SN for providing this service will be passed through directly to the relevant customer in the same manner WAPA–SN is charged or credited to the extent possible. If the HBA's charges or credits cannot be passed through to the relevant customer in the same manner WAPA–SN is charged or credited, the charges or credits will be passed through using Component 1 of the formula rate.

Billing: Billing will occur monthly.

Adjustment for Audit Adjustments: Financial audit adjustments that apply to the formula rate under this rate schedule will be evaluated on a case-by-case basis to determine the appropriate treatment for repayment and cash flow management.

Rate Schedule CV–EIM4S

United States Department of Energy

Western Area Power Administration

Central Valley Project

Schedule of Rate for Energy Imbalance Market Energy Imbalance Service

Effective: March 25, 2021, through December 31, 2024.

Available: Within the marketing area served by the Western Area Power Administration (WAPA), Sierra Nevada Customer Service Region (SN).

Applicable: This rate applies to WAPA–SN customers receiving Energy Imbalance (EI) Service when WAPA–SN, as Transmission Provider, is participating in Energy Imbalance Market (EIM) and when EIM has not been suspended. To the extent WAPA–SN incurs EIM EI Service-related charges from the EIM Entity during periods of market suspension or contingency, this schedule will also apply to ensure that WAPA–SN, as Transmission Provider, remains revenue-neutral for its participation in EIM.

Character and Conditions of Service: EI Service is provided when a difference occurs between the scheduled and the actual delivery of energy to a load located within the WAPA–SN Sub-Balancing Authority Area (Sub-BAA). WAPA–SN offers this service when transmission service is used to serve load within the WAPA–SN Sub-BAA.

Unless subsequently imposed by California Independent System Operator (CAISO) as the Market Operator (MO) as part of the MO Tariff and promulgated by WAPA through rate proceedings, there shall be no incremental transmission charge assessed for transmission use related to the EIM. Transmission Customers must have transmission service rights, as set forth in Attachment S of WAPA's Tariff.

Formula Rate: The formula rate for EI Service includes three components:

Component 1: EI Service is the deviation of the Transmission Customer's metered load compared to the load component of the Transmission Customer Base Schedule settled as Uninstructed Imbalance Energy (UIE) for the period of the deviation at the applicable Load Aggregation Point (LAP) price where the load is located.

Unless such charges are allocated to the Transmission Customer directly by Balancing Authority of Northern California (BANC) as the EIM Entity, a Transmission Customer will be responsible for any pass-through charges and/or credits associated with applicable EI Service charges allocated to WAPA–SN, as Transmission Provider, for its participation in the

EIM, in accordance with this rate schedule. WAPA–SN will sub-allocate load charges based on a Transmission Customer's load ratio share.

Component 2: Any charges or credits associated with the creation, termination, or modification to any tariff, contract, or rate schedule accepted or approved by the Federal Energy Regulatory Commission (FERC) or other regulatory bodies will be passed on to each relevant customer. FERC's or other regulatory bodies' accepted or approved charges or credits apply to the service to which this rate methodology applies. When possible, WAPA–SN will pass through directly to the relevant customer FERC's or other regulatory bodies' accepted or approved charges or credits in the same manner WAPA–SN is charged or credited. If FERC's or other regulatory bodies' accepted or approved charges or credits cannot be passed through directly to the relevant customer in the same manner WAPA–SN is charged or credited, the charges or credits will be passed through using Component 1 of the formula rate.

Component 3: Any charges or credits from the Host Balancing Authority (HBA) applied to WAPA–SN for providing this service will be passed through directly to the relevant customer in the same manner WAPA–SN is charged or credited to the extent possible. If the HBA's charges or credits cannot be passed through to the relevant customer in the same manner WAPA–SN is charged or credited, the charges or credits will be passed through using Component 1 of the formula rate.

Billing: Billing will occur monthly.

Adjustment for Audit Adjustments: Financial audit adjustments that apply to the formula rate under this rate schedule will be evaluated on a case-by-case basis to determine the appropriate treatment for repayment and cash flow management.

Rate Schedule CV–EIM9S

United States Department of Energy

Western Area Power Administration

Central Valley Project

Schedule of Rate for Energy Imbalance Market Generator Imbalance Service

Effective: March 25, 2021, through December 31, 2024.

Available: Within the marketing area served by the Western Area Power Administration (WAPA), Sierra Nevada Customer Service Region (SN).

Applicable: This rate applies to WAPA–SN customers receiving Generator Imbalance (GI) Service when WAPA–SN, as Transmission Provider, is participating in Energy Imbalance Market (EIM) and when EIM has not been suspended. To the extent WAPA–SN incurs EIM GI Service-related charges from the EIM Entity during periods of market suspension or contingency, this schedule will also apply to ensure that WAPA–SN, as Transmission Provider, remains revenue-neutral for its participation in EIM.

Character and Conditions of Service: GI Service is provided when a difference occurs between the output of EIM Non-Participating Resource located in the WAPA–SN Sub-Balancing Authority (Sub-BAA), as reflected in the resource component of the Transmission Customer Base Schedule, and the delivery schedule from that generator to (1) another BAA, (2) the Balancing Authority of Northern California (BANC) BAA, or (3) a load within the WAPA–SN Sub-BAA.

Unless subsequently imposed by California Independent System Operator (CAISO) as the Market Operator (MO) as part of the MO Tariff and promulgated by WAPA through rate proceedings, there shall be no incremental transmission charge assessed for transmission use related to the EIM. Transmission Customers must have transmission service rights, as set forth in Attachment S of WAPA's Tariff.

Formula Rate: The formula rate for GI Service includes three components:

Component 1: Unless such charges are allocated to the Transmission Customer directly by BANC as the EIM Entity, a Transmission Customer shall be responsible for any pass-through charges and/or credits associated with applicable GI Service charges allocated to WAPA–SN, as Transmission Provider, for its participation in EIM, in accordance with this rate schedule. Such charges will be included due to operational adjustments of any affected Interchange. WAPA–SN will directly assign charges and/or sub-allocate charges based on the Transmission Customer's load ratio share.

Component 2: Any charges or credits associated with the creation, termination, or modification to any tariff, contract, or rate schedule accepted or approved by the Federal Energy Regulatory Commission (FERC) or other regulatory bodies will be passed on to each relevant customer. FERC's or other regulatory bodies' accepted or approved charges or credits apply to the service to which this rate methodology applies. When possible, WAPA–SN will pass through directly to the relevant customer FERC's or other regulatory bodies' accepted or approved charges or credits in the same manner WAPA–SN is charged or credited. If FERC's or other regulatory bodies' accepted or approved charges or credits cannot be passed through directly to the relevant customer in the same manner WAPA–SN is charged or credited, the charges or credits will be passed through using Component 1 of the formula rate.

Component 3: Any charges or credits from the Host Balancing Authority (HBA) applied to WAPA–SN for providing this service will be passed through directly to the relevant customer in the same manner WAPA–SN is charged or credited to the extent possible. If the HBA's charges or credits cannot be passed through to the relevant customer in the same manner WAPA–SN is charged or credited, the charges or credits will be passed through using Component 1 of the formula rate.

Billing: Billing will occur monthly.

Adjustment for Audit Adjustments: Financial audit adjustments that apply to the formula rate under this rate schedule will be evaluated on a case-by-case basis to determine the appropriate treatment for repayment and cash flow management.

Rate Schedule CV–SSP2
(Supersedes Schedule CV–SSP1)

United States Department of Energy

Western Area Power Administration

Central Valley Project

Schedule of Rate for Sale of Surplus Products

Effective: March 25, 2021, through December 31, 2024.

Available: Within the marketing area served by the Western Area Power Administration (WAPA), Sierra Nevada Customer Service Region (SN).

Applicable: To WAPA–SN customers participating in the Sale of Surplus Products.

Character and Conditions of Service: Sale of Surplus Products occurs when there is a sale of surplus energy and/or capacity products. This includes: (1) Energy, (2) Frequency Response, (3) Regulation, (4) Reserves, and (5) Resource Sufficiency. If any of the surplus products are available, WAPA–SN could make the product(s) available for sale, provided entities enter into separate agreement(s) which will specify the terms of the sale(s).

*Formula Rate:*The formula rate for Sale of Surplus Products service includes three components:

Component 1: WAPA–SN will determine the charge for each product at the time of sale to be the greater of WAPA–SN's cost or market rates, to include transmission charges. WAPA–SN will use a separate agreement(s) to specify the terms of sale(s). The

customer may be responsible for acquiring additional transmission service if necessary to deliver the product(s), for which a separate charge may be incurred from the transmission provider.

Component 2: Any charges or credits associated with the creation, termination, or modification to any tariff, contract, or rate schedule accepted or approved by the Federal Energy Regulatory Commission (FERC) or other regulatory bodies will be passed on to each relevant customer. FERC's or other regulatory bodies' accepted or approved charges or credits apply to the service to which this rate methodology applies. When possible, WAPA–SN will pass through directly to the relevant customer FERC's or other regulatory bodies' accepted or approved charges or credits in the same manner WAPA–SN is charged or credited. If FERC's or other regulatory bodies' accepted or approved charges or credits cannot be passed through directly to the relevant customer in the same manner WAPA–SN is charged or credited, the charges or credits will be passed through using Component 1 of the formula rate.

Component 3: Any charges or credits from the Host Balancing Authority (HBA) applied to WAPA–SN for providing this service will be passed through directly to the relevant customer in the same manner WAPA–SN is charged or credited to the extent possible. If the HBA's charges or credits cannot be passed through to the relevant customer in the same manner WAPA–SN is charged or credited, the charges or credits will be passed through using Component 1 of the formula rate.

Billing: The formula rate above will be applied to the Sale of Surplus product(s) sold. Billing will occur monthly.

Adjustment for Audit Adjustments: Financial audit adjustments that apply to the formula rate under this rate schedule will be evaluated on a case-by-case basis to determine the appropriate treatment for repayment and cash flow management.

Rate Schedule CV–EID5
(Supersedes Schedule CV–EID4)

United States Department of Energy

Western Area Power Administration

Central Valley Project

Schedule of Rate for Energy Imbalance Service

Effective: The first day of the first full billing period after March 25, 2021, through December 31, 2024.

Available: Within the marketing area served by the Western Area Power Administration (WAPA), Sierra Nevada Customer Service Region (SN).

Applicable: To customers receiving Energy Imbalance (EI) Service.

Character and Conditions of Service: EI Service is provided when a difference occurs between the scheduled and the actual delivery of energy to a load within the Sub-Balancing Authority (SBA) over an hour or in accordance with approved policies and procedures. The deviation, in megawatts, is the net scheduled amount of energy minus the net metered (actual delivered) amount.

EI Service uses the deviation bandwidth that is established in the service agreement or Interconnected Operations Agreements.

Formula Rate: The formula rate for EI Service includes three components:

Component 1: EI Service is applied to deviations as follows unless otherwise dictated by contract or policy: (1) Deviations within the bandwidth will be tracked and settled financially, at the greater of the California Independent System Operator (CAISO) market price, or WAPA–SN's actual cost; (2) negative deviations (under-delivery), outside the deviation bandwidth, will be charged the greater of 150-percent of the CAISO market price or 150-percent of WAPA–SN's actual cost; and (3) positive deviations (over-delivery), outside the deviation bandwidth, will be lost to the system, except for any hour when WAPA–SN incurs a cost to dispose of the energy, in which event the responsible party will bear that cost.

Deviations that occur as a result of actions taken to support reliability will be resolved in accordance with existing contractual requirements. Such actions include reserve activations or uncontrolled event responses as directed by the responsible reliability authority such as SBA, Host Balancing Authority (HBA), Reliability Coordinator, or Transmission Operator.

Component 2: Any charges or credits associated with the creation, termination, or modification to any tariff, contract, or rate schedule accepted or approved by the Federal Energy Regulatory Commission (FERC) or other regulatory bodies will be passed on to each relevant customer. FERC's or other regulatory bodies' accepted or approved charges or credits apply to the service to which this rate methodology applies. When possible, WAPA–SN will pass through directly to the relevant customer FERC's or other regulatory bodies' accepted or approved charges or credits in the same manner WAPA–SN is charged or credited. If FERC's or other regulatory bodies' accepted or approved charges or credits cannot be passed through directly to the relevant customer in the same manner WAPA–SN is charged or credited, the charges or credits will be passed through using Component 1 of the formula rate.

Component 3: Any charges or credits from the HBA applied to WAPA–SN for providing this service will be passed through directly to the relevant customer in the same manner WAPA–SN is charged or credited to the extent possible. If the HBA's charges or credits cannot be passed through to the relevant customer in the same manner WAPA–SN is charged or credited, the charges or credits will be passed through using Component 1 of the formula rate.

Billing: Billing for negative deviations outside the bandwidth, or as otherwise required, will occur monthly.

Adjustment for Audit Adjustments: Financial audit adjustments that apply to the formula rate under this rate schedule will be evaluated on a case-by-case basis to determine the appropriate treatment for repayment and cash flow management.

Rate Schedule CV–GID2
(Supersedes Schedule CV–GID1)

United States Department of Energy

Western Area Power Administration

Central Valley Project

Schedule of Rate for Generator Imbalance Service

Effective: The first day of the first full billing period after March 25, 2021, through December 31, 2024.

Available: Within the marketing area served by the Western Area Power Administration (WAPA), Sierra Nevada Customer Service Region (SN).

Applicable: To generators receiving Generator Imbalance (GI) Service.

Character and Conditions of Service: GI Service is provided when a difference occurs between the scheduled and actual delivery of energy from an eligible generation resource within the Sub-Balancing Authority (SBA), over an hour, or in accordance with approved policies. The deviation in megawatts is the net scheduled amount of generation minus the net metered output from the generator's (actual generation) amount.

GI Service is subject to the deviation bandwidth established in the service agreement or Interconnected Operations Agreements.

Formula Rate: The formula rate for the GI Service has three components:

Component 1: GI Service is applied to deviations as follows, unless otherwise dictated by contract or policy: (1) Deviations within the bandwidth will be tracked and settled financially at the greater of the California Independent System Operator (CAISO) market price or WAPA–SN's actual cost; (2) negative

deviations (under-delivery), outside the deviation bandwidth, will be charged the greater of 150-percent of the CAISO market price or 150-percent of WAPA–SN's actual cost; and (3) positive deviations (over-delivery), outside the deviation bandwidth, will be lost to the system, except for any hour when WAPA–SN incurs a cost to dispose of the energy, in which event the responsible party will bear that cost.

Deviations that occur as a result of actions taken to support reliability will be resolved in accordance with existing contractual requirements. Such actions include reserve activations or uncontrolled event responses as directed by the responsible reliability authority such as SBA, Host Balancing Authority (HBA), Reliability Coordinator, or Transmission Operator.

To the extent that an entity incorporates intermittent resources, deviations will be charged as follows, unless otherwise dictated by contract or policy: (1) Deviations within the bandwidth will be tracked and settled financially at the greater of the CAISO market price or WAPA–SN's actual cost; (2) negative deviations (under-delivery), outside the deviation bandwidth, will be charged the greater of market price or actual cost (no penalty); and (3) positive deviations (over-delivery), outside the deviation bandwidth, will be lost to the system, except for any hour where WAPA–SN incurs a cost, then that cost will be borne by the responsible party.

Intermittent generators serving load outside of WAPA–SN's SBA will be required to dynamically schedule or dynamically meter their generation to another Balancing Authority. An intermittent resource, for the limited purpose of these rate schedules, is an electric generator that is not dispatchable and cannot store its output, and therefore cannot respond to changes in demand or respond to transmission security constraints.

Component 2: Any charges or credits associated with the creation, termination, or modification to any tariff, contract, or rate schedule accepted or approved by the Federal Energy Regulatory Commission (FERC) or other regulatory bodies will be passed on to each relevant customer. FERC's or other regulatory bodies' accepted or approved charges or credits apply to the service to which this rate methodology applies. When possible, WAPA–SN will pass through directly to the relevant customer FERC's or other regulatory bodies' accepted or approved charges or credits in the same manner WAPA–SN is charged or credited. If FERC's or other regulatory bodies' accepted or approved charges or credits cannot be passed through directly to the relevant customer in the same manner WAPA–SN is charged or credited, the charges or credits will be passed through using Component 1 of the formula rate.

Component 3: Any charges or credits from the HBA applied to WAPA–SN for providing this service will be passed through directly to the relevant customer in the same manner WAPA–SN is charged or credited to the extent possible. If the HBA's charges or credits cannot be passed through to the relevant customer in the same manner WAPA–SN is charged or credited, the charges or credits will be passed through using Component 1 of the formula rate.

Billing: Billing for negative deviations outside the bandwidth will occur monthly.

Adjustment for Audit Adjustments: Financial audit adjustments that apply to the formula rate under this rate schedule will be evaluated on a case-by-case basis to determine the appropriate treatment for repayment and cash flow management.

[FR Doc. 2021–03853 Filed 2–24–21; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 17503]

Privacy Act of 1974; System of Records

AGENCY: Federal Communications Commission.

ACTION: Notice of a new system of records.

SUMMARY: The Federal Communications Commission (FCC or Commission or Agency) is establishing a new system of records, FCC/WCB–3, Emergency Broadband Benefit Program, subject to the *Privacy Act of 1974,* as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the agency. The Emergency Broadband Benefit Program (or ''Emergency Broadband'') provides discounts for broadband internet access service (BIAS) to qualifying households. A household may qualify for Emergency Broadband if an individual in the household qualifies for the free and reduced lunch program, receives a Pell Grant, was recently laid off or furloughed, qualifies for the Lifeline program, or qualifies for a low-income or COVID–19 discount program offered by internet service providers. The Emergency Broadband program will be administered by the Universal Service Administrative Company (USAC) under the direction of the Commission and, by delegation, of the Commission's Wireline Competition Bureau (WCB). This system of records contains information about individual Emergency Broadband participants and providers' enrollment representatives.

DATES: Written comments are due on or before March 29, 2021. This action (including the routine uses) will become effective on March 29, 2021 unless comments are received that require a contrary determination.

ADDRESSES: Send comments to Margaret Drake, Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554, or to *privacy@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Margaret Drake, (202) 418–1707, or *privacy@fcc.gov.*

SUPPLEMENTARY INFORMATION: In December 2020, Congress passed and the President signed the *Emergency Broadband Service During Emergency Period Related to COVID–19,* establishing the Emergency Broadband Benefit Program to temporarily provide eligible households a discount on the cost of internet service and a subsidy for low-cost devices such as computers and tablets. Households can qualify for the benefit if an individual in the household: qualifies for the free and reduced lunch program, receives a Pell Grant, was recently laid off or furloughed, qualifies for the Lifeline program, or qualifies for a low-income or COVID–19 discount program offered by internet service providers. The Emergency Broadband program is in effect until six months after the date on which the Secretary of Health and Human Services determines that a public health emergency no longer exists as a result of COVID–19. USAC will administer this program on behalf of the Commission.

SYSTEM NAME AND NUMBER:

FCC/WCB–3, Emergency Broadband Benefit Program.

SECURITY CLASSIFICATION:

No information in the system is classified.

SYSTEM LOCATION(S): UNIVERSAL SERVICE ADMINISTRATIVE COMPANY (USAC), 700 12TH STREET NW, SUITE 900, WASHINGTON, DC 20005; AND

Wireline Competition Bureau (WCB), Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554.

SYSTEM MANAGER(S) AND ADDRESS(ES):

USAC administers the Emergency Broadband Benefit Program for the FCC.

Address inquiries to the Universal Service Administrative Company (USAC), 700 12th Street NW, Suite 900, Washington, DC 20005; or

Wireline Competition Bureau (WCB), 45 L Street NE, Washington, DC 20554.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 151–154, 201–205, 214, 403; Consolidated Appropriations Act, 2021, Public Law 116–260 § 904. 47 CFR Sections 54.400, 54.401, 54.404, 54.407, 54.409, 54.410, 54.417, 54.419, 54.420.

PURPOSE(S):

This system of records is maintained for use in determining whether a member of a household meets the eligibility criteria to qualify for a discount on the cost of internet service and a subsidy for low-cost devices such as computers and tablets; ensuring benefits are not duplicated; dispute resolution regarding eligibility for the Emergency Broadband Benefit Program; customer surveys; audit; verification of a provider's representative identity; and statistical studies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals in this system include, but are not limited to, those individuals who have applied for the Emergency Broadband program; are currently receiving benefits; are individuals who enable another individual in their household to qualify for benefits; are minors whose status qualifies a household for benefits; are individuals who have received benefits under the Lifeline Program; or are individuals acting on behalf of an participating provider as enrollment representatives who have enrolled or verified the eligibility of a household in the Emergency Broadband program, are certifying claims, or are seeking reimbursement for providing eligible services.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records in the system include an applicant's first and last name; residential address; information on whether the individual resides on Tribal lands; information on whether the address is temporary and/or descriptive and whether it includes coordinates; mailing address (if different); address based on geographic coordinates (geolocation); internet Protocol (IP) address; date of birth; last four digits of social security number [1] or Tribal identification number; telephone number; full name of the qualifying person (if different from the individual applicant); qualifying person's date of birth; the last four digits of the qualifying person's social security number or their Tribal identification number; information on whether the qualifying person resides on Tribal lands; means of qualification for the Emergency Broadband program (*i.e.,* participation in Lifeline, receipt of a Pell Grant, etc.); documents demonstrating eligibility; individual contact information; Emergency Broadband Benefit Program subscriber identification number; Emergency Broadband Benefit Program application number; security question; answer to security question; user name; password; agent identification information (if an agent is assisting in completing the application); individual applicant's eligibility certifications; individual applicant's signature and date of application; Emergency Broadband service initiation date and termination date; amount of discount received; and amount of device benefit received.

For participating provider enrollment representatives who register to access the National Verifier or National Lifeline Accountability Database the following information may be collected: first and last name, date of birth, the last four digits of his or her social security number, email address, residential address, or other identity proof documentation.

RECORD SOURCE CATEGORIES:

Participating providers and their registered enrollment representatives; individuals applying on behalf of a household; schools; Lifeline databases; and State, Federal, Local and Tribal Government databases; and third-party identity verifiers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside the FCC as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows. In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose(s) for which the records were collected:

1. FCC/USAC Program Management—To FCC and USAC employees to conduct official duties associated with the management, operation, and oversight of the Emergency Broadband Benefit Program, NLAD, National Verifier, Lifeline Claims System, and Representative Accountability Database, as directed by the Commission.

2. Third Party Contractors—To an employee of a third-party contractor engaged by USAC or a participating provider to, among other things, develop the Emergency Broadband Eligibility Database, conduct the eligibility verification or recertification process, run call center and email support operations, and assist in dispute resolution.

3. Business Process Outsourcing (BPO) Entity—To an employee of the BPO or an employee of a third-party contractor engaged by the BPO engaged by USAC to perform and review eligibility evaluations where the National Verifier conducts such processes for purposes of performing manual eligibility verification (when needed), conducting the eligibility verification process or recertification process, run call center and email support operations; and to assist in dispute resolution.

4. System Integrator (SI)—To an employee of the SI engaged by USAC as needed to develop, test, and operate the database system and network.

5. State, Local, and Tribal Agencies, and Other Authorized Government Entities—To designated State, Local, and Tribal agencies, and other authorized governmental entities that share data with USAC or the FCC for purposes of eligibility verification; providing enrollment and other selected reports; and, comparing information contained in NLAD and Emergency Broadband Benefit Program eligibility.

6. Social Service Agencies and Other Approved Third Parties—To social service agencies and other third parties that have been approved by USAC for purposes of assisting individuals in applying for the Emergency Broadband Benefit Program.

7. Federal Agencies—To other Federal agencies for the development of and operation under data sharing agreements with USAC or the FCC to enable the National Verifier to perform eligibility verification or recertification for individuals applying for Emergency Broadband support.

8. Tribal Nations—To Tribal Nations to perform eligibility verification for individuals applying for the Emergency Broadband Benefit Program and to provide enrollment and other selected reports, and for purposes of assisting individuals in applying for and recertifying for Lifeline support.

9. Service Providers—To broadband providers, and their registered representatives, in order to confirm an

individual's eligibility, complete benefit transfer requests, facilitate the provision of service, complete de-enrollments, allow for the provider to receive reimbursement through the Emergency Broadband Benefit Program, to provide information to the relevant provider about a registered enrollment representative whose account has been disabled for cause, and provide enrollment and other selected reports.

10. Other Federal Program Eligibility—To disclose an individual's Emergency Broadband participation status to a Federal agency or contractor when a federal program administered by the agency or its contractor uses qualification for Emergency Broadband as an eligibility criterion.

11. FCC Enforcement Actions—When a record in this system involves an informal complaint filed alleging a violation of FCC rules and regulations by an applicant, licensee, certified or regulated entity, or an unlicensed person or entity, the complaint may be provided to the alleged violator for a response. Where a complainant in filing his or her complaint explicitly requests confidentiality of his or her name from public disclosure, the Commission will endeavor to protect such information from public disclosure. Complaints that contain requests for confidentiality may be dismissed if the Commission determines that the request impedes the Commission's ability to investigate and/or resolve the complaint.

12. Congressional Inquiries—To provide information to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of that individual.

13. Government-Wide Program Management and Oversight—To the Department of Justice (DOJ) to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act (FOIA); or the Office of Management and Budget (OMB) to obtain that office's advice regarding obligations under the Privacy Act.

14. Law Enforcement and Investigation—To disclose pertinent information to appropriate Federal, State, or local agencies, authorities, and officials responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the FCC becomes aware of an indication of a violation or potential violation of a civil or criminal statute, law, regulation, or order, including but not limited to notifying the Internal Revenue Service (IRS) to investigate income eligibility verification.

15. Adjudication and Litigation—To the Department of Justice (DOJ), in a proceeding before a court, or other administrative or adjudicative body before which the FCC is authorized to appear, when (a) the FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity where the DOJ or the FCC has agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation, and the use of such records by DOJ or the FCC is deemed by the FCC to be relevant and necessary to the litigation.

16. Breach Notification—To appropriate agencies, entities (including USAC), and persons when: (a) The Commission suspects or has confirmed that there has been a breach of the system of records; (b) the Commission has determined that as a result of the suspected or confirmed compromise there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

17. Assistance to Federal Agencies and Entities—To another Federal agency or Federal entity or USAC, when the Commission determines that information from this system is reasonably necessary to assist the recipient agency or entity in: (a) Responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, program, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

18. Computer Matching Program Disclosure—To Federal, State, and local agencies, and USAC, their employees, and agents for the purpose of conducting computer matching programs as regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a).

19. Prevention of Fraud, Waste, and Abuse Disclosure—To Federal agencies, non-Federal entities, their employees, and agents (including contractors, their agents or employees; employees or contractors of the agents or designated agents); or contractors, their employees or agents with whom the FCC or USAC has a contract, service agreement, cooperative agreement, or computer matching agreement for the purpose of: (1) detection, prevention, and recovery of improper payments; (2) detection and prevention of fraud, waste, and abuse in Federal programs administered by a Federal agency or non-Federal entity; (3) detection of fraud, waste, and abuse by individuals in their operations and programs, but only to the extent that the information shared is necessary and relevant to verify pre-award and prepayment requirements prior to the release of Federal funds, prevent and recover improper payments for services rendered under programs of the FCC or of those Federal agencies and non-Federal entities to which the FCC or USAC provides information under this routine use.

20. Contract Services, Grants, or Cooperative Agreements—To disclose information to FCC or USAC contractors, grantees, or volunteers who have been engaged to assist the FCC or USAC in the performance of a contract service, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform their activity.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The information pertaining to the Emergency Broadband Benefit Program includes electronic records, files, data, paper documents, records, and may include audio recordings of calls. Records are maintained in secure, limited access areas. Physical entry by unauthorized persons is restricted through use of locks, passwords, and other security measures. Both USAC and its contractors will jointly manage the electronic data housed at USAC and at the contractors' locations. Paper documents and other physical records (*i.e.,* tapes, compact discs, etc.) will be kept in locked, controlled access areas. Paper documents submitted by applicants to the Emergency Broadband Benefit Program and provider representatives will be digitized, and paper copies will be immediately destroyed.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information in the Emergency Broadband Benefit Program system of records may be retrieved by various identifiers, including but not limited to the individual's name, last four digits of the Social Security Number (SSN), Tribal identification number, date of birth, phone number, residential address, and Emergency Broadband subscriber identification number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The National Archives and Records Administration (NARA) has not established a records schedule for the information in the Emergency Broadband Benefit Program system of records. Consequently, until NARA has approved a records schedule, USAC will maintain all information in the Emergency Broadband Benefit Program system of records will be maintained in accordance with NARA records management directives.

ADMINSTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The electronic records, data, and files are maintained in the FCC and the USAC computer network databases, which are protected by the FCC's and USAC's privacy safeguards, a comprehensive and dynamic set of IT safety and security protocols and features that are designed to meet all Federal IT privacy standards, including those required by the National Institute of Standard and Technology (NIST) and the Federal Information Security Management System (FISMA). In addition, access to the electronic files is restricted to authorized USAC and contractors' supervisors and staff and to the FCC's supervisors and staff in WCB and to the IT contractors who maintain these computer databases. Other FCC employees and contractors may be granted access only on a ''need-to-know'' basis. In addition, data in the network servers for both USAC and its contractors will be routinely backed-up. The servers will be stored in secured environments to protect the data.

The paper documents and files are maintained in file cabinets in USAC and the contractors' office suites. The file cabinets are locked when not in use and at the end of the business day. Access to these files is restricted to authorized USAC and its contractors' staffs.

RECORDS ACCESS PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedure below.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request an amendment of records about themselves should follow the Notification Procedure below.

NOTIFICATION PROCEDURE:

Individuals wishing to determine whether this system of records contains information about themselves may do so by writing Federal Communications Commission (FCC), Washington, DC 20554, *Privacy@fcc.gov*. Individuals requesting access must also comply with the FCC's Privacy Act regulations regarding verification of identity to gain access to the records (47 CFR Part 0, Subpart E).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HISTORY:

This is a new system of records.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2021–03928 Filed 2–24–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 17502]

Privacy Act of 1974; System of Records

AGENCY: Federal Communications Commission.

ACTION: Notice of a modified system of records.

SUMMARY: The Federal Communications Commission (FCC or Commission or Agency) is modifying an existing system of records, FCC/WCB–1, Lifeline Program, subject to the *Privacy Act of 1974,* as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the agency. The Lifeline Program (or ''Lifeline'') provides discounts for one Lifeline Program telephone per household (voice telephony) and broadband internet access service (BIAS) to qualifying low-income individuals. Individuals may qualify for Lifeline through proof of income or participation in another qualifying program. Since the Telecommunications Act of 1996 (1996 Act), the Lifeline Program has been administered by the Universal Service Administrative Company (USAC) under the direction of the Commission and, by delegation, of the Commission's Wireline Competition Bureau (WCB).

This system of records contains information about individuals who have applied to participate in the Lifeline Program, respondents to consumer surveys related to the Lifeline program, and enrollment representatives. The modifications described in this notice will allow USAC to maintain and administer this system in a manner that promotes efficiency and minimizes waste, fraud, and abuse.

DATES: Written comments are due on or before March 29, 2021. This action (including the routine uses) will become effective on March 29, 2021 unless comments are received that require a contrary determination.

ADDRESSES: Send comments to Margaret Drake, Senior Agency Official for Privacy, Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554, or to *privacy@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Margaret Drake, (202) 418–1707, or *privacy@fcc.gov.*

SUPPLEMENTARY INFORMATION: This notice serves to update and modify FCC/WCB–1, Lifeline Program. The Lifeline Program serves low-income individuals by providing qualifying individuals with discounts on one Lifeline Program telephone per household and BIAS service. Since the Telecommunications Act of 1996 (1996 Act), the Lifeline Program has been administered by the Universal Service Administrative Company (USAC) under the direction of the Commission and, by delegation, of WCB.

The substantive changes and modifications to the previously published version of the FCC/WCB–1 system of records include:

(a) Updating the purpose for maintaining this system of records to simplify the section for readability, and include using the personally identifiable information (PII) to develop consumer survey and enrollment, and to facilitate monitoring of enrollment representatives;

(b) Updating the categories of records maintained in this system of records to simplify for readability, and include information requested for consumer survey development and execution, information requested to facilitate monitoring of enrollment representatives, addresses based on geographic coordinates (geolocation), internet Protocol (IP) address, Lifeline subscriber application number, and enrollment representative unique identifier numbers (Representative ID Number);

(c) Updating the source of records maintained in this system of records to simplify the section for readability, include respondents to a consumer survey, and to better define individuals acting as agents who are now considered enrollment representatives;

(d) Updating language in various routine uses: (1) FCC/USAC Program Management; (2) Third Party Contractors; (3) Business Process Outsourcing (BPO); (5) State Agencies and Other Authorized State Government

Entities; (6) Social Service Agencies and Other Approved Third Parties; (8) Tribal Nations; (9) Service Providers; (12) Government-Wide Program Management and Oversight; (18) Computer Matching Program Disclosure; and, (20) Contract Services, Grants, or Cooperative Agreements;

(e) Removing routine use ''Income and Program Eligibility Records'' as duplicative of routine uses (5) and (7);

(f) Adding a routine use to permit an individual's Lifeline participation or qualification status to be shared with a Federal agency or contractor when a federal program administered by the agency or its contractor uses qualification for Lifeline as an eligibility criterion; and

(g) Adding a routine use to facilitate consumer survey development and execution.

The system of records is also updated to reflect various administrative changes related to the system managers and system addresses; update the Policies and Practices for Retention and Disposal of Records to describe the National Archives and Records Administration (NARA) records schedule for this system; administrative, technical, and physical safeguards; and updated notification, records access, and contesting records procedures.

SYSTEM NAME AND NUMBER: FCC/WCB–1, LIFELINE PROGRAM.

SECURITY CLASSIFICATION:

No information in the system is classified.

SYSTEM LOCATION(S): UNIVERSAL SERVICE ADMINISTRATIVE COMPANY (USAC), 700 12TH STREET NW, SUITE 900, WASHINGTON, DC 20005; AND

Wireline Competition Bureau (WCB), Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554.

SYSTEM MANAGER(S) AND ADDRESS(ES): USAC ADMINISTERS THE LIFELINE PROGRAM FOR THE FCC.

Address inquiries to the Universal Service Administrative Company (USAC), 700 12th Street NW, Suite 900, Washington, DC 20005; or

Wireline Competition Bureau (WCB), 45 L Street NE, Washington, DC 20554.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

47 U.S.C. 151–154, 201–205, 214, 254, 403. 47 CFR Sections 54.400–54.423.

PURPOSE(S):

The Lifeline Program provides discounts for one Lifeline telephone service per household (voice telephony), BIAS service, and the initial connection charge in Tribal areas to support such service, to qualifying low-income individuals. Individuals may qualify for Lifeline through proof of income or proof of participation in another qualifying program. The Lifeline Program system of records is maintained to determine whether the applicant meets the eligibility requirements for initial enrollment and recertification, including the limit of one benefit per household; program administration; dispute resolution; monitoring of enrollment representative; and consumer surveys.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals in this system include those individuals residing in a single household who have applied for benefits; are currently receiving benefits; are individuals who enable another individual in their household to qualify for benefits; are minors whose status qualifies a parent or guardian for benefits; are individuals who have received benefits under the Lifeline Program; are individuals that respond to a consumer survey developed using information in this system; and individuals acting as enrollment representatives and providing information directly or indirectly into USAC's Lifeline Systems on behalf of an ETC to enroll subscribers, recertify subscribers, or update subscriber information in the Lifeline Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records in the system include first and last name of the applicant, other household members, or consumer survey participant; date of birth; last four digits of Social Security Number or a full Tribal identification number; residential address; descriptive address; address based on geographic coordinates (geolocation); internet Protocol (IP) address; contact information; whether someone resides on Tribal lands; qualifying program participation; financial information; username and password; account security questions and answers; Lifeline subscriber identification number; assigned Representative ID Number; Lifeline participation status; amount of benefit received; documents demonstrating eligibility; documents showing only one benefit is received per household voice recordings; and signatures.

For ETC enrollment representatives who register to access the National Verifier or National Lifeline Accountability Database the following information may be collected: First and last name, date of birth, the last four digits of his or her social security number, email address, residential address, or other identity proof documentation.

RECORD SOURCE CATEGORIES:

The sources for the information in the Lifeline Program system of records include ETCs and their registered enrollment representatives; applicants; consumer survey respondents; State, Tribal, and Federal databases; and, third-party identity verifiers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside the FCC as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows. In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose(s) for which the records were collected:

1. FCC/USAC Program Management—To the FCC and USAC employees to conduct official duties associated with the management, operation, and oversight of the Lifeline Program, NLAD, National Verifier, Lifeline Claims System, and Representative Accountability Database, as directed by the Commission.

2. Third Party Contractors—To an employee of a third-party contractor, or subcontractor of the third-party contractor, engaged by USAC or an ETC to, among other things, develop the Lifeline Eligibility Database, conduct the eligibility verification process, recertification process, run call center and email support operations, and assist in dispute resolution.

3. Business Process Outsourcing (BPO) Entity—To an employee of the BPO engaged by USAC or an employee of a third-party contractor engaged by the BPO to perform and review eligibility evaluations where the National Verifier conducts such processes for purposes of conducting the eligibility verification process or recertification process, performing manual eligibility verification (when needed), run call center and email support operations, and to assist in dispute resolution.

4. State Agencies and Other Authorized State Government Entities—To designated State agencies and other authorized governmental entities, including State public utility

commissions, State departments of health and human services or other State entities that share data with USAC or the FCC, and their agents, as is consistent with applicable Federal and State laws, for purposes of eligibility verification and recertification; administering the Lifeline Program on behalf of ETCs in that State; performing other management and oversight duties and responsibilities; enabling the National Verifier to perform eligibility verification for individuals applying for or re-certifying for Lifeline support; enabling the State to perform eligibility verification for individuals applying for or re-certifying for Lifeline support; providing enrollment and other selected reports to the State; comparing information contained in the National Lifeline Accountability Database (NLAD) and Lifeline eligibility, recertification, and related systems to information contained in state databases associated with State-administered Lifeline Programs in order to assess differences between State and Federal programs and make adjustments.

5. Social Service Agencies and Other Approved Third Parties—To social service agencies and other third parties that have been approved by USAC for purposes of assisting individuals in applying for and recertifying for Lifeline support.

6. Federal Agencies—To other Federal agencies for the development of and operation under data sharing agreements with USAC or the FCC to enable the National Verifier to perform eligibility verification or recertification for individuals applying for Lifeline support or another federal program using Lifeline qualification as an eligibility criterion.

7. Tribal Nations—To Tribal Nations to perform eligibility verification or recertification for individuals applying for Lifeline support, to provide enrollment and other selected reports to Tribal Nations, and for purposes of assisting individuals in applying for and recertifying for Lifeline support.

8. Service Providers—To service providers and their registered representatives in states or territories where the National Verifier is operating where the service provider is using the carrier eligibility and status check Application Programming Interface (API) to initiate Lifeline applications and eligibility checks and complete benefit transfer requests. To service providers who have been designated as ETCs to facilitate the provision of service, allow for the service provider to receive reimbursement through the Lifeline Program, to provide information to the relevant ETC about an ETC representative whose account has been disabled for cause, and provide enrollment and other selected reports to service providers.

9. FCC Enforcement Actions—When a record in this system involves an informal complaint filed alleging a violation of FCC rules and regulations by an applicant, licensee, certified or regulated entity, or an unlicensed person or entity, the complaint may be provided to the alleged violator for a response. Where a complainant in filing his or her complaint explicitly requests confidentiality of his or her name from public disclosure, the Commission will endeavor to protect such information from public disclosure. Complaints that contain requests for confidentiality may be dismissed if the Commission determines that the request impedes the Commission's ability to investigate and/or resolve the complaint.

10. Congressional Inquiries—To provide information to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of that individual.

11. Government-Wide Program Management and Oversight—To the Department of Justice (DOJ) to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act (FOIA); or the Office of Management and Budget (OMB) to obtain that office's advice regarding obligations under the Privacy Act.

13. Other Federal Program Eligibility—To disclose an individual's Lifeline participation or qualification status to a Federal agency or contractor when a federal program administered by the agency or its contractor uses qualification for Lifeline as an eligibility criterion.

14. Law Enforcement and Investigation—To disclose pertinent information to appropriate Federal, State, or local agencies, authorities, and officials responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the FCC becomes aware of an indication of a violation or potential violation of a civil or criminal statute, law, regulation, or order, including but not limited to notifying the Internal Revenue Service (IRS) to investigate income eligibility verification.

15. Adjudication and Litigation—To the Department of Justice (DOJ), in a proceeding before a court, or other administrative or adjudicative body before which the FCC is authorized to appear, when (a) the FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity where the DOJ or the FCC has agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation, and the use of such records by DOJ or the FCC is deemed by the FCC to be relevant and necessary to the litigation.

16. Breach Notification—To appropriate agencies, entities (including USAC), and persons when: (a) The Commission suspects or has confirmed that there has been a breach of the system of records; (b) the Commission has determined that as a result of the suspected or confirmed compromise there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

17. Assistance to Federal Agencies and Entities—To another Federal agency or Federal entity or USAC, when the Commission determines that information from this system is reasonably necessary to assist the recipient agency or entity in: (a) Responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, program, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

18. Computer Matching Program Disclosure—To Federal, State, and local agencies, and USAC, their employees, and agents for the purpose of developing and conducting computer matching programs as regulated by the Privacy Act of 1974, as amended (5 U.S.C. 552a).

19. Prevention of Fraud, Waste, and Abuse Disclosure—To Federal agencies, non-Federal entities, their employees, and agents (including contractors, their agents or employees; employees or contractors of the agents or designated agents); or contractors, their employees or agents with whom the FCC or USAC has a contract, service agreement, cooperative agreement, or computer matching agreement for the purpose of: (1) Detection, prevention, and recovery of improper payments; (2) detection and prevention of fraud, waste, and abuse in Federal programs administered by a Federal agency or non-Federal entity; (3) detection of fraud, waste, and abuse by

individuals in their operations and programs, but only to the extent that the information shared is necessary and relevant to verify pre-award and prepayment requirements prior to the release of Federal funds, prevent and recover improper payments for services rendered under programs of the FCC or of those Federal agencies and non-Federal entities to which the FCC or USAC provides information under this routine use.

20. Contract Services, Grants, or Cooperative Agreements—To contractors, grantees, experts, consultants and their agents, or others performing or working under a contract, service, grant, or cooperative agreement with the FCC or USAC, when necessary to accomplish an agency function related to a system of records. Disclosure requirements are limited to only those data elements considered relevant to accomplishing an agency function. Individuals who are provided information under these routine use conditions are subject to Privacy Act requirements and disclosure limitations imposed on the Commission.

21. Consumer Survey Development and Execution—To contractors, grantees, experts, consultants and their agents, or others performing or working under a contract, service, grant, or cooperative agreement with the FCC or USAC, when necessary to develop and conduct a consumer survey as described in this system of records. Individuals who are provided information under these routine use conditions are subject to Privacy Act requirements and disclosure limitations imposed on the Commission.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

The information pertaining to the Lifeline Program includes electronic records, files, data, paper documents, records, and may include audio recordings of calls. Records are maintained in secure, limited access areas. Physical entry by unauthorized persons is restricted through use of locks, passwords, and other security measures. Both USAC and its contractors will jointly manage the electronic data housed at USAC and at the contractors' locations. Paper documents and other physical records (*i.e.,* tapes, compact discs, etc.) will be kept in locked, controlled access areas. Paper documents submitted by applicants to the Lifeline Program will be digitized, and paper copies will be immediately destroyed.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information in the Lifeline Program system of records may be retrieved by various identifiers, including, but not limited to the individual's name, last four digits of the Social Security Number (SSN), Tribal identification number, date of birth, phone number, residential address, and Lifeline subscriber identification number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The information in this system is maintained and disposed of in accordance with the National Archives and Records Administration (NARA) General Records Schedule DAA–0173–2017–0001–0002. Records maintained in connection with the Lifeline Program will be destroyed 10 years after the year it was created or when no longer needed for business or audit purposes, whichever comes later. The FCC and USAC dispose of paper documents by shredding. Electronic records, files, and data are destroyed either by physical destruction of the electronic storage media or by erasure of the data.

ADMINSTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The electronic records, data, and files are maintained in the FCC and the USAC computer network databases, which are protected by the FCC's privacy safeguards, a comprehensive and dynamic set of safety and security protocols and features that are designed to meet all Federal privacy standards, including those required by the Office of Management and Budget (OMB), National Institute of Standard and Technology (NIST) and the Federal Information Security Management System (FISMA). In addition, access to the electronic files is restricted to authorized USAC and contractors' supervisors and staff and to the FCC's IT supervisors and staff and to the IT contractors who maintain these computer databases. Other FCC employees and contractors may be granted access only on a ''need-to-know'' basis. In addition, data in the network servers for both USAC and its contractors will be routinely backed-up. The servers will be stored in secured environments to protect the data.

The paper documents and files are maintained in file cabinets in USAC and the contractors' office suites. The file cabinets are locked when not in use and at the end of the business day. Access to these files is restricted to authorized USAC and its contractors' staffs.

RECORDS ACCESS PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedure below.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request an amendment of records about themselves should follow the Notification Procedure below.

NOTIFICATION PROCEDURE:

Individuals wishing to determine whether this system of records contains information about themselves may do so by writing Federal Communications Commission (FCC), Washington, DC 20554, *Privacy@fcc.gov*. Individuals requesting access must also comply with the FCC's Privacy Act regulations regarding verification of identity to gain access to the records (47 CFR Part 0, Subpart E).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

HISTORY:

The FCC last gave full notice of this system of records, FCC/WCB–1, Lifeline Program, by publication in the **Federal Register**, 82 FR 38686 (Aug. 15, 2017).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2021–03927 Filed 2–24–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC Advisory Committee of State Regulators; Notice of Meeting

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of open meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, notice is hereby given of a meeting of the FDIC Advisory Committee of State Regulators. The Advisory Committee will provide advice and recommendations on a broad range of policy issues regarding the regulation of state-chartered financial institutions throughout the United States, including its territories. The meeting is open to the public. Out of an abundance of caution related to current and potential coronavirus developments, the public's means to observe this meeting of the Advisory Committee of State Regulators will be via a Webcast live on the internet. In addition, the meeting will be recorded and subsequently made available on-

demand approximately two weeks after the event. To view the live event, visit *http://fdic.windrosemedia.com.* To view the recording, visit *http://fdic.windrosemedia.com/index.php?category=Advisory+Committee+State+Regulators.* If you require a reasonable accommodation to participate, please contact *DisabilityProgram@fdic.gov* or call 703–562–2096 to make necessary arrangements.

DATES: Thursday, March 18, 2021, from 1:00 p.m. to 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Requests for further information concerning the meeting may be directed to Mrs. Debra D. Decker, Committee Management Officer of the FDIC, at (202) 898–8748.

SUPPLEMENTARY INFORMATION:

Agenda: The agenda will include a discussion of a variety of current and emerging issues that have potential implications regarding the regulation and supervision of state-chartered financial institutions. The agenda is subject to change. Any changes to the agenda will be announced at the beginning of the meeting.

Type of Meeting: This meeting of the Advisory Committee of State Regulators will be Webcast live via the internet *http://fdic.windrosemedia.com.* For optimal viewing, a high-speed internet connection is recommended.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on February 19, 2021.

James Sheesley,

Assistant Executive Secretary.

[FR Doc. 2021–03839 Filed 2–24–21; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage de novo, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than March 12, 2021.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Hazen Bancorporation, Inc., Hazen, North Dakota;* through its subsidiary bank holding company, North Star Holding Company, Inc., and its subsidiary bank, Unison Bank, both of Jamestown, North Dakota, to indirectly retain voting shares of AccuData Services, Inc., Park River, North Dakota, and thereby engage in certain data processing activities pursuant to section 225.28(b)(14)(i) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 19, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–03843 Filed 2–24–21; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than March 12, 2021.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Virginia F. Sapp Trust, Virginia F. Sapp, as trustee, both of St. Louis, Missouri; the Samuel D. Gohn Trust, Samuel D. Gohn, as trustee, the Billie Kay Gohn Trust, Billie Kay Gohn, as trustee, the Gohn Qualified Spousal Trust, David M. Gohn, as trustee, the Courtney G. Beykirch Revocable Trust, Courtney G. Beykirch, as trustee, four Irrevocable Trusts Established for a Minor Child, Courtney G. Beykirch and David M. Gohn, as co-trustees, and Caroline G. Beykirch, all of West Plains, Missouri; a Minor Child Irrevocable Trust, West Plains, Missouri; Jennifer G. Mahaffey, Rogersville, Missouri, and Courtney G. Beykirch, West Plains, Missouri, as co-trustees; the Jennifer G. Mahaffey Trust, Jennifer G. Mahaffey, as trustee, both of Rogersville, Missouri; Amanda Sapp, Oregon City, Oregon; and Jerod Sapp, Corvallis, Oregon;* to retain voting shares of West Plains Bancshares, Inc., and thereby indirectly retain voting shares of West Plains Bank and Trust Company, both of West Plains, Missouri.

2. *Michael F. Bender and Diane M. Bender, both of Farmington, Missouri; Tyler M. Bender and Kelly L. Bender, both of Webster Groves, Missouri; Jacob J. Bender and JJB Capital, LLC, both of Dallas, Texas; and Abby M. Kimrey and Jordan Kimrey, both of St. Louis, Missouri;* as a family control group, and a group acting in concert, to retain voting shares of Midwest Regional Bancorp, Inc., and thereby indirectly retain voting shares of Midwest Regional Bank, both of Festus, Missouri.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Lance L. White, as co-trustee of the Lance L. White Revocable Trust and as trustee of the Lance L. White Irrevocable Trust, and Cherlyn D. White, as trustee of the Cherlyn D. White-Conklin Irrevocable Trust and as co-trustee of the Cherlyn White-Conklin Trust, all of Wamego, Kansas; and Monte W. White, individually, and as trustee of the MWW Irrevocable Trust #1, both of Salina, Kansas;* as members of the White Family Group, a group acting in concert, to retain voting shares of Wamego Bancshares, Inc., and thereby indirectly retain voting shares of Bank of the Flint Hills, both of Wamego, Kansas.

Additionally, Kara L. White, as co-trustee of the Lance L. White Revocable Trust, Cherlyn White-Conklin Trust, Erich Conklin, as co-trustee, and certain minor children, all of Salina and Wamego, Kansas; to join the White Family Group, and retain voting shares of Wamego Bancshares, Inc., and thereby indirectly retain voting shares of Bank of the Flint Hills.

Board of Governors of the Federal Reserve System, February 19, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–03841 Filed 2–24–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2021–0021]

Advisory Committee on Immunization Practices (ACIP)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting and request for comment.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC), announces the following meeting of the Advisory Committee on Immunization Practices (ACIP). This meeting is open to the public. Time will be available for public comment. The meeting will be webcast live via the World Wide Web.

DATES: The meeting will be held on February 28, 2021–March 1, 2021, from 10:00 a.m. to 5:00 p.m. EDT (times subject to change). Written comments must be received on or before March 1, 2021.

ADDRESSES: For more information on ACIP please visit the ACIP website: *http://www.cdc.gov/vaccines/acip/index.html.*

You may submit comments, identified by Docket No. CDC–2021–0021 by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Docket No. CDC–2021–0021, c/o Attn: ACIP Meeting, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H24–8, Atlanta, GA 30329–4027.

Instructions: All submissions received must include the Agency name and Docket Number. All relevant comments received in conformance with the *https://www.regulations.gov* suitability policy will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.*

Written public comments submitted 24 hours prior to the ACIP meeting will be provided to ACIP members before the meeting.

FOR FURTHER INFORMATION CONTACT: Stephanie Thomas, ACIP Committee Management Specialist, Centers for Disease Control and Prevention, National Center for Immunization and Respiratory Diseases, 1600 Clifton Road NE, MS–H24–8, Atlanta, GA 30329–4027; Telephone: 404–639–8367; Email: *ACIP@cdc.gov.*

SUPPLEMENTARY INFORMATION: In accordance with 41 CFR 102–3.150(b), less than 15 calendar days notice is being given for this meeting due to the exceptional circumstances of the COVID–19 pandemic and rapidly evolving COVID–19 vaccine development and regulatory processes. The Secretary of Health and Human Services has determined that COVID–19 is a Public Health Emergency.

Purpose: The committee is charged with advising the Director, CDC, on the use of immunizing agents. In addition, under 42 U.S.C. 1396s, the committee is mandated to establish and periodically review and, as appropriate, revise the list of vaccines for administration to vaccine-eligible children through the Vaccines for Children (VFC) program, along with schedules regarding dosing interval, dosage, and contraindications to administration of vaccines. Further, under provisions of the Affordable Care Act, section 2713 of the Public Health Service Act, immunization recommendations of the ACIP that have been approved by the Director of the Centers for Disease Control and Prevention and appear on CDC immunization schedules must be covered by applicable health plans.

Matters To Be Considered: The agenda will include discussions on COVID–19 vaccines. A recommendation vote is scheduled. Agenda items are subject to change as priorities dictate. For more information on the meeting agenda visit *https://www.cdc.gov/vaccines/acip/meetings/meetings-info.html.*

Meeting Information: The meeting will be webcast live via the World Wide Web; for more information on ACIP please visit the ACIP website: *http://www.cdc.gov/vaccines/acip/index.html.*

Public Participation

Interested persons or organizations are invited to participate by submitting written views, recommendations, and data. Please note that comments received, including attachments and other supporting materials are part of the public record and are subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. CDC will carefully consider all comments submitted into the docket. CDC does not accept comment by email.

Written Public Comment: Written comments must be received on or before March 1, 2021. Oral Public Comment: This meeting will include time for members of the public to make an oral comment. Oral public comment will occur before any scheduled votes including all votes relevant to the ACIP's Affordable Care Act and Vaccines for Children Program roles. Priority will be given to individuals who submit a request to make an oral public comment before the meeting according to the procedures below.

Procedure for Oral Public Comment: All persons interested in making an oral public comment at the February 28, 2021–March 1, 2021 ACIP meeting must submit a request at *http://www.cdc.gov/vaccines/acip/meetings/* no later than 11:59 p.m., EDT, February 25, 2021 according to the instructions provided.

If the number of persons requesting to speak is greater than can be reasonably accommodated during the scheduled time, CDC will conduct a lottery to determine the speakers for the scheduled public comment session. CDC staff will notify individuals regarding their request to speak by email by February 26, 2021. To accommodate the significant interest in participation in the oral public comment session of ACIP meetings, each speaker will be limited to 3 minutes, and each speaker may only speak once per meeting.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–03959 Filed 2–23–21; 11:15 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–21DC; Docket No. CDC–2021–0012]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled 'National Syringe Services Program (SSP) Evaluation', which proposes to: (1) Assess and monitor SSP operational characteristics and services, client characteristics and drug use patterns, client satisfaction, funding resources, community relations, and key operational and programmatic successes and challenges and (2) support timely analysis and dissemination of national program evaluation survey findings.

DATES: CDC must receive written comments on or before April 26, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0012 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

National Syringe Services Program (SSP) Evaluation—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The primary purpose of the National Syringe Services Program (SSP) Evaluation is to strengthen and improve the capacity of SSPs to conduct regular monitoring and evaluation to ensure that comprehensive prevention services are provided to meet the needs of people who inject drugs (PWID) and reduce infectious disease and other harms related to intravenous drug use (IDU). The project will invite the participation of all SSPs that are listed in a publicly available directory of all known SSPs in the United States maintained by the North American Syringe Exchange Network (NASEN; *https://nasen.org*). SSPs will be sent a letter of invitation to participate in a 35-minute program survey. Participating programs will have the option of completing the survey via different modalities to enhance feasibility and comfort in completing the survey, for example via the Research Electronic Data Capture (REDCap) or a similarly secure web-based application. Other modalities for survey administration will include a coordinated telephone or videoconferencing interview. SSPs will be sent reminder letters for an approximately three-month data collection period. SSPs that do not respond to prior reminders will be sent one final reminder, and if the SSP still does not want to participate, one (optional) question on why the SSP did not complete the survey will be offered.

The survey will include questions on operational characteristics and services, client characteristics and drug use patterns, client satisfaction, funding resources, community relations, and key operational successes and challenges. Approximately 400 SSPs will be able to

participate in the survey. We anticipate that approximately 20% of SSPs will decline to complete the survey, yielding approximately 320 completed surveys per year. However, given that this is the first survey of SSPs funded by CDC and that the COVID–19 pandemic makes it challenging to predict future response rates, we are requesting enough burden hours to allow 100% of SSPs to respond to the survey. We estimate that it will take 35 minutes to complete the survey, regardless of how the respondent chooses to complete it (*i.e.,* self-administered online or interviewer-administered by phone or videoconferencing). SSPs that do not respond to the initial survey invitation will be given reminders to complete the survey over the duration of the survey implementation period. The final reminder will include a link to a single question for SSPs that choose not to complete the survey about why they declined to complete the survey. Given the uncertainties in response rates described above, we are requesting enough burden hours to allow 100% of SSPs to respond to this question. We estimate that it will take two minutes to respond to this question.

OMB approval is requested for three years. The survey will be administered annually using the most updated national directory of SSPs during each survey administration. Participation is voluntary and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
All participating SSPs	National Syringe Services Program Evaluation Survey.	400	1	35/60	233
Non-responding SSPs	Non-Response Survey Item	400	1	2/60	13
Total					246

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–03924 Filed 2–24–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–1266; Docket No. CDC–2021–0014]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''HIV prevention among Latina transgender women who have sex with men: Evaluation of a locally developed intervention''. The collection is part of a research study designed to evaluate the efficacy of a locally developed and culturally congruent two-session Spanish-language small-group intervention, ChiCAS (Chicas Creando Acceso a la Salud [Chicas: Girls Creating Access to Health]), which provides combination HIV prention services to adult Hispanic/Latina transgender women at high risk for HIV infection.

DATES: CDC must receive written comments on or before April 26, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2121–0014 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or

other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

HIV prevention among Latina transgender women who have sex with men: Evaluation of a locally developed intervention (OMB Control No. 0920–1266, Exp. 6/30/2021)—Revision—National Center for HIV/AIDS, Viral Hepatitis, STED, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Center for HIV/AIDS, Viral Hepatitis, STD and TB Prevention is requesting approval for a two-year extension of a currently approved ICR, 0920–1266 entitled, ''HIV prevention among Latina transgender women who have sex with men: Evaluation of a locally developed intervention.'' The goal of this study is to evaluate the efficacy of ChiCAS (Chicas Creando Acceso a la Salud [Chicas: Girls Creating Access to Health]), a locally developed and culturally congruent two-session Spanish-language small-group combination intervention designed to promote consistent condom use, and access to and participation in pre-exposure prophylaxis (PrEP) and medically supervised hormone therapy by HIV seronegative Hispanic/Latina transgender women who have sex with men.

The information collected through this study will be used to evaluate whether the ChiCAS intervention is an effective HIV-prevention strategy by assessing whether exposure to the intervention results in improvements in participants' health and HIV prevention behaviors. The study will compare pre-(baseline) and post-intervention (six-month) levels of HIV risk among participants who have received the intervention and participants who have not yet received the intervention (delayed-intervention group).

This study will be carried out in metropolitan areas in and around North Carolina including Ashville, NC; Charlotte, NC; Research Triangle (metropolitan area of Greensboro, Winston-Salem and High Point NC); Raleigh, NC; Wilmington, NC; and Greenville, SC. The study population will include 140 HIV-negative Spanish-speaking transgender women. Participants will be adults, at least 18 years of age, self-identify as male-to-female transgender or report having been born male and identifying as female, and report having sex with at least one man in the past six months.

We anticipate participants will be comprised mainly of racial/ethnic minority participants under 35 years of age, consistent with the epidemiology of HIV infection among transgender women. Intervention participants will be recruited to the study through a combination of approaches, including traditional print advertisement, referral, in-person outreach, and through word of mouth.

A quantitative assessment will be used to collect information for this study, which will be delivered at the time of study enrollment and again at six-month follow up. The assessment will be used to measure differences in sexual risk knowledge, perceptions and behaviors including condom use, PrEP use and use of medically supervised hormone therapy. Intervention mediators, including healthcare provider trust and communication skills, self-reported health status and healthcare access, community attachment and social support will also be measured. All participants will complete the assessment at baseline and again at six-month follow-up after enrolling in the study. The intervention group will participate in ChiCAS after completing the baseline assessment and the delayed intervention group will participate in ChiCAS after completing the six-month follow up assessment.

We will also examine intervention experiences through in-depth interviews with 30 intervention group participants. The interviews will capture participants' general experiences with the ChiCAS intervention, as well as their experiences and perceptions specific to the main study outcomes: PrEP knowledge, awareness, interest and use; condom skills and use; and hormone therapy knowledge, awareness, interest and use.

It is expected that 50% of transgender women screened will meet study eligibility. We expect the initial screening and contact information gathering to take approximately four minutes to complete. The baseline assessment will take 60 minutes (one hour) to complete and will be administered to 140 participants. The follow up assessment will take 45 minutes (0.75 hours) to complete and will be administered to 140 participants one time. The interview will take 90 minutes (one and one-half hours) to complete and will be administered to 30 participants from the intervention group one time.

There are no costs to the respondents other than their time. The total number of burden hours is 310 across 39-months of data collection. The total estimated annualized burden hours are 155.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
General Public—Adults	Eligibility Screener	140	1	3/60	7
General Public—Adults	Contact Information	70	1	1/60	2
General Public—Adults	Baseline Assessment	70	1	1.0	70
General Public—Adults	Follow-up Assessment	70	1	45/60	53
General Public—Adults	Interview	15	1	1.5	23
Total					155

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–03925 Filed 2–24–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–372(S)]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by April 26, 2021.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–372(S)—Annual Report on Home and Community Based Services Waivers and Supporting Regulations

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Annual Report on Home and Community Based Services Waivers and Supporting Regulations; *Use:* We use this report to compare actual data to the approved waiver estimates. In conjunction with the waiver compliance review reports, the information provided will be compared to that in the Medicaid Statistical Information System (MSIS) (CMS–R–284; OMB control number 0938–0345) report and FFP claimed on a state's Quarterly Expenditure Report (CMS–64; OMB control number 0938–1265), to determine whether to continue the state's home and community-based services waiver. States' estimates of cost and utilization for renewal purposes are based upon the data compiled in the CMS–372(S) reports. *Form Number:* CMS–372(S) (OMB control number: 0938–0272); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 48; *Total Annual Responses:* 253; *Total Annual Hours:* 11,132. (For policy questions regarding this collection contact Ralph Lollar at 410–786–0777.)

Dated: February 22, 2021.

William N. Parham, III

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–03916 Filed 2–24–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Refugee Assistance Program Estimates: CMA—ORR–1

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) is requesting a 1-year extension of the form ORR–1, Cash and Medical Assistance (CMA) Program Estimates (OMB #0970–0030, expiration 2/28/2021). There are no changes requested to the form or instructions.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION:

Description: The ORR–1, CMA Program Estimates, is the application for

grants under the CMA program. The application is required by ORR program regulations at 45 CFR 400.11(b). The regulation specifies that states must submit, as their application for this program, estimates of the projected costs they anticipate incurring in providing cash and medical assistance for eligible recipients and the costs of administering the program. Under the CMA program, states are reimbursed for the costs of providing these services and benefits for 8 months after an eligible recipient arrives in this country. The eligible recipients for these services and benefits are refugees, Amerasians, Cuban and Haitian Entrants, asylees, Afghans and Iraqi with Special Immigrant Visas, and victims of a severe form of trafficking. States that provide services for unaccompanied refugee minors also provide an estimate for the cost of these services for the year for which they are applying for grants.

Respondents: State agencies, the District of Columbia, and Replacement Designees under 45 CFR 400.301(c) administering or supervising the administration of programs under Title IV of the Act.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total/ annual burden hours
ORR–1, Cash and Medical Assistance Program Estimates	57	1	0.6	34

Estimated Total Annual Burden Hours: 34.

(Authority: 8 U.S.C. 412(a)(4))

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–03861 Filed 2–24–21; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Release of Unaccompanied Alien Children From ORR Custody (OMB #0970–0552)

AGENCY: Office of Refugee Resettlement; Administration for Children and Families; Department of Health and Human Services.

ACTION: Request for public comment.

SUMMARY: The Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is inviting public comments on revisions to an approved information collection. The request consists of several forms that allow the Unaccompanied Alien Children (UAC) Program to process release of UAC from ORR custody and provide services after release.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing *infocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation (OPRE), 330 C Street SW, Washington, DC 20201, Attn: ACF Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: ORR plans to revise all four instruments currently approved under OMB #0970–0552 and reinstate one instrument previously approved under OMB #0970–0498 and add it to this collection. All instruments will be incorporated into ORR's new case management system, UAC Path.

1. *Verification of Release (Form R–1):* This instrument is an official document provided to UAC and their sponsors by care provider facilities showing that ORR released the UAC into the sponsor's care and custody. This form was previously approved under OMB Number 0970–0498 and is being reinstated with formatting changes under this new OMB number. No changes were made to the content. The average burden minutes per response was increased from 3 to 10 minutes.

2. *Discharge Notification (Form R–2):* This instrument is used by care provider facilities to notify stakeholders of the transfer of a UAC to another care provider facility or the release of a UAC from ORR custody. ORR made the following revisions:

a. The ''Proof of Relationship'' field was removed because that information is found elsewhere in UAC Path and does not need to be displayed in this instrument.

b. The following fields were added: ''Returning UAC, Entry #,'' ''Type of Age Out,'' ''Sponsor Category,'' ''Next Immigration Hearing,'' ''Granted Voluntary Discharge Date,'' ''Parent/Legal Guardian Separation,'' ''Is this a MPP Case,'' ''UAC Parent Name,'' ''Program Type.''

c. The ''Local Law Enforcement'' and ''DHS Family Shelter'' fields were replaced with the ''Governmental Agency'' and ''Name of Government Agency'' fields.

d. The following fields were added, but are not visible on version of the instrument sent to stakeholders:

i. ''Discharge Delay,'' ''DHS Age Out Plan,'' ''Referral to Services in COO,'' ''Completed Referral Services COO?,'' ''Date Travel Document Requested,'' ''Date of Issuance of Travel Document.''

ii. All fields in the ''Transportation Details'' section

3. *ORR Release Notification—Notice to Immigration and Customs Enforcement (ICE) Chief Counsel—Release of Unaccompanied Alien Child to Sponsor and Request to Change Address (Form R–3):* This instrument is used by care provider facilities to notify ICE Chief Counsel of the release of a UAC and request a change of address. The instrument was reformatted. No changes were made to the content.

4. *Release Request (Form R–4):* This instrument is used by care provider facilities, ORR contractor staff, and ORR federal staff, to process recommendations and decisions for release of a UAC from ORR custody. ORR made the following revisions:

a. The instrument was reformatted and the titles of some fields were reworded.

b. Several fields containing biographical information for the UAC were removed from the top of the instrument.

c. The ''Provide details on relationship including official documentation'' text box was removed because that information is easily accessible elsewhere in UAC Path.

d. Several fields related to release dates and immigration court appearance were removed because they are easily accessible elsewhere in UAC Path.

e. A new section called ''Release Request Routing'' was added to facilitate automated notification of pending releases within UAC Path. Some fields in this section are auto-populated.

f. A new ''Child Advocates'' section was added, containing two fields.

g. A new ''Medical'' section was added to facilitate automated notification to the ORR medical coordinator, when applicable. The section contains two fields.

h. A new ''Legal'' section was added. All fields in this section are auto-populated with the exception of the comments field.

i. A new ''Program Information'' section was added to capture relevant details when a UAC is being release to a program/entity.

j. In the ''Case Manager Recommendation'' section, a couple of auto-populated date fields were added.

5. *Safety and Well-Being Call (Form R–6):* This instrument is used by care provider facilities to document the outcome of calls made to UAC and their sponsors after release to ensure the child is safe and refer the sponsor to additional resources as needed. Currently, case managers document responses from the sponsor and UAC interview questions (required per ORR procedures) in their case management notes. ORR expanded this instrument to include the information currently captured in case management notes, in addition to the information captured in the current version of the Safety and Well-Being Follow-Up Call Report. The average burden minutes per response was increased from 30 to 45 minutes.

Respondents: ORR grantee and contractor staff; and released children and sponsors.

ANNUAL BURDEN ESTIMATES

Instrument	Annual number of respondents	Annual number of responses per respondent	Average burden minutes per response	Annual total burden hours
Verification of Release (Form R–1)	216	253	10	9,108
Discharge Notification (Form R–2)	216	290	10	10,440
ORR Release Notification—ORR Notification to ICE Chief Counsel Release of UAC to Sponsor and Request to Change Address (Form R–3)	216	270	5	4,860
Release Request (Form R–4)—Grantee Case Managers	216	254	25	22,860
Release Request (Form R–4)- Contractor Case Coordinators	170	321	20	18,190
Safety and Well-Being Call (R–6)	216	253	45	40,986
Estimated Annual Burden Hours Total	.....	.....	.....	106,444

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 6 U.S.C. 279; 8 U.S.C. 1232; *Flores* v. *Reno Settlement Agreement,* No. CV85–4544–RJK (C.D. Cal. 1996).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–03898 Filed 2–24–21; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Sponsor Review Procedures for Unaccompanied Alien Children (OMB #0970–0278); Correction

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, Department of Health and Human Services.

ACTION: Notice; withdrawal.

SUMMARY: The Office of Refugee Resettlement (ORR) published a document requesting public comment on proposed changes to its Family Reunification Application (also referred to as Sponsor Verification Application) and Sponsor Care Agreement. ORR is no longer pursuing changes to these forms and, therefore, withdraws its request for public comment.

FOR FURTHER INFORMATION CONTACT: Toby Biswas, Esq., 202–401–9246; *UACPolicy@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION: The ORR published the document in the **Federal Register** on January 5, 2021, at 86 FR 308.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–04030 Filed 2–23–21; 4:15 pm]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Services Provided to Unaccompanied Alien Children (0970–0553)

AGENCY: Office of Refugee Resettlement; Administration for Children and Families; Department of Health and Human Services.

ACTION: Request for public comment.

SUMMARY: The Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is inviting public comments on revisions to an approved information collection. The request consists of several forms that allow the Unaccompanied Alien Children (UAC)

Program to provide services to UAC as required by statute and ORR policy.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing *infocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation (OPRE), 330 C Street SW, Washington, DC 20201, Attn: ACF Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: ORR revised 11 instruments currently approved under OMB #0970–0553 and plans to add 11 new instruments to this collection. All instruments will be incorporated into ORR's new case management system, UAC Path. In addition, ORR plans to remove one currently approved instrument from this collection.

1. *Sponsor Assessment (Form S–5):* This instrument is used by case managers to document their assessment of the suitability of a potential sponsor to provide for the safety and well-being of a UAC. ORR reformatted and reorganized the instrument and reworded some of the fields. In addition, ORR made the following revisions:

○ In the ''Sponsor Basic Information'' section, added the field ''Relationship to UAC''.

○ In the ''Family Relationships'' section, added the field ''Home Address'' and removed the field ''Are you married to your partner?''

○ In the ''Household Composition'' section, removed the field ''Valid Identity Document Received''.

○ In the ''Previous Sponsorship'' section, removed the field ''How many children did you sponsor?'' and added the following fields: ''What contact do you still have with the child?'', What is the child's current legal status?'', and ''HHM/AACG Name''.

○ In the ''Proof of Identity'' section, removed the following fields: ''Sponsor's identity is verified'', ''Household member's identity is verified'', ''Adult Caregiver's identity is verified'', and ''Additional information on identity''.

○ In the ''Proof of Immigration Status or U.S. Citizenship'' section, added the following fields: ''Proof of Immigration Document Type'', ''Expiration Date'', ''Date Documents Issued'', and ''Verified by Government Agency or Consulate''.

○ In the ''Proof of Address'' section, added the field ''Alternate Phone'' and removed the following fields: ''Work Phone'', ''Fax'', ''Describe the area/neighborhood where you reside'', ''Do you receive your mail at a different address?'', ''If yes, what is the address that you use to receive mail?'', and ''Resided at Address Within Past 5 Years''.

○ In the ''Proof of Financial Stability'' section, added the following fields: ''List Proof of Financial Stability documents provided'', ''Proof of Financial Stability Document Type'', and ''Date Document Issued''.

○ In the ''Care Plan'' section, added the fields ''Are you aware of any mental health conditions of the UAC which will need treatment?'' and ''Explain how you plan to supervise and ensure the safety of the UAC'' and removed eight other fields.

○ Removed the ''Safety Plan'' section.

○ In the ''Supervision Plan'' section, removed the fields ''SSN/A No.'' and ''Explain how you plan to supervise the minor''.

○ In the ''Alternate Adult Caregiver Plan'' section, removed the field ''SSN/A No.''.

○ In the ''Self-Disclosed Criminal History'' section, added the fields ''Conviction'' and ''List any child abuse and neglect history'' and removed six other fields.

○ In the ''Sponsor's Knowledge of UAC Journey and Apprehension'' section, added the field ''If there is a debt still owed for the UAC's journey, please explain''.

○ In the ''Human Trafficking'' section, added the fields ''If you have travelled back to your country of origin since your arrival in the U.S., please explain'' and ''Were you ever restricted from quitting or leaving the work?'' and removed 16 other fields.

2. *Home Study Assessment (formerly titled Home Study Report) (Form S–6):* This instrument is used by home study providers to document their assessment of a potential sponsor after performing a home site visit. ORR reformatted and reorganized the instrument and reworded some of the fields. In addition, ORR made the following revisions:

○ In the ''UAC Background'' section, removed the question related to the UAC's understanding of certain U.S. laws. Questions about how sponsor disciplines children and whether UAC would feel safe living with sponsor were replaced with a single question asking if the UAC has any concerns about living with sponsor.

○ In the ''Sponsor's Motivation and Relationship to UAC'' section, replaced the question on the location of the sponsor's family members in the U.S. and their relationship to the UAC with a question asking if the sponsor has a family support system in the U.S. and whether they can provide assistance.

○ In the ''Household Members'' section, removed fields related to background checks because this information is documented by case managers elsewhere in UAC Path.

○ In the ''Summary'' section, removed the risk factors and protective factors table.

3. *Adult Contact Profile (formerly titled New Sponsor) (Form S–7):* The purpose of this instrument has been expanded; it now acts as a hub where users can access all records related to a sponsor, adult household member, or alternate adult caregiver. The average burden minutes per response was increased from 20 to 45 minutes. In addition, ORR made the following revisions:

○ Replaced the ''UAC Basic Information'' section with the ''Associated UACs'' table.

○ Removed the following fields: ''SSN'', Country of Residency'', ''Query ID'', ''Does anyone in the Household have a Serious Contagious Disease?'', and ''Do any of the Occupants Have Criminal Convictions or Charges, Other Than Minor Traffic Violations?''.

○ Added the following fields: ''AKA'', ''Current Age'', ''Primary Language Spoken'', ''Other Spoken Languages'', ''Additional Cultural Information'', and ''Legacy Address''.

○ Replaced the fields related to address and address flags with the ''Address History'' section.

○ Moved the information from the ''Affidavits of Support'' table to the *Sponsor Assessment.*

4. *Initial Intakes Assessment (Form S–8):* This instrument is used by care providers to screen UAC for trafficking or other safety concerns, special needs, danger to self and others, medical conditions, and mental health concerns. ORR reformatted and reorganized the instrument and reworded some of the fields. The average burden minutes per response was increased from 15 to 20 minutes. In addition, ORR made the following revisions:

○ In the ''Information'' section, removed the field ''Date of departure from home country'' and added the following fields: ''City of Birth'', ''Neighborhood of Birth'', ''Religious Affiliation'', ''Other Languages Spoken'',

''Who did UAC live with before placement?''

○ Replaced the ''Family Information'' section with the ''Family and Friends'' and ''Adult Contact Relationships'' sections.

○ Added new ''Significant Information'' section, containing six fields.

○ In the ''Medical'' section, replaced or reworded most fields and expanded the fields related to allergies into multiple fields.

○ Added a new ''Medication Overview'' section, containing three fields.

○ Revised the available fields in the ''Observable or Reported Medical Concerns'' section.

○ Reduced the number of fields in the ''Mental Health'' section to three.

5. *Assessment for Risk (Form S–9):* This instrument is an assessment administered by care providers to reduce the risk that a child or youth is sexually abused or abuses someone else while in ORR custody. ORR reformatted and reorganized the instrument and changed reworded some of the fields. In addition, ORR added several fields related to the UAC's sexual history and two fields on mental and physical disability and illness. The average burden minutes per response was increased from 30 to 45 minutes.

6. *UAC Assessment (Form S–11):* This instrument is an in-depth assessment used by care providers to document information about the UAC that is used to inform provision of services (*e.g.,* case management, legal, education, medical, mental health, home studies), screen for trafficking or other safety concerns, and identify special needs. ORR reformatted and reorganized the instrument and reworded some of the fields. The average burden minutes per response was increased from 45 minutes to 2 hours. In addition, ORR made the following revisions:

○ Added a new ''Age-determination or Identity Concern'' section, containing 11 fields.

○ In the ''Additional UAC Information'' section, added the following fields: ''City of Birth'', ''Who did UAC live before placement'', ''Neighborhood of Birth'', and ''Other additional information''.

○ In the ''Family and Friends'' section, removed ''Has family in Country of Origin?'', ''Has Family in the US?'' fields. Replaced ''Family in Country of Origin'' and ''Family and Friends in the U.S.'' tables with a ''Family and Friends'' table. Added ''Separated from Parents/Legal Guardian?'' and ''Migrant Protection Protocol case?'' fields.

○ Removed the ''Medical History'' and ''Medication Table'' from the ''Medical'' section and added the field ''Health care needs are being addressed''.

○ Moved fields in the ''Legal'' section to the *UAC Profile* and *UAC Legal Information* instruments found in other ORR information collections.

○ Removed all fields from the ''Criminal'' section and replaced them with three new fields and an area to provide details on any criminal charges (nine fields).

○ Removed the ''Mental Health/Behavior'' section because that information is available in the mental health area of UAC Path.

○ In the ''Sponsor Information'' section, replaced the table with the ''Adult Contact Relationship'' table and added a section that displays ''Previous Sponsor Applications''.

○ Added a ''Documents'' section in which documents directly related to case management may be uploaded.

○ In the ''Certification'' section, created separate areas for both the clinician and case manager to certify that all required sections of the instruments are complete and accurate and added ''Translator Name'' and ''Language'' fields.

7. *UAC Case Review (Form S–12):* This instrument is used by care providers to document new information obtained after completion of the UAC Assessment. ORR reformatted and reorganized the instrument and reworded some of the fields. The average burden minutes per response was increased from 30 minutes to 2 hours. In addition, ORR made the following revisions:

○ Added a new ''Age-determination or Identity Concern'' section, containing 11 fields.

○ Created a new ''Additional UAC Information'' section and added the following fields: ''UAC Case Review Type'', ''Who did UAC live with before placement?'', ''City of Birth'', ''Religious Affiliation'', ''Neighborhood of Birth'', ''Separated from Parents/Legal Guardian?'', and ''Parent Separation Case Updates''.

○ In the ''Medical'' section, added a new ''Health care needs are being addressed'' field and a table of ''Existing Mental Health Diagnoses'' that is auto-populated from information entered into the mental health area of UAC Path.

○ Removed the ''Medical History'' and ''Medication Table'' from the ''Medical'' section.

○ In the ''Mental Health'' section, removed the fields under ''Psychological Evaluation'' and added the following fields: ''Date Completed'', ''Date of Evaluation'', and ''Evaluator''.

○ Added a new ''Case Plan'' section, containing seven fields.

○ Moved fields in the ''Legal'' section to the *UAC Profile* and *UAC Legal Information* instruments found in other ORR information collections.

○ In the ''Sponsor Information'' section, replaced the table with the ''Adult Contact Relationship'' table and added a section that displays ''Previous Sponsor Applications''.

○ Added a new ''Criminal'' section (three fields) and an area to provide details on any criminal charges (nine fields).

○ Added a ''Documents'' section in which documents directly related to case management may be uploaded.

○ Removed the ''Recommendations'' and ''Care Plan'' sections.

○ In the ''Certification'' section, created separate areas for both the clinician and case manager to certify that all required sections of the instruments are complete and accurate and added ''Translator Name'' and ''Language'' fields.

8. *Individual Service Plan (Form S–13):* This instrument is used by care providers to document all services provided to the UAC. ORR revised the formatting and reworded some of the fields. In addition, ORR added the following fields: ''Contract Number'', ''Individual Service Plan'', ''Entity Name'', ''Notes'', ''List Team Members who Contributed to ISP'', ''Translator Name'', and ''Language''. In addition, ORR added an area where documents directly related to the service plan may be uploaded. The average burden minutes per response was increased from 15 to 20 minutes.

9. *Long Term Foster Care Travel Request (Form S–14):* This instrument is used by long term foster care providers to request ORR approval for a UAC to travel with their foster family outside of the local community. ORR revised the formatting and reworded some of the fields. In addition, ORR added the following fields: ''Status'', ''Transportation Notes'', ''Policy #'', ''Remand for Further Information'', and ''ORR Decision''. The average burden minutes per response was increased from 15 to 20 minutes.

10. *Child Advocate Recommendation and Appointment (Form S–15):* This instrument is used by care providers and other stakeholders to recommend appointment of a child advocate for a UAC. The child advocate contractor then enters whether a child advocate is available and ORR approves the appointment. ORR reformatted and reorganized the instrument and

reworded some of the fields. No changes were made to the content.

11. *30 Day Restrictive Placement Case Review (formerly titled Summary Notes: Thirty Day Restrictive Placement Case Review) (Form S–16):* This instrument is used by care providers to document their 30-day review for UAC in placed in a restrictive setting. ORR revised the formatting and added the following fields: ''Out-of-Network RTC Provider'', ''Case Manager Name'', ''Case Coordinator Name'', ''FFS Name'', ''Name and Title'', and ''Date''.

12. *Admission (Form S–18):* This instrument is used by ORR grantee case managers and clinicians to document the UAC's initial needs, functioning, and history. Other instruments are also accessible from within the Admission instrument, such as transfer requests, travel requests, and various child assessments. This is a new instrument that ORR plans to add to this collection.

13. *Home Study/Post-Release Service (HS/PRS) Referral (Form S–19):* This instrument is used by ORR grantee case managers to refer a UAC for a home study and/or post-release services. This is a new instrument that ORR plans to add to this collection.

14. *UAC Authorized/Restricted Call List and Call Log (Form S–20):* This instrument is used by case managers to create a list of authorized and restricted contacts to ensure safe communication for the UAC and document the details of phone calls made by a UAC. This is a new instrument that ORR plans to add to this collection.

15. *Home Study/Post-Release Service (HS/PRS) Primary Provider Entity (Form S–21A):* This instrument is used by grantee HS/PRS providers to add identifying information about their organization into the UAC Path system. Each organization only needs to be created once. Field values may be updated as often as needed. This is a new instrument that ORR plans to add to this collection.

16. *Home Study/Post-Release Service (HS/PRS) Subcontractor Entity (Form S–21B):* Entity record. Each organization only needs to be created once. Field values may be updated as often as needed. This is a new instrument that ORR plans to add to this collection.

17. *Home Study/Post-Release Service (HS/PRS) Primary Provider Profile (Form S–21C):* This instrument is used by HS/PRS providers to add identifying information about caseworkers employed by their organization. Each organization only needs to be created once. Field values may be updated as often as needed. This is a new instrument that ORR plans to add to this collection.

18. *Home Study/Post-Release Service (HS/PRS) Subcontractor Profile (Form S–21D):* This instrument is used by HS/PRS providers to add identifying information about caseworkers employed their sub-grantee organizations. Each organization only needs to be created once. Field values may be updated as often as needed. This is a new instrument that ORR plans to add to this collection.

19. *Post-Release Service (PRS) Event (Form S–22):* This instrument is used by post-release service caseworkers to document referrals made and services provided at critical junctures of service provision, such as 14 day, 6 month, 12 month, and closure. The instrument contains auto-populated sponsor information and areas to document information about the HS/PRS provider, reason for referral, the minor's placement and safety status, and services areas addressed. This is a new instrument that ORR plans to add to this collection.

20. *Case Manager Call Log and Case Notes (Form S–23):* This instrument is used by case managers to log any contact (in-person, phone, video, social media, or mail) they make in relation to the UAC's case, including any related notes. This is a new instrument that ORR plans to add to this collection.

21. *Sponsor Application (Form S–24):* This instrument is used by care providers to document certain information and milestones in the sponsor application process. This is a new instrument that ORR plans to add to this collection.

22. *Ohio Youth Assessment System (OYAS) Reentry Tool:* No changes were made to this instrument.

23. *UAC Case Status:* ORR is discontinuing this instrument.

Respondents: ORR grantee and contractor staff; UAC; sponsors; and child advocates.

ANNUAL BURDEN ESTIMATES

Information collection title	Annual number of respondents	Annual number of responses per respondent	Average burden minutes per response	Annual total burden hours
Sponsor Assessment (Form S–5)	216	265	60	57,240
Home Study Assessment (Form S–6)	60	81	45	3,645
Adult Contact Profile (Form S–7)	216	1,324	45	214,488
Initial Intakes Assessment (Form S–8)	216	278	20	20,016
Assessment for Risk (Form S–9)	216	556	45	90,072
UAC Assessment (Form S–11)	216	278	120	120,096
UAC Case Review (Form S–12)	216	556	120	240,192
Individual Service Plan (Form S–13)	216	694	20	49,968
Long Term Foster Care Travel Request (Form S–14)	30	8	20	80
Child Advocate Recommendation and Appointment (Form S–15)	216	5	15	270
Thirty Day Restrictive Placement Case Review (Form S–16)	15	67	45	754
Admission (Form S–18)	216	278	20	20,016
Home Study/Post-Release Service (HS/PRS) Referral (Form S–19)	216	68	20	4,896
UAC Authorized/Restricted Call List and Call Log (Form S–20)	216	6,981	5	125,658
Home Study/Post-Release Service (HS/PRS) Primary Provider Entity (Form S–21A)	9	1	5	1
Home Study/Post-Release Service (HS/PRS) Subcontractor Entity (Form S–21B)	51	1	5	4
Home Study/Post-Release Service (HS/PRS) Primary Provider Profile (Form S–21C)	9	13	5	10
Home Study/Post-Release Service (HS/PRS) Subcontractor Profile (Form S–21D)	51	13	5	55
Post-Release Service (PRS) Event (Form S–22)	60	968	60	58,080
Case Manager Call Log and Case Notes (Form S–23)	216	8,426	5	151,668

ANNUAL BURDEN ESTIMATES—Continued

Information collection title	Annual number of respondents	Annual number of responses per respondent	Average burden minutes per response	Annual total burden hours
Sponsor Application (Form S–24)	216	265	60	57,240
Ohio Youth Assessment System (OYAS) Reentry Tool	15	101	75	1,894
Estimated Annual Burden Hours Total	.....	.....	.....	1,216,343

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: 6 U.S.C. 279; 8 U.S.C. 1232; Flores v. Reno Settlement Agreement, No. CV85–4544–RJK (C.D. Cal. 1996).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–03897 Filed 2–24–21; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

[OMB No. 0985–New]

Agency Information Collection Activities; Proposed Collection; Comment Request; State Performance Report

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing an opportunity for the public to comment on the proposed collection of information listed above. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the new information collection requirements relating to the State Performance Report.

DATES: Comments on the collection of information must be submitted electronically by 11:59 p.m. (EST) or postmarked by April 26, 2021.

ADDRESSES: Submit electronic comments on the collection of information to: *Susan.Jenkins@acl.hhs.gov.* Submit written comments on the collection of information to Administration for Community Living, Washington, DC 20201, Attention: Susan Jenkins.

FOR FURTHER INFORMATION CONTACT: Susan Jenkins, Administration for Community Living, Washington, DC 20201, by email at *Susan.Jenkins@acl.hhs.gov* or by telephone at 202–795–7369.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined under the PRA and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. PRA section (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, ACL is publishing a notice of the proposed collection of information set forth in this document.

The currently approved SPR under 0985–0008 will expire in FY 2022, which is the final reporting year for the currently approved OMB control number (0985–0008). In order to comply with requirements under the PRA it is necessary to place this ''new SPR'' IC under a new OMB control number while keeping the currently approved SPR under 0985–0008 active for remaining reporting in FY 2022.

With respect to the following collection of information, ACL invites comments on our burden estimates or any other aspect of this collection of information, including:

(1) Whether the proposed collection of information is necessary for the proper performance of ACL's functions, including whether the information will have practical utility;

(2) the accuracy of ACL's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used to determine burden estimates;

(3) ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology.

The purpose of this data collection is to fulfill requirements of the Older Americans Act and the Government Performance and Results Modernization Act (GPRA Modernization Act) of 2010 and related program performance activities. Section 202(a)(16) of the OAA requires the collection of statistical data regarding the programs and activities carried out with funds provided under the OAA and Section 207(a) directs the Assistant Secretary on Aging to prepare and submit a report to the President and Congress based on those data.

Section 202(f) directs the Assistant Secretary to develop a set of performance outcome measures for planning, managing, and evaluating activities performed and services provided under the OAA. Requirements pertaining to the measurement and evaluation of the impact of all programs authorized by the OAA are described in section 206(a). The State Performance Report is one source of data used to develop and report performance outcome measures and measure program effectiveness in achieving the stated goals of the OAA.

The Administration on Aging (now within the Administration for

Community Living) first developed a State Program Report (SPR) in 1996 as part of its National Aging Program Information System (NAPIS). The SPR collects information about the national Aging Network, how State Agencies on Aging expend their OAA funds as well as funding from other sources for OAA authorized supportive services. The SPR also collects information on the demographic and functional status of the recipients, and is a key source for ACL performance measurement. This previously approved ''New SPR'' was a revision of the currently active version (effective 2019–2022) and was approved on 2018, also assigned with the same OMB Control Number #0985–0001. This previously approved collection reduces the number of data elements reported by 70% compared to the 2019–2022 SPR.

ACL intends to seek a new OMB Control Number for the for the new SPR effective FY 2022–2025. This request applies only to making an administrative change to the 2018 approved version of the State Performance Report for State Units on Aging (Older Americans Act Titles III and VII (Chapters 3 and 4) (''new SPR''). ACL intends to use this proposed data to collect information with the FY 2022 reporting year.

To view and comment on this information collection please visit Administration for Community Living public input page: *https://acl.gov/about-acl/public-input.*

Estimated Program Burden: ACL estimates an annual burden of 1,876 hours:

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
SPR	56	1	33.5	1,876
Total	56	1	33.5	1,876

Dated: February 19, 2021.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2021–03862 Filed 2–24–21; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

[OMB No. 0985–0067]

Agency Information Collection Activities; Submission for OMB Review; Public Comment Request; The Study on the Impact of COVID–19 on Adult Protective Service (APS) Programs

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living is announcing that the proposed collection of information listed above has been submitted to the Office of Management and Budget (OMB) for review and clearance as required under the Paperwork Reduction Act of 1995. This 30-Day notice collects comments on the information collection requirements related to requirements related to the extension with change to the Study on the impact of COVID–19 on Adult Protective Service (APS) Programs.

DATES: Submit written comments on the collection of information by March 29, 2021.

ADDRESSES: Submit written comments and recommendations for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain* Find the information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. By mail to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW, Rm. 10235, Washington, DC 20503, Attn: OMB Desk Officer for ACL.

FOR FURTHER INFORMATION CONTACT: Stephanie Whittier Eliason, Administration for Community Living, Washington, DC 20201 Phone: (202) 795–7467 Email: *Stephanie.WhittierEliason@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, ACL has submitted the following proposed collection of information to OMB for review and clearance. The Administration for Community Living (ACL) requests an extension with change to the approved data collection for a study on the impact of COVID–19 on Adult Protective Service (APS) Programs (OMB 0985–0067). Some elder advocates and law enforcement officers believe that the opioid epidemic is contributing to the increase in elder abuse.[1] Even during the COVID–19 epidemic, regular press, briefs and editorials continue to report that the opioid abuse is still rising. Aging services and APS networks are likely to deal with more complex clients with opioid-related issues, placing enormous pressure on health care systems, emergency response services, law enforcement and other community services.[2] [3] [4]

In the context of COVID–19, we need to make extra efforts to look at these challenges and look for ways to effectively meet the needs of these clients. The purpose of this 7-month study is to understand the nature, extent, and impact of opioids on older adults and their families by interviewing APS staff. The study will look magnitude and characteristics of these cases. It will look at what investigative methods and challenges are specific to opioid cases. Because of the COVID–19 pandemic, attention will also be made to the effects of pandemic on client circumstances, service gaps and needs, and outcomes. These are the objectives of the study:

- Identify the scope and characteristics of APS caseloads involving opioid abuse before and during COVID–19
- Identify investigative methods used and challenges to using these methods
- Identify interventions used and challenges to implementing these interventions
- Identify additional services needed
- Identify challenges that are particular to the COVID–19 pandemic
- Assist ACL and other federal partners in targeting needed resources to have the highest impact

Findings from this important study will shed light on what and how to improve APS responses to opioid-

[1] Benson, W.F; Aldrich, N. Raising Awareness and Seeking Solutions to the Opioid Epidemic's Impact on Rural Older Adults.

[2] Blog Post (March 4, 2019): *https://eldermistreatment.usc.edu/opioids-and-elder-abuse-a-disquieting-connection/.*

[3] Washington Post Article (June 17, 2019): *https://www.washingtonpost.com/business/2019/06/17/how-opioid-crisis-is-leading-elder-financial-abuse/?utm_term=.594b4dd84d9d.*

[4] *https://eldermistreatment.usc.edu/missouris-aps-response-to-the-opioid-crisis/.*

related cases. Findings will be distributed via the APS–TARC website, a technical assistance resource center for APS programs. ACL will also explore other opportunities where findings can be shared via blogs, briefs, conference presentations and webinars.

Comments in Response to the 60-Day Federal Register Notice

ACL published a 60-day **Federal Register** Notice in the **Federal Register** soliciting public comments on this request. The 60-day FRN published on December 1, 2020, Vol. 85, No. 231 page 77217. There were no public comments received.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
APS Administrator Interview Guide	12	1	12	.75	9
APS Local Staff Interview Guide	60	1	60	.75	45
Total					54

Dated: February 19, 2021.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2021–03867 Filed 2–24–21; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Submission for OMB Review; Public Comment Request; Inventory of Adult Protective Services Practices and Service Innovations

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living is announcing that the proposed collection of information listed above has been submitted to the Office of Management and Budget (OMB) for review and clearance as required under section 506(c)(2)(A) of the Paperwork Reduction Act of 1995. This 30-Day notice collects comments on the information collection requirements related to requirements related to a new information collection 0985-New Inventory of Adult Protective Services Practices and Service Innovations.

DATES: Submit written comments on the collection of information by March 29, 2021.

ADDRESSES: Submit written comments and recommendations for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find the information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. By mail to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW, Rm. 10235, Washington, DC 20503, Attn: OMB Desk Officer for ACL.

FOR FURTHER INFORMATION CONTACT: Stephanie Whittier Eliason, Administration for Community Living, Washington, DC 20201 Phone: (202) 795–7467, Email: *Stephanie.WhittierEliason@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, ACL has submitted the following proposed collection of information to OMB for review and clearance. The Administration for Community Living (ACL) is requesting approval for a new information collection 0985–New Inventory of Adult Protective Services Practices and Service Innovations. The Elder Justice Act of 2009 requires the Secretary of the U.S. Department of Health and Human Services to carry out a number of activities related to adult protective services (APS) (42 U.S.C. 1397m–1), including developing and disseminating information on APS best practices and conducting research related to the provision of APS.

Furthermore, the Elder Justice Coordinating Council included as its third recommendation for increasing federal involvement in addressing elder abuse, neglect, and exploitation: ''develop a national APS system based upon standardized data collection and a core set of service provision standards and best practices.''

Background

The Administration for Community Living (ACL) in the U.S. Department of Health and Human Services (HHS) plans to initiate an Inventory of Adult Protective Services Practices and Service Innovations (APS Practice Survey) in early 2021. Under a contract with ACL, the National Adult Protective Services Technical Assistance Resource Center (APS TARC) is conducting a national program evaluation of APS programs. As part of this evaluation, the APS Practice Survey will identify barriers to meeting policy mandates, and practice innovations and model programs that address such barriers and community-identified needs. It also seeks to identify practice variations in the way APS programs serve older adults and adults with disabilities. The results of the survey will serve to advance the field of APS and will be useful to many audiences. It will provide baseline information regarding the status of APS programs and services, and the resulting information will help states and territories compare their program characteristics with those of other states and territories. The survey will provide a context for other researchers examining APS programs. It will inform ACL's efforts to support improvement of APS programs through activities such as innovation grants. Finally, it will inform the APS TARC team's efforts to develop resources to enhance APS programs around the country. This survey has been developed to gather information on APS practices that is not available from other sources. As part of the National Adult Maltreatment Reporting System (NAMRS), ACL collects descriptive data on state and territory agency policies through the Agency Component of that data collection.

Therefore, the proposed survey will not collect any background policy or data items. As part of the APS Program Evaluation, the APS TARC also conducted a detailed examination of state APS policies through development of individual state policy profiles. The profiles were based exclusively on extant information sources obtained without additional data requests from

the states. Information on practices gathered in this survey will complement, but will not duplicate, these policy profiles.

Finally, the National Adult Protective Services Association (NAPSA) conducted a survey of State APS programs in 2012, and the National Association of State Units on Aging and Disability (NASUAD) fielded a survey to its members, which are not APS programs, in January 2018 intended to update findings from the NAPSA 2012 survey. Since the survey replicates the original NAPSA survey, the questions in it are not focused on APS practice and are not directed at the same respondents as the proposed survey. As noted, a few topics in the original survey overlap with the proposed instrument, but the wording and focus of the few questions on similar topics are different. From this analysis, we conclude the proposed APS Practice Survey will yield vital information on APS practice not available from other sources.

Proposed Collection Efforts

The APS Practice Survey will collect state- and territory-specific practices for all aspects of APS casework practice, including staffing, intake, investigation, service planning and delivery, and quality assurance. Across these areas, the survey will collect information on practices such as community partnerships and use of assessment tools.

The APS Practice Survey will be administered online using SurveyMonkey or a similar commercial survey-programming tool. The online survey will include data validation routines to minimize errors or unintentional omissions and will include appropriate skip patterns to reduce burden. Respondents will be state and territory APS agencies, including APS agencies in the District of Columbia, Puerto Rico, Guam, Northern Marianas Islands, Virgin Islands, and American Samoa. No personally identifiable information will be collected.

A pilot version of The APS Practice Survey was tested in nine (9) diverse states between July and September 2017. Following their pretest of the survey instrument, pilot respondents participated in focus groups in which they provided recommendations on data collection procedures, views on the availability of data being requested, and estimates of the burden to each state and territory for completion of the survey. It is assumed that nearly every state and territory will participate and that time to develop a response will be similar to the experience of states during the pilot test. ACL has calculated the following burden estimates based on the results of the survey pilot test.

Comments in Response to the 60-Day Federal Register Notice

A notice published in the **Federal Register** on December 1, 2020 in 85 FR 77218.

Estimated Program Burden: ACL estimates the annual burden associated with this collection of information as follows:

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
APS Practice Survey	56	1	3.50	196
Estimated Total Annual Burden Hours				196

Dated: February 19, 2021.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2021–03863 Filed 2–24–21; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Submission for OMB Review; Public Comment Request; Independent Living Services (ILS) Program Performance Report (PPR) 0985–0043

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing that the proposed collection of information listed above has been submitted to the Office of Management and Budget (OMB) for review and clearance as required under the Paperwork Reduction Act of 1995. This 30-Day notice collects comments on the information collection requirements related to the Independent Living Services (ILS) Program Performance Report (PPR) 0985–0043.

DATES: Submit written comments on the collection of information by 11:59 p.m. (EST) or postmarked by March 29, 2021.

ADDRESSES: Submit written comments on the collection of information by:

(a) Email to: *OIRA_submission@omb.eop.gov*, Attn: OMB Desk Officer for ACL;

(b) fax to 202.395.5806, Attn: OMB Desk Officer for ACL; or

(c) by mail to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW, Rm. 10235, Washington, DC 20503, Attn: OMB Desk Officer for ACL.

FOR FURTHER INFORMATION CONTACT: Peter Nye at *OILPPRAComments@acl.hhs.gov.* Administration for Community Living, Washington, DC 20201, Attention: Peter Nye Phone: (202) 795–7606.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, ACL has submitted the following proposed collection of information to OMB for review and clearance.

The Independent Living Services (ILS) program provides financial assistance, through formula grants, to states, the District of Columbia, Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the US Virgin Islands for expanding, and improving the provision of, independent living (IL) services. The Designated State Entity (DSE) is the agency that, on behalf of the state, receives, accounts for, and disburses funds received under Part B of the Rehabilitation Act of 1973, as amended (the Act). Funds are also made available for the provision of training and technical assistance to Statewide Independent Living Councils (SILCs). The Act permits an annual program performance report (PPR).

This request is for the ILS PPR, which is submitted annually by the SILC and DSE in every state, territory, and commonwealth. ACL uses the ILS PPR to assess grantee compliance with title VII of the Act, with 45 CFR part 1329 of the Code of Federal Regulations, and with applicable provisions of the HHS Regulations at 45 CFR part 75. The ILS

PPR serves as the primary basis for ACL's monitoring activities in fulfillment of its responsibilities under sections 706 and 722 of the Act. ACL also uses the PPR to identify training and technical assistance needs for SILCs and centers for independent living.

To view the data collection activity for this information collection request, please visit the ACL public input website: *https://www.acl.gov/about-acl/public-input.*

Comments in Response to the 60-Day Federal Register Notice

ACL published a 60-day Federal Register Notice in the **Federal Register** soliciting public comments on this request. The 60-day FRN published on December 17, 2020, Volume 85, pages 81924–81925; ACL received no comments.

Estimated Program Burden

ACL estimates the burden of this collection of information as follows: Fifty-six jurisdictions—specifically, the fifty states, Puerto Rico, the District of Columbia, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the US Virgin Islands—will each complete ILS PPRs annually, and it will take an estimated thirty-five hours per jurisdiction per ILS PPR. Each jurisdiction's SILC and DSE will collaborate to complete the ILS PPR. The fifty-six jurisdictions, combined, will take an estimated 1,960 hours per year to complete ILS PPRs. This burden estimate is based on what DSEs and SILCs have told ACL about how long filling out ILS PPRs took in previous reporting years.

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Total annual burden hours
SILCs and DSEs	56	1	35	1,960

Dated: February 19, 2021.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2021–03864 Filed 2–24–21; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

[OMB N0. 0985–0048]

Agency Information Collection Activities; Proposed Collection; Public Comment Request; State Grants for Assistive Technology Program State Plan for Assistive Technology

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing an opportunity for the public to comment on the proposed collection of information listed above. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed renewal of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the Proposed Extension without Change on the information collection requirements related to the State Grants for Assistive Technology Program State Plan for AT.

DATES: Comments on the collection of information must be submitted electronically by 11:59 p.m. (EST) or postmarked by April 26, 2021.

ADDRESSES: Submit electronic comments on the collection of information to: Robert Groenendaal, *Robert.Groenendaal@acl.hhs.gov.* Submit written comments on the collection of information to the Administration for Community Living 330 C Street SW, Washington, DC 20201. Attention: Robert Groenendaal.

FOR FURTHER INFORMATION CONTACT: Robert Groenendaal, Assistive Technology Program Manager, Center for Innovation and Partnership in the Office of Interagency Innovation Administration for Community Living 330 C Street SW, Washington, DC 20201, Phone: 202–795–7356, Email: *Robert.Groenendaal@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information,'' is defined as and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party.

The PRA requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, ACL is publishing a notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, ACL invites comments on our burden estimates or any other aspect of this collection of information, including:

(1) Whether the proposed collection of information is necessary for the proper performance of ACL's functions, including whether the information will have practical utility;

(2) the accuracy of ACL's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used to determine burden estimates;

(3) ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology.

The information collected through this data collection instrument is necessary for ACL and states to comply with Sections 4 and 7 of the Assistive Technology Act of 1998, as amended (AT Act). ACL is requesting a revision of the state plan data collection instrument (OMB No. 0985–0048). Approval of 0985–0048 expires March 31, 2021.

Section 4 of the AT Act authorizes grants to public agencies in the 50 states and the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Marianas (states and outlying areas). With these funds, the 56 states and outlying areas operate ''Statewide AT Programs'' that conduct activities to increase access to and acquisition of assistive technology (AT) for individuals with disabilities and older Americans.

Divided into two comprehensive activity categories: ''State-level Activities'' and ''State Leadership Activities,'' according to Section 4 of the AT Act, as a condition of receiving a grant to support their Statewide AT Programs, the 56 states and outlying areas must provide to ACL: (1) Applications and (2) annual progress reports on their activities.

Applications: The application required of states and outlying areas is a three-year State Plan for Assistive Technology (State Plan for AT or State Plan) (OMB No. 0985–0048). The content of the State Plan for AT is based on the requirements in Section 4(d) of the AT Act.

Annual Reports: In addition to submitting a State Plan, every three years, states and outlying areas are required to submit annual progress reports on their activities. The data required in that progress report is specified in Section 4(f) of the AT Act (OMB No. 0985–0042).

National aggregation of data related to measurable goals is necessary for the Government Performance and Results Modernization Act of 2010 (GPRAMA) (Pub. L. 111–352), as well as an Annual Report to Congress (see ''Section 7 Requirements Necessitating Collection'' below). Therefore, this data collection instrument provides a way for all 56 grantees—50 U.S. states, DC, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands to collect and report data on their activities in a consistent manner, including a uniform survey to be given to consumers. This uniform survey is included as part of the data collection package.

Section 7(d) of the AT Act requires that ACL submit to Congress an annual report on the activities conducted under the Act and an analysis of the progress of the states and outlying areas in meeting their measurable goals. This report must include a compilation and summary of the data collected under Section 4(f). In order to make this possible, states and outlying areas must provide their data uniformly. This data collection instrument was developed to ensure that all 56 states and outlying areas report data in a consistent manner in alignment with the requirements of Section 4(f).

As stated above, ACL will use the information collected via this instrument to:

(1) Complete the annual report to Congress required by the AT Act;

(2) Comply with reporting requirements under the Government Performance and Results Modernization Act of 2010 (GPRAMA) (Pub. L. 111–352); and

(3) Assess the progress of states and outlying areas regarding measurable goals. Data collected from the grantees will provide a national description of activities funded under the AT Act to increase the access to and acquisition of AT devices and services through statewide AT programs for individuals with disabilities. Data collected from grantees will also provide information for usage by Congress, the Department, and the public. In addition, ACL will use this data to inform program management, monitoring, and technical assistance efforts. States will be able to use the data for internal management and program improvement.

To review the proposed data collection tools please visit the ACL website at: *https://www.acl.gov/about-acl/public-input.*

Estimated Program Burden: ACL estimates the burden associated with this collection of information as follows:

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
State Plan for Assistive Technology	56	1	73.0	4,088

Dated: February 19, 2021.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2021–03868 Filed 2–24–21; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Peter Soukas, J.D., 301–594–8730; *peter.soukas@nih.gov.* Licensing information and copies of the patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20852; tel. 301–496–2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows.

Improved Live-Attenuated Vaccine for Respiratory Syncytial Virus (RSV) Bearing Codon-Pair Deoptimized NS1, NS2, N, P, M and SH Genes and Additional Point Mutations in the P Gene

Description of Technology:

RSV is the most important viral agent of severe respiratory disease in infants and young children worldwide and also causes substantial morbidity and mortality in older adults. RSV is estimated to cause more than 33 million lower respiratory tract illnesses, three million hospitalizations, and nearly 200,000 childhood deaths worldwide annually, with many deaths occurring in developing countries. However, despite the prevalence of RSV and the dangers associated with infection, no RSV vaccine has been successfully developed to date. Accordingly, there is a public health need for RSV vaccines.

This vaccine candidate comprises live RSV that was attenuated by subjecting the protein-coding sequences of the viral NS1, NS2, N, P, M, and SH genes to codon-pair deoptimization, which resulted in many nucleotide substitutions that were silent at the amino acid level but conferred attenuation. In addition, specific amino acid substitutions were identified and introduced into the P protein that improved attenuation and genetic stability. Genetic stability was confirmed in vitro, and attenuation was confirmed in experimental animals.

This live-attenuated RSV vaccine is designed to be administered intranasally by drops or spray to infants and young children. Based on experience with other live-attenuated RSV vaccine candidates, the present candidates are anticipated to be well tolerated in humans and are available for clinical evaluation. The National Institute of Allergy and Infectious Diseases has extensive experience and capability in evaluating live-attenuated RSV vaccine candidates in pediatric clinical studies, and opportunity for collaboration exists.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

Potential Commercial Applications:

- Viral diagnostics
- Vaccine research

Competitive Advantages:

- Ease of manufacture
- B cell and T cell activation
- Low-cost vaccines
- Intranasal administration/needle-free delivery

Development Stage:

- In vivo data assessment (animal)

Inventors: Cyril Le Nouen (NIAID), Ursula Buchholz (NIAID), Peter Collins (NIAID).

Intellectual Property: HHS Reference No. E–104–2020–0—U.S. Provisional Application No. 63/023,949, filed May 13, 2020.

Licensing Contact: Peter Soukas, J.D., 301–594–8730; *peter.soukas@nih.gov.*

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize for development of a vaccine for respiratory or other infections. For collaboration opportunities, please contact Peter Soukas, J.D., 301–594–8730; *peter.soukas@nih.gov.*

Dated: February 18, 2021.

Surekha Vathyam,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2021–03872 Filed 2–24–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Generic Clearance To Support the Safe to Sleep® Campaign at the Eunice Kennedy Shriver National Institute for Child Health and Human Development

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Lorena Kaplan, M.P.H., CHES, Office of Communications, *Eunice Kennedy Shriver* National Institute of Child Health and Human Development, National Institutes of Health, 31 Center Drive, Room 2A32, Bethesda, Maryland 20892, or call non-toll free number (301) 496–6670 or Email your request, including your address to *lorena.kaplan@nih.gov.*

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on December 11, 2020, page 80123–80124 (85 FR 80123–80124) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The *Eunice Kennedy Shriver* National Institute for Child Health and Human Development, National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: Generic Clearance to Support the Safe to Sleep® Campaign at the *Eunice Kennedy Shriver* National Institute for Child Health and Human Development (NICHD), 0925–0701, exp., date 02/28/2021, REVISION, *Eunice Kennedy Shriver* National Institute of Child Health and Human Development (NICHD), National Institutes of Health (NIH).

Need and Use of Information Collection: This is a request for a revision to a generic clearance used for submissions specific to the *Eunice Kennedy Shriver* National Institute of Child Health and Human Development (NICHD) Safe to Sleep® (STS) public education campaign. Submissions for the STS campaign will be used to assess the understanding and reach of STS campaign materials and messages, and to monitor and improve campaign activities such as training workshops and overall implementation. The purpose of this information collection is to monitor and modify campaign activities, to plan future campaign activities, to develop messages and materials, and to develop distribution and outreach strategies that are effective at communicating their message to bring about the intended response, awareness, and/or behavioral change for the target audiences. This generic clearance will enable the NICHD to: (1) More efficiently assess the implementation of campaign activities; (2) better understand the target audiences' knowledge, attitudes, and beliefs toward STS messages and materials; (3) better understand how the campaign activities have influenced the target audiences' behaviors and practices; and (4) monitor and improve activities such as trainings, materials, and messages. Having a way to gather feedback on the STS campaign activities is critical to assessing the reach and effect of campaign efforts. Data collected for the campaign can inform where future STS campaign resources can produce the most meaningful results. Data collected for the STS campaign generic clearance will be used by a number of audiences, including STS campaign staff, NICHD leadership, STS campaign collaborators,

Federal SUID/SIDS Workgroup members, SUID/SIDS stakeholders, clinical and maternal and child health professionals. These audiences may use the information collections to: (1) Develop new campaign messages, materials, and/or training curricula; (2) monitor and improve campaign activities; (3) make decisions about campaign activities; (4) inform current campaign activities; and (5) inform and/or change practices and behaviors of program participants.

Examples of the types of information collections that could be included under this generic clearance include: *Focus groups and key informant interviews* with parents/caregivers and/or health professionals to get feedback on distribution and outreach activities, and/or campaign messages; and *Surveys* with parents/caregivers and/or health professionals to: (1) Assess the usefulness of the new STS campaign materials, including print and on-line multi-media materials, (2) track outreach experiences of program participants, (3) assess training participants' changes in knowledge related to safe infant sleep behavior and implementation of learned outreach and education methods, and (4) assess program participants' resource needs.

The sub-studies for this generic clearance will be small in scale, designed to obtain results frequently and quickly to guide campaign development and implementation, inform campaign direction, and be used internally for campaign management purposes. NICHD's current scope and capacity for STS generic sub-studies is non-existent and this request would fill this gap.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 13,305.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response, in hours	Total annual burden hours
Focus Groups	General Public	215	1	1	215
Interviews	General Public	50	1	1	50
Pre-/Post-Tests	General Public	3,000	2	15/60	1,500
Pre-/Post-Tests	Health Professionals	20,000	2	15/60	10,000
Surveys	Health Professionals	3,000	1	30/60	1,500
Tracking/Feedback Form	Health Educators	20	2	1	40
Total		26,285	49,305		13,305

Dated: February 12, 2021.

Jennifer M. Guimond,

Project Clearance Liaison, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health.

[FR Doc. 2021–03870 Filed 2–24–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Engineered Tumor Infiltrating Lymphocytes for Cancer Therapy

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the Patents and Patent Applications listed in the Supplementary Information section of this Notice to Iovance Biotherapeutics, Inc. (''Iovance''), headquartered in San Carlos, CA.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before March 12, 2021 will be considered.

ADDRESSES: Requests for copies of the patent applications, inquiries, and comments relating to the contemplated Exclusive Patent License should be directed to: Andrew Burke, Ph.D., Senior Technology Transfer Manager, NCI Technology Transfer Center, Telephone: (240)–276–5484; Email: *andy.burke@nih.gov.*

SUPPLEMENTARY INFORMATION:

Intellectual Property

E–068–2018: Tethered Interleukin-15 and Interleukin-21

1. US Provisional Patent Application 62/628,454, filed February 9, 2018 (E–068–2018–0–US–01);

2. International Patent Application PCT/US2019/016975, filed February 7, 2019 (E–068–2018–0–PCT–02);

3. Australian Patent Application 2019218785, filed August 7, 2020 (E–068–2018–0–AU–03);

4. Chinese Patent Application 201980012443.3, filed August 7, 2020 (E–068–2018–0–CN–04);

5. European Patent Application 19709154.9, filed August 18, 2020 (E–068–2018–0–EP–05);

6. United States Patent Application 16/964,796, filed July 24, 2020 (E–068–2018–0–US–06); and

7. Canadian Patent Application 3,090,512, filed August 5, 2020 (E–068–2018–0–CA–07).

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide, and the field of use may be limited to the following:

''The use of the Licensed Patent Rights to develop, manufacture, distribute, sell, and use unselected whole autologous tumor infiltrating lymphocyte (TIL) adoptive cell therapy products for the treatment of metastatic melanoma, lung, breast, bladder, and HPV-positive cancers. Specifically excluded from this Agreement are methods of generating or using selected subpopulations of TIL and the use of T cell receptors isolated from TIL.''

E–068–2018 is primarily directed to recombinant constructs for the co-expression of Interleukins-15 and 21 (IL–15 and 21). IL–15 and IL–21 have been reported to support the function of anti-tumor T cells; however, their

clinical utility has been constrained, in part, by dose-limiting toxicity following systemic administration and the need for repeated dosing. The subject invention addresses these limitations through synthetic IL–15/21 sequences which incorporate flexible linker regions and cell membrane anchors. T cells engineered to express these constructs experience autocrine IL–15/21 signaling leading to enhanced anti-tumor function in vivo.

This Notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published Notice, the National Cancer Institute receives written evidence and argument establishing that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information from these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: February 12, 2021.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2021–03873 Filed 2–24–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; CareerTrac

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Dr. Kristi Pettibone, Health Scientist Administrator, Program Analysis Branch, Division of Extramural Research and Training, NIEHS, NIH, 560 Davis Dr., Morrisville, NC 27560, or call non-toll-free number (984) 287–3303 or Email your request, including your address to: *pettibonekg@niehs.nih.gov.*

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on December 12, 2020, page 79493–79494 (64 FR 15367) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The Fogarty International Center (FIC), National Cancer Institute (NCI), National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), and National Institute of Environmental Health Sciences (NIEHS), may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: CareerTrac-0925–0568—expiration date April 30, 2021, REVISION, Fogarty International Center (FIC), National Institute of Environmental Health Sciences (NIEHS), National Cancer Institute (NCI), National Institute of Diabetes and Digestive Kidney Diseases, (NIDDK), National Institutes of Health (NIH).

Need and Use of Information Collection: The purpose of this data collection system is to track, evaluate and report short and long-term outputs, outcomes and impacts of trainees involved in health research training programs-specifically tracking this for at least ten years following training by having Principal Investigators enter data after trainees have completed the program. The data collection system provides a streamlined, web-based application permitting principal investigators to record career achievement progress by trainee on a voluntary basis. FIC, NCI, NIDDK, and NIEHS management will use this data to monitor, evaluate and adjust grants to ensure desired outcomes are achieved, comply with OMB Part requirements, respond to congressional inquiries, and as a guide to inform future strategic and management decisions regarding the grant program.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 12,705.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hour
FIC Grantee	90	20	40/60	1,200
NIEHS Grantee	60	45	40/60	1,800
NCI CRCHD Grantee	244	22	40/60	3,579
NCI D43 Grantee	20	22	40/60	293
Superfund Grantee	30	105	40/60	2,100

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hour
NIDDK Grantee	30	20	40/60	400
Trainees	5,000	1	40/60	3,333
Total	5,474	19,058	.....	12,705

Jane M. Lambert,

Project Clearance Liaison, National Institute of Environmental Health Sciences, National Institutes of Health.

[FR Doc. 2021–03871 Filed 2–24–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60 Day Comment Request; The Impact of Clinical Research Training and Medical Education at the Clinical Center on Physician Careers in Academia and Clinical Research (Clinical Center)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the Clinical Center, the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, contact: Robert M. Lembo, MD, Office of Clinical Research Training and Medical Education, NIH Clinical Center, National Institutes of Health, 10 Center Drive, Room 1N252C, Bethesda, MD 20892–1158, or call non-toll-free number (301) 496–2636, or Email your request, including your address to: *robert.lembo@nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimizes the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: The Impact of Clinical Research Training and Medical Education at the Clinical Center on Physician Careers in Academia and Clinical Research, OMB #0925–0602 Expiration Date: 11/30/2022, REVISION, Clinical Center (CC), National Institutes of Health (NIH).

Need and Use of Information Collection: The information collected will allow continued assessment of the value of the training provided by the Office of Clinical Research Training and Medical Education (OCRTME) at the NIH Clinical Center and the extent to which this training promotes (a) patient safety; (b) research productivity and independence; and (c) future career development within clinical, translational, and academic research settings. The information received from respondents is presented to, evaluated by, and incorporated into the ongoing operational improvement efforts of the Director of the Office of Clinical Research Training and Education, and the Chief Executive Officer of the NIH Clinical Center. This information will enable the ongoing operational improvement efforts of the OCRTME and its commitment to providing clinical research training and medical education of the highest quality to each trainee.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours 478.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours requested
CRTP/MRSP Alumni Survey	704	1	20/60	235
Summer Internship Program Alumni Survey	280	1	20/60	93
Graduate Medical Education Graduate Survey	350	1	20/60	117
Clinical Electives Program 1 Year Alumni Surveys	100	1	20/60	33
Total	1,434	1,434	.....	478

Dated: February 16, 2021.

Frederick D. Vorck, Jr.,

Project Clearance Liaison, NIH Clinical Center, National Institutes of Health.

[FR Doc. 2021–03869 Filed 2–24–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

[FWS–R4–ES–2020–N162; FVHC98220410150–XXX–FF04H00000]

Florida Trustee Implementation Group Deepwater Horizon Oil Spill Draft Restoration Plan 2 and Environmental Assessment: Habitat Projects on Federally Managed Lands, Sea Turtles, Marine Mammals, Birds, and Provide and Enhance Recreational Opportunities

AGENCY: Department of the Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: In accordance with the Oil Pollution Act of 1990 (OPA); the National Environmental Policy Act of 1969 (NEPA); the Final Programmatic Damage Assessment Restoration Plan and Final Programmatic Environmental Impact Statement (Final PDARP/PEIS) and Record of Decision; and the Consent Decree, the Federal and State natural resource trustee agencies for the Florida Trustee Implementation Group (FL TIG) have prepared the *Florida Trustee Implementation Group Draft Restoration Plan 2 and Environmental Assessment: Habitat Projects on Federally Managed Lands; Sea Turtles; Marine Mammals; Birds; and Provide and Enhance Recreational Opportunities* (Draft RP/EA). In the Draft RP/EA, the FL TIG proposes projects to help restore injured habitats, sea turtles, marine mammals, birds, and to compensate for lost recreational use in the Florida Restoration Area as a result of the *Deepwater Horizon* (DWH) oil spill. The approximate cost to implement the FL TIG's proposed action (19 preferred alternatives) is $62,200,000. We invite public comments on the Draft RP/EA.

DATES: We will consider public comments on the Draft RP/EA received on or before Monday, March 29, 2021.

The FL TIG will host a public webinar on March 11, 2021 at 5 p.m. ET. The public webinar will include a presentation of the Draft RP/EA. The public may register for the webinar at *https://attendee.gotowebinar.com/register/4537956480105991181.* After registering, participants will receive a confirmation email with instructions for joining the webinar. Instructions for commenting will be provided during the webinar. Shortly after the webinar is concluded, the presentation material will be posted on the web at *https://www.gulfspillrestoration.noaa.gov/restoration-areas/florida.*

ADDRESSES:

Obtaining Documents: You may download the Draft RP/EA from either of the following websites:

- *https://www.doi.gov/deepwaterhorizon*
- *https://www.gulfspillrestoration.noaa.gov/restoration-areas/florida*

Alternatively, you may request a CD of the Draft RP/EA (see **FOR FURTHER INFORMATION CONTACT**).

Submitting Comments: You may submit comments by one of the following methods:

- *Via the Web: http://www.gulfspillrestoration.noaa.gov/restoration-areas/florida.*
- *Via U.S. Mail:* U.S. Fish and Wildlife Service, P.O. Box 29649, Atlanta, GA 30345. To be considered, mailed comments must be postmarked on or before the comment deadline given in **DATES**.
- *During the public webinar:* Written comments may be provided by the public during the webinar. Webinar information is provided in **DATES**.

FOR FURTHER INFORMATION CONTACT: Nanciann Regalado at *nanciann_regalado@fws.gov* or 678–296–6805, or via the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Introduction

On April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon,* which was being used to drill a well for BP Exploration and Production, Inc. (BP), in the Macondo prospect (Mississippi Canyon 252–MC252), experienced a significant explosion, fire, and subsequent sinking in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The DWH oil spill is the largest offshore oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days. In addition, well over 1 million gallons of dispersants were applied to the waters of the spill area in an attempt to disperse the spilled oil. An undetermined amount of natural gas was also released into the environment as a result of the spill.

The Trustees conducted the natural resource damage assessment (NRDA) for the DWH oil spill under the Oil Pollution Act 1990 (OPA; 33 U.S.C. 2701 *et seq.*). Pursuant to OPA, Federal and State agencies act as trustees on behalf of the public to assess natural resource injuries and losses and to determine the actions required to compensate the public for those injuries and losses. The OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship to baseline (the resource quality and conditions that would exist if the spill had not occurred). This includes the loss of use and services provided by those resources from the time of injury until the completion of restoration.

The DWH Trustees are:

- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture (USDA);
- U.S. Environmental Protection Agency (EPA);
- State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator's Office, Department of Environmental Quality, Department of Wildlife and Fisheries, and Department of Natural Resources;
- State of Mississippi Department of Environmental Quality;
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and
- State of Texas: Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality.

On April 4, 2016, the United States District Court for the Eastern District of Louisiana entered a Consent Decree resolving civil claims by the Trustees against BP arising from the DWH oil spill: *United States* v. *BPXP et al.,* Civ. No. 10–4536, centralized in MDL 2179, In re: Oil Spill by the Oil Rig ''Deepwater Horizon'' in the Gulf of Mexico, on April 20, 2010 (E.D. La.) (*http://www.justice.gov/enrd/deepwater-horizon*). Pursuant to the Consent Decree, restoration projects in the Florida Restoration Area are chosen and managed by the FL TIG. The FL TIG is composed of the following Trustees: State of Florida Department of Environmental Protection and Fish and

Wildlife Conservation Commission; DOI; NOAA; EPA; and USDA.

Background

On August 20, 2019, the FL TIG posted a public notice at *http://www.gulfspillrestoration.noaa.gov* requesting new or revised natural resource restoration project ideas by September 20, 2019, for the Florida Restoration Area. The notice stated that the FL TIG was seeking project ideas for the following restoration types: (1) Habitat Projects on Federally Managed Lands; (2) Sea Turtles; (3) Marine Mammals; (4) Birds; (5) Provide and Enhance Recreational Opportunities; and (6) Oysters. On July 29, 2020, the FL TIG announced that it had initiated drafting of the RP/EA and that it would include a reasonable range of restoration alternatives (projects) for five restoration types. The FL TIG decided not to include Oysters Restoration Type projects in the DRAFT RP/EA (see RP/EA for further details).

Overview of the FL TIG Draft RP/EA

The Draft RP/EA provides the FL TIG's analysis of the reasonable range of alternatives. The FL TIG's 19 preferred alternatives are presented in the following table under the restoration type from which funds would be allocated in accordance with the DWH Consent Decree. The FL TIG also evaluated five non-preferred alternatives in addition to the No Action alternative.

Restoration Type: Habitat Projects on Federally Managed Lands:
- Johnson Beach Access Management and Habitat Protection.
- Perdido Key Sediment Placement.
- Pensacola Beach Fort Pickens Road Wildlife Lighting Retrofits.

Restoration Type: Sea Turtles:
- Increased Observers and Outreach to Reduce Incidental Hooking of Sea Turtles in Recreational Fisheries along Florida's Gulf Coast.
- Reducing Threats to Sea Turtles through Removal of In-water Marine Debris along Florida's Gulf Coast.
- Assessing Risk and Conducting Public Outreach to Reduce Vessel Strikes on Sea Turtles along Florida's Gulf Coast.

Restoration Type: Marine Mammals:
- Florida Gulf Coast Marine Mammal Stranding Network.

Restoration Type: Birds:
- Gomez Key Oyster Reef Expansion and Breakwaters for American Oystercatchers.
- Egmont Key Vegetation Management and Dune Retention.
- Northeast Florida Coastal Predation Management.
- Florida Shorebird and Seabird Stewardship and Habitat Management—5 Years.

Restoration Type: Provide and Enhance Recreational Opportunities:
- Pensacola Community Maritime Park Public Fishing Marina.
- Baars Park and Sanders Beach Kayak Fishing Trail Access Upgrades.
- Engineering and Design for Pensacola Beach Park West Fishing Pier and Access Improvements.
- Gulf Breeze Parks Boating and Fishing Access Upgrades.
- Lincoln Park Boat Ramp and Dock Improvements.
- Florida Artificial Reef Creation and Restoration—Phase 2.
- Apollo Beach Recreational Sportfish Hatchery Facility.

Restoration Types: Habitat Projects on Federally Managed Lands and Provide and Enhance Recreational Opportunities:
- St. Vincent National Wildlife Refuge Access and Recreational Improvements through Acquisition at Indian Pass.

Next Steps

As described above in **DATES**, the Trustees will host a public webinar to facilitate the public review and comment process. After the public comment period ends, the Trustees will consider and address the comments received before issuing a final RP/EA. Public comments and Trustee responses will be included in the final RP/EA.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Administrative Record

The documents comprising the Administrative Record for DRAFT RP/EA can be viewed electronically at *https://www.doi.gov/deepwaterhorizon/adminrecord.*

Authority

The authority for this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*), its implementing NRDA regulations found at 15 CFR part 990, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and its implementing regulations found at 40 CFR 1500–1508.

Mary Josie Blanchard,

Department of the Interior, Director of Gulf of Mexico Restoration.

[FR Doc. 2021–03908 Filed 2–24–21; 8:45 am]

BILLING CODE 4333–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1251]

Certain Cellular Signal Boosters, Repeaters, Bi-Directional Amplifiers, and Components Thereof (III) Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 21, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of Wilson Electronics LLC of St. George, Utah. Supplements were filed on February 1, 8, and 11, 2021. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain cellular signal boosters, repeaters, bi-directional amplifiers, and components thereof by reason of

infringement of certain claims of U.S. Patent No. 7,221,967 (''the '967 patent''); U.S. Patent No. 7,409,186 (''the '186 patent''); U.S. Patent No. 7,486,929 (''the '929 patent''); U.S. Patent No. 7,729,669 (''the '669 patent''); U.S. Patent No. 7,783,318 (''the '318 patent''); U.S. Patent No. 8,583,033 (''the '033 patent''); U.S. Patent No. 8,583,034 (''the '034 patent''); U.S. Patent No. 8,639,180 (''the '180 patent''); U.S. Patent No. 8,755,399 (''the '399 patent''); U.S. Patent No. 8,849,187 (''the '187 patent''); U.S. Patent No. 8,874,029 (''the '029 patent''); and U.S. Patent No. 8,874,030 (''the '030 patent''). The complaint, as supplemented, further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 19, 2021, *ordered that*—

(1) Pursuant to section 210.10(a)(6) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(a)(6), three separate investigations be instituted based on the complaint to further efficient adjudication, one of which is instituted by this notice of investigation, and that this decision shall not preclude the presiding Administrative Law Judge from further severing the investigation pursuant to section 210.14(h) of the Commission's Rules of Practice and Procedure, 19 CFR 210.14(h), if appropriate;

(2) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 5–7, 10, and 14 of the '929 patent; claim 1 of the '186 patent; claims 1–7 and 10–12 of the '399 patent; and claims 1–3 of the '187 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(3) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''cellular signal boosters, cellular repeaters, bi-directional cellular signal amplifiers, and components such as low-noise amplifiers, power amplifiers, filters, duplexers, triplexers, multiplexers, attenuators, power detectors, microcontrollers, and processors'';

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Wilson Electronics LLC, 3301 E Desert Drive, St. George, UT 84790.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served: Cellphone-Mate, Inc. d/b/a SureCall, 48346 Milmont Drive, Fremont, CA 94538; Shenzhen SureCall Communication Technology Co., Ltd., Yangtian Rd. 72 Area Baoan District, Shenzhen, China, 518040.

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: February 22, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–03895 Filed 2–24–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1249]

Certain Cellular Signal Boosters, Repeaters, Bi-Directional Amplifiers, and Components Thereof (I); Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 21, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of Wilson Electronics LLC of St. George, Utah. Supplements were filed on February 1, 8, and 11, 2021. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain cellular signal boosters, repeaters, bi-directional amplifiers, and components thereof by reason of infringement of certain claims of U.S.

Patent No. 7,221,967 (''the '967 patent''); U.S. Patent No. 7,409,186 (''the '186 patent''); U.S. Patent No. 7,486,929 (''the '929 patent''); U.S. Patent No. 7,729,669 (''the '669 patent''); U.S. Patent No. 7,783,318 (''the '318 patent''); U.S. Patent No. 8,583,033 (''the '033 patent''); U.S. Patent No. 8,583,034 (''the '034 patent''); U.S. Patent No. 8,639,180 (''the '180 patent''); U.S. Patent No. 8,755,399 (''the '399 patent''); U.S. Patent No. 8,849,187 (''the '187 patent''); U.S. Patent No. 8,874,029 (''the '029 patent''); and U.S. Patent No. 8,874,030 (''the '030 patent''). The complaint, as supplemented, further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION: *Authority:* The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 19, 2021, *Ordered that*—

(1) Pursuant to section 210.10(a)(6) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(a)(6), three separate investigations be instituted based on the complaint to further efficient adjudication, one of which is instituted by this notice of investigation, and that this decision shall not preclude the presiding Administrative Law Judge from further severing the investigation pursuant to section 210.14(h) of the Commission's Rules of Practice and Procedure, 19 CFR 210.14(h), if appropriate;

(2) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 4–7, and 9 of the '967 patent; claims 1, 4, and 9–10 of the '669 patent; claims 1–3 of the '318 patent; and claims 19–21 of the '033 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(3) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''cellular signal boosters, cellular repeaters, bi-directional cellular signal amplifiers, and components such as low-noise amplifiers, power amplifiers, filters, duplexers, triplexers, multiplexers, attenuators, power detectors, microcontrollers, and processors'';

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Wilson Electronics LLC, 3301 E Desert Drive, St. George, UT 84790.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served: Cellphone-Mate, Inc. d/b/a SureCall, 48346 Milmont Drive, Fremont, CA 94538.

Shenzhen SureCall Communication Technology Co., Ltd., Yangtian Rd. 72 Area Baoan District, Shenzhen, China, 518040.

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: February 22, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–03894 Filed 2–24–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Organic Light-Emitting Diode Displays, Components Thereof, and Products Containing Same, DN 3533;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information

System (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.*

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Samsung Display Co., Ltd. and Intellectual Keystone Technology LLC on February 19, 2021. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain organic light-emitting diode displays, components thereof, and products containing same. The complainant names as respondents: ASUSTeK Computer, Inc., of Taiwan; ASUS Computer International of Fremont, CA; and JOLED Inc., of Japan. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3533'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel [2], solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: February 19, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–03892 Filed 2–24–21; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1250]

Certain Cellular Signal Boosters, Repeaters, Bi-Directional Amplifiers, and Components Thereof (II); Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 21, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of Wilson Electronics LLC of St. George, Utah. Supplements were filed on February 1, 8, and 11, 2021. The

complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain cellular signal boosters, repeaters, bi-directional amplifiers, and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,221,967 (''the '967 patent''); U.S. Patent No. 7,409,186 (''the '186 patent''); U.S. Patent No. 7,486,929 (''the '929 patent''); U.S. Patent No. 7,729,669 (''the '669 patent''); U.S. Patent No. 7,783,318 (''the '318 patent''); U.S. Patent No. 8,583,033 (''the '033 patent''); U.S. Patent No. 8,583,034 (''the '034 patent''); U.S. Patent No. 8,639,180 (''the '180 patent''); U.S. Patent No. 8,755,399 (''the '399 patent''); U.S. Patent No. 8,849,187 (''the '187 patent''); U.S. Patent No. 8,874,029 (''the '029 patent''); and U.S. Patent No. 8,874,030 (''the '030 patent''). The complaint, as supplemented, further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 19, 2021, *Ordered that–*

(1) Pursuant to section 210.10(a)(6) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(a)(6), three separate investigations be instituted based on the complaint to further efficient adjudication, one of which is instituted by this notice of investigation, and that this decision shall not preclude the presiding Administrative Law Judge from further severing the investigation pursuant to section 210.14(h) of the Commission's Rules of Practice and Procedure, 19 CFR 210.14(h), if appropriate;

(2) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–20 of the '034; claims 10–14, and 16–17 of the '180 patent; claims 1–10 and 13–15 of the '029 patent; and claims 1–24 of the '030 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(3) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''cellular signal boosters, cellular repeaters, bi-directional cellular signal amplifiers, and components such as low-noise amplifiers, power amplifiers, filters, duplexers, triplexers, multiplexers, attenuators, power detectors, microcontrollers, and processors'';

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Wilson Electronics LLC, 3301 E Desert Drive, St. George, UT 84790

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Cellphone-Mate, Inc. d/b/a SureCall, 48346 Milmont Drive, Fremont, CA 94538

Shenzhen SureCall Communication Technology Co., Ltd., Yangtian Rd. 72 Area Baoan District, Shenzhen, China 518040

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: February 22, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–03893 Filed 2–24–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1178]

Notice of Request for Submissions on the Public Interest; Certain Collapsible and Portable Furniture

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on February 18, 2021, the presiding administrative law judge (''ALJ'') issued an Initial Determination on Violation of Section 337. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned

investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public only.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5453. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4). Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States:

> unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: A limited exclusion order directed to certain collapsible and portable furniture imported, sold for importation, and/or sold after importation by respondents Denovo Brands, LLC; Zhenli (Zhangzhou) Industrial Co., Ltd. (''Denovo''); Meike (Qingdao) Leisure Products Co., Ltd.; Westfield Outdoor, Inc. d/b/a Westfield Outdoors (''Westfield''); and MacSports Inc. (''MacSports''); and cease and desist orders directed to Denovo, Westfield, and MacSports.

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on February 18, 2021. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on March 22, 2021.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number (''Inv. No. 337–TA–1178'') in a prominent place on the cover page and/or the first page. (*See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*) Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 19, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–03855 Filed 2–24–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–789]

Bulk Manufacturer of Controlled Substances Application: Chattem Chemicals

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Chattem Chemicals has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before April 26, 2021. Such persons may also file a written request for a hearing on the application on or before April 26, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal

Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on July 20, 2020, Chattem Chemicals 3801 Saint Elmo Avenue, Chattanooga, Tennessee 37409, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid	2010	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
4-Methoxyamphetamine	7411	I
Dihydromorphine	9145	I
Norlevorphanol	9634	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Methylphenidate	1724	II
ANPP (4-Anilino-N-phenethyl-4-piperidine).	8333	II
Phenylacetone	8501	II
Cocaine	9041	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Hydrocodone	9193	II
Levorphanol	9220	II
Meperidine	9230	II
Meperidine intermediate–A	9232	II
Meperidine intermediate–B	9233	II
Meperidine intermediate–C	9234	II
Methadone	9250	II
Methadone intermediate	9254	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Opium, powdered	9639	II
Opium, granulated	9640	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Racemethorphan	9732	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to manufacturer the listed controlled substances in bulk for distribution and sale to its customers.

In reference to drug code 7360 (Marihuana) and 7370 (Tetrahydrocannabinols), the company plans to bulk manufacture these drugs as a synthetic. No other activities for this drug code are authorized for this registration.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–03836 Filed 2–24–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–791]

Bulk Manufacturer of Controlled Substances Application: S&B Pharma, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: S&B Pharma, Inc., has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before April 26, 2021. Such persons may also file a written request for a hearing on the application on or before April 26, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on November 11, 2020, S&B Pharma, Inc., 405 South Motor Avenue, Azusa, California 91702–3232, applied to be registered as an bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Gamma Hydroxybutyric Acid	7360	I
Tetrahydrocannabinols	7370	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Methylphenidate	1724	II
Pentobarbital	2270	II
4-Anilino-N-phenethyl-4-piperidine (ANPP).	8333	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to manufacture the listed controlled substances in bulk for use in product development and for commercial sales to its customers. In reference to drug code 7360 (Marihuana) and 7370 (Tetrahydrocannabinols), the company plans to bulk manufacture both as synthetic substances. No other activity for these drug codes is authorized for this registration.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–03837 Filed 2–24–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA798]

Importer of Controlled Substances Application: Myonex Inc

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Myonex Inc has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before March 29, 2021. Such persons may also file a written request for a hearing on the application on or before March 29, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on January 6, 2021, Myonex Inc, 48 East Main Street, Norristown, Pennsylvania 19401–4915, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Amphetamine	1100	II
Lisdexamfetamine	1205	II
Methylphenidate	1724	II

Controlled substance	Drug code	Schedule
Nabilone	7379	II
Oxycodone	9143	II
Hydromorphone	9150	II
Hydrocodone	9193	II
Morphine	9300	II
Oxymorphone	9652	II
Fentanyl	9801	II

The company plans to import the listed controlled substances for clinical trials, research, and analytical purposes. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of the Food and Drug Administration (FDA)-approved or non-approved finished dosage forms for commercial sale. No other activity for these drug codes is authorized for this registration.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021–03919 Filed 2–24–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On February 18, 2021, the Department of Justice lodged a proposed consent decree with the United States District Court for the Eastern District of Wisconsin in the lawsuit entitled *United States* v. *Wisconsin Public Service Corporation,* Civil Action No. 21–cv–00211.

The United States filed this lawsuit under the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''). The complaint names Wisconsin Public Service Corporation (''WPSC'') as the defendant. The complaint requests recovery of costs that the United States incurred responding to releases of hazardous substances at the Wisconsin Public Service Corporation Manitowoc MGP Superfund Alternative Site in Manitowoc, Wisconsin. The complaint also seeks injunctive relief at operable unit 1 of the Site. In return, the United States agrees not to sue WPSC under sections 106 and 107 of CERCLA and Section 7003 of the Solid Waste Disposal Act, 42 U.S.C. 6901–6992 (also known as the Resource Conservation and Recovery Act (''RCRA'')). Commentors may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Wisconsin Public Service Corporation,* D.J. Ref. No. 90–11–3–12152. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

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

During the public comment period, the consent decree may be examined and downloaded at this Justice Department website: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the consent decree 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 or money order for $43.50 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $11.50.

Patricia McKenna,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–03880 Filed 2–24–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number NEW]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Law Enforcement Public Contact Data Collection

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, will be submitting the following information collection request to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 26, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, Criminal Justice Information Services Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; *acblasher@fbi.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Federal Bureau of Investigation, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Establishment of a New Collection.

2. *The Title of the Form/Collection:* Law Enforcement Public Contact Data Collection.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no form number for this collection. The applicable component within the Department of Justice is the Criminal Justice Information Services

Division, in the Federal Bureau of Investigation.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Law enforcement agencies

Abstract: This collection is needed to collect the number of contacts law enforcement officers have with the public in three major categories; citizen calls for service, unit/officer-initiated contacts, and court/bailiff activities.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The Federal Bureau of Investigation Uniform Crime Reporting Program's Law Enforcement Public Contact Collection Estimation: It is estimated the Law Enforcement Public Contact Collection will generate 18,671 responses per year with an estimated response time of 30 minutes per response.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are approximately 9,336 hours, annual burden, associated with this information collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: February 22, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–03921 Filed 2–24–21; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Proposed Collection; Comments Requested: Form USM–649, Vulnerability Assessment Request

AGENCY: U.S. Marshals Service, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), U.S. Marshals Service (USMS), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until March 29, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *The Title of the Form/Collection:* Form USM–649, Vulnerability Assessment Request.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: Form USM–649.

Component: U.S. Marshals Service, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State, local, and tribal organizations.

Other: [None].

Abstract: This form should be completed by state, local and tribal government agencies to request a vulnerability assessment of a government facility by the United States Marshals Service.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 20 respondents will utilize the form, and it will take each respondent approximately 30 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 10 hours, which is equal to (20 (total # of annual responses) * .5 (30 mins).

(7) *An Explanation of the Change in Estimates:* New collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: February 22, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–03922 Filed 2–24–21; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–NEW]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; New Information Collection; Licensing Questionnaire—ATF Form 8620.44

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until March 29, 2021.

FOR FURTHER INFORMATION CONTACT: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning

the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *The Title of the Form/Collection:* Licensing Questionnaire.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 8620.44.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: None.

Abstract: The Licensing Questionnaire—ATF Form 8620.44 will be used to determine if a candidate for Federal or contractor employment at the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), or his/her spouse, or minor child, holds a financial interest in the alcohol, tobacco, firearms, or explosives industries.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 2,000 respondents will use the form annually, and it will take each respondent approximately 5 minutes to complete their responses.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 167 hours, which is equal to 2,000 (# of responses) * .0833333 (5 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: February 22, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–03923 Filed 2–24–21; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJJDP) Docket No. 1788]

Notice of Re-Establishment of the Federal Advisory Committee on Juvenile Justice

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Reestablishment of Federal Advisory Committee.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (FACA) and the Government in the Sunshine Act of 1976, the Office of Juvenile Justice and Delinquency Prevention gives notice of its intent to reestablish the charter for the Federal Advisory Committee on Juvenile Justice (FACJJ).

FOR FURTHER INFORMATION CONTACT: Visit the website for the FACJJ at *www.facjj.ojp.gov* or contact Keisha Kersey, Designated Federal Official (DFO), Office of Juvenile Justice and Delinquency Prevention, by telephone at (202) 532–0124 (not a toll-free number) or via email: *Keisha.Kersey@usdoj.gov.*

SUPPLEMENTARY INFORMATION: This **Federal Register** Notice notifies the public of the intent to reestablish the Charter of the Federal Advisory Committee on Juvenile Justice in accordance with the Federal Advisory Committee Act, Section 14(a)(1).

The Federal Advisory Committee on Juvenile Justice (FACJJ), established pursuant to Section 3(2)A of the Federal Advisory Committee Act (5 U.S.C. App.2), carries out its advisory functions under Section 223(f)(2)(C–E) of the Juvenile Justice and Delinquency Prevention Act of 2002. The FACJJ is composed of representatives from the states and territories. FACJJ member duties include: Reviewing Federal policies regarding juvenile justice and delinquency prevention; advising the OJJDP Administrator with respect to particular functions and aspects of OJJDP; and advising the President and Congress with regard to State perspectives on the operation of OJJDP and Federal legislation pertaining to juvenile justice and delinquency prevention. More information on the FACJJ may be found at *www.facjj.ojp.gov.*

Keisha Kersey,

Designated Federal Official (DFO), Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 2021–03851 Filed 2–24–21; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Wage and Hour Division

Notice of Approved Agency Information Collection; Information Collection: High-Wage Components of the Labor Value Content Requirements Under USMCA

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA), the Wage and Hour Division (WHD) is providing notice to the public that the WHD sponsored information collection request (ICR) titled, ''High-Wage Components of the Labor Value Content Requirements under USMCA,'' has been approved by the Office of Management and Budget (OMB). WHD is notifying the public that the information collection has been extended effective immediately through January 31, 2024.

DATES: OMB approval of the extension of this information collection is effective immediately with an expiration date of January 31, 2024.

FOR FURTHER INFORMATION CONTACT: Robert Waterman, Division of Regulations, Legislation, and Interpretations, Wage and Hour, 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), or send an email to *WHDPRAComments@dol.gov.* 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/TDD callers may dial toll-free (877) 889–5627 to obtain information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION: The Department of Labor submitted an emergency processing request for

approval of a proposed information collection titled High-Wage Components of the Labor Value Content Requirements under USMCA (OMB Control Number 1235–0032), in conjunction with an Interim Final Rule (IFR). The IFR was published in the **Federal Register** on July 1, 2020 (85 FR 39782) and invited public comment on all aspects of the rule, including the PRA. On July 2, 2020, OMB approved the Department's emergency processing request and assigned OMB control number 1235–0032 to this collection and an expiration date of January 31, 2021.

Following receipt of OMB's Notice of Action, the Department published a notice in the **Federal Register** on July 10, 2020, proposing to extend the collection and invited public comment on the information collection (85 FR 41627). A few comments were received related to the Department's recordkeeping requirements. The Department addressed the comments in the supporting statement and submitted the proposal to extend the collection to OMB for review. OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the approval for this collection was scheduled to expire on January 31, 2021. As a result, the Department submitted the information collection to OMB seeking to extend PRA authorization for the information collection for three (3) years. The Department provided notice of the submission of the information collection to OMB in the **Federal Register** on December 1, 2020 (85 FR 77259).

On January 28, 2021, OMB issued a Notice of Action approving the extension of this information collection under OMB Control Number 1235–0032. Section (k) of 5 CFR 1320.11, ''Clearance of Collections of Information in Proposed Rules'' states, ''After receipt of notification of OMB's approval, instruction to make a substantive or material change to, disapproval of a collection of information, or failure to act, the agency shall publish a notice in the **Federal Register** to inform the public of OMB's decision.'' This notice fulfills the Department's obligation to notify the public of OMB's approval of the information collection request.

Dated: February 16, 2021.

Amy DeBisschop,

Director, Division of Regulations, Legislation, and Interpretation.

[FR Doc. 2021–03912 Filed 2–24–21; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 21–012]

NASA Advisory Council; Aeronautics Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Aeronautics Committee of the NASA Advisory Council (NAC). This meeting will be held for soliciting, from the aeronautics community and other persons, research and technical information relevant to program planning.

DATES: Wednesday, March 17, 2021, 11:30 a.m.–5:35 p.m., Eastern Time.

ADDRESSES: Virtual meeting via WebEx and toll-free telephone only.

FOR FURTHER INFORMATION CONTACT: Ms. Irma Rodriguez, Designated Federal Officer, Aeronautics Research Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 527–4826, or *irma.c.rodriguez@nasa.gov.*

SUPPLEMENTARY INFORMATION: As noted above, this meeting is a virtual meeting only available via WebEx and toll-free telephone. The WebEx link is: *https://nasaenterprise.webex.com/nasaenterprise/j.php?MTID=m945b27b6e2488499d25a951a08b87bb0*, the meeting number is 199 460 5312, and the password is vpRKbkj7@53 (case sensitive). You can also dial in by telephone toll-free: 888–769–8716 passcode: 6813159. The agenda for the meeting includes the following topics:

—Sustainability of Aviation

—Wildfire Mitigation Team

—Hypersonic Market Studies

—Innovation in the NASA Aeronautics Portfolio

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2021–03840 Filed 2–24–21; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL CREDIT UNION ADMINISTRATION

Submission for OMB Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice.

SUMMARY: The National Credit Union Administration (NCUA) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 on or after the date of publication of this notice.

DATES: Comments should be received on or before March 29, 2021 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by contacting Dawn Wolfgang at (703) 548–2279, emailing *PRAComments@ncua.gov,* or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0165.

Title: Fair Credit Reporting (FCRA).

Abstract: The Fair Credit Reporting Act (FCRA) (15 U.S.C. 1681 *et seq.*) sets standards for the collection, communication, and use of information bearing on a consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living. FCRA has been revised numerous times since it took effect, notably by passage of the Consumer Credit Reporting Reform Act of 1996, the Gramm-Leach-Bliley Act of 1999, and the Fair and Accurate Credit Transactions Act of 2003.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (DFA) amended a number of consumer financial protection laws, including most provisions of FCRA. In addition to substantive amendments, the DFA transferred rulemaking authority for most provisions of FCRA to the Consumer Financial Protection Bureau (CFPB). Pursuant to the DFA and FCRA, as amended, CFPB promulgated

Regulation V, 12 CFR 1022, to implement those provisions of FCRA for which CFPB has rulemaking authority. Regulation V contains several requirements that impose information collection requirements on federal credit unions (FCUs).

The DFA did not transfer certain rulemaking authority under FCRA. Specifically, the DFA did not transfer to CFPB the authority to promulgate the requirement to properly dispose of consumer information; rules on identity theft red flags and corresponding interagency guidelines on identity theft detection, prevention, and mitigation, and rules on the duties of card issuers regarding changes of address. These provisions are promulgated in NCUA's Fair Credit Reporting regulation, 12 CFR 717, which applies to federal credit unions.

The collection of information pursuant to Parts 1022 and 717 is triggered by specific events and disclosures and must be provided to consumers within the time periods established under the regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Private Sector: Not-for-profit institutions; Individuals or Households.

Estimated Total Annual Burden Hours: 272,686.

By Melane Conyers-Ausbrooks, Secretary of the Board, the National Credit Union Administration, on February 22, 2021.

Dated: February 22, 2021.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2021–03914 Filed 2–24–21; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Mathematical and Physical Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Mathematical and Physical Sciences (#66).

Date and Time: March 10, 2021; 12:00 p.m. to 5:00 p.m.; March 12, 2021; 12:30 p.m. to 4:30 p.m.

Place: NSF, 2415 Eisenhower Avenue, Alexandria, VA 22314 (Virtual attendance only).

To attend the virtual meeting, please send your request for the virtual meeting link to Kathleen McCloud at the following email address: *kmccloud@nsf.gov.*

Type of Meeting: Open.

Contact Person: Leighann Martin, National Science Foundation, 2415 Eisenhower Avenue, Room C 9000, Alexandria, Virginia 22314; Telephone: 703/292–4659.

Summary of Minutes: Minutes and meeting materials will be available on the MPS Advisory Committee website at *http://www.nsf.gov/mps/advisory.jsp* or can be obtained from the contact person listed above.

Purpose of Meeting: To provide advice, recommendations and counsel on major goals and policies pertaining to MPS programs and activities.

Agenda

Wednesday, March 10, 2021

- Call to Order and Official Opening of the Meeting
- FACA and COI Briefing
- Approval of Prior Meeting Minutes—Catherine Hunt, MPSAC Chair
- State of MPS
- Industries of the Future (IotF): Biotechnology
- NSF Strategic Plan: Thoughts from the AC
- Discussion of MPSAC Facilities Subcommittee
- COVID–19 impacts—NSF Communities Perspectives
- Preparation for Meeting with NSF Director and COO
- Closing remarks and adjourn for the day

Friday, March 12, 2021

- Call to Order and Official Opening of the 2nd Day
- Industries of the Future (IotF): Advanced Wireless/Spectrum
- Industries of the Future (IotF): Advanced Manufacturing
- Preparation for discussion with NSF Director and COO
- Meeting and discussion with NSF Director and COO
- Debrief and Conclusions
- Adjourn—Sean Jones, Assistant Director, MPS

Dated: February 22, 2021.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2021–03875 Filed 2–24–21; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0106]

Guidance for Changes During Construction for New Nuclear Power Plants Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a new Regulatory Guide (RG) 1.237, entitled ''Guidance for Changes During Construction for Nuclear Power Plants Being Constructed Under a Combined License Referencing a Certified Design Under 10 CFR part 52.'' This regulatory guide (RG) describes a process that the NRC staff considers acceptable for implementation of changes to the design of structures, systems, and components of a facility being constructed under a combined operating license that references a certified design.

DATES: RG 1.237 is available on February 25, 2021.

ADDRESSES: Please refer to Docket ID NRC–2020–0106 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0106. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–

800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

RG 1.237 and the regulatory analysis may be found in ADAMS under Accession Nos. ML20349A335 and ML20010G336.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Michael Eudy, Office of Nuclear Regulatory Research, telephone: 301–415–1304, email: *Michael.Eudy@nrc.gov* and Marieliz Johnson, Office of Nuclear Reactor Regulation, telephone: 301–415–5861, email: *Marieliz.Johnson@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing a new guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

II. Additional Information

RG 1.237 was issued with a temporary identification of draft regulatory guide (DG)–1321. The NRC published a notice of the availability of DG–1321 in the **Federal Register** on May 5, 2020 (85 FR 26725) for a 60-day public comment period. The public comment period closed on July 6, 2020. Public comments on DG–1321 and the staff responses to the public comments are available in ADAMS under Accession No. ML20349A336.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting, Forward Fitting, and Issue Finality

This RG provides guidance on implementation of a process for making changes to the design of structures, systems, and components of a facility being constructed under a combined license. Issuance of this RG, would not constitute backfitting as defined in section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Backfitting,'' and as described in NRC Management Directive 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests''; affect issue finality of any approval issued under 10 CFR part 52, ''Licenses, Certificates, and Approvals for Nuclear Power Plants''; or constitute forward fitting as defined in MD 8.4, because, as explained in this RG, licensees are not required to comply with the positions set forth in this RG. If, in the future, the NRC were to impose a position in this RG in a manner that would constitute backfitting or forward fitting or affect the issue finality for a part 52 approval, then the NRC would address the backfitting provision in 10 CFR 50.109, the forward fitting provision of MD 8.4, or the applicable issue finality provision in part 52, respectively.

Dated: February 19, 2021.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2021–03865 Filed 2–24–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0160]

Changes to Subsequent License Renewal Guidance Documents

AGENCY: Nuclear Regulatory Commission.

ACTION: Interim staff guidance; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing three Interim Staff Guidance (ISG) documents that update aging management criteria for mechanical, structural, and electrical structures and components in the NRC's subsequent license renewal (SLR) guidance documents. Specifically, the ISGs revise guidance contained in NUREG–2191, ''Generic Aging Lessons Learned for Subsequent License Renewal (GALL–SLR) Report,'' and NUREG–2192, ''Standard Review Plan for Review of Subsequent License Renewal Applications for Nuclear Power Plants.'' These ISGs are intended to facilitate preparation of SLR applications by clarifying existing guidance for aging management and adding new guidance, which also will facilitate the NRC staff's review of SLR applications.

DATES: This guidance is effective on March 29, 2021.

ADDRESSES: Please refer to Docket ID NRC–2020–0160 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0160. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jeffrey Mitchell, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–0833; email: *Jeffrey.Mitchell2@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On July 2, 2020 (85 FR 39938) and August 3, 2020, (85 FR 46735), the staff requested public comments on the following draft ISGs:

- Draft SLR–ISG–MECHANICAL–2020–XX; Updated Aging Management Criteria for Mechanical Portions of Subsequent License Renewal Guidance
- Draft SLR–ISG–STRUCTURES–2020–XX; Updated Aging Management Criteria for Structures Portions of Subsequent License Renewal Guidance
- Draft SLR–ISG–ELECTRICAL–2020–XX; Updated Aging Management Criteria for Electrical Portions of Subsequent License Renewal Guidance

• Errata for Draft SLR–ISG–MECHANICAL–2020–XX; Updated Aging Management Criteria for Mechanical Portions of Subsequent License Renewal Guidance

The NRC received comments from the Nuclear Energy Institute by letter dated August 10, 2020 (ADAMS Accession No. ML20224A465). No other comments were submitted. The NRC staff considered those comments in developing the final versions of the ISGs. The staff's responses to the comments are provided in each of the final ISGs in appendices titled ''Disposition of Public Comments.''

These ISGs update NUREG–2191, ''Generic Aging Lessons Learned for Subsequent License Renewal (GALL–SLR) Report,'' and NUREG–2192, ''Standard Review Plan for Review of Subsequent License Renewal Applications for Nuclear Power Plants.'' NUREG–2191 and NUREG–2192 were published in July 2017, and a full review and revision to these documents is not scheduled to be performed for several years. The staff has reviewed the first three subsequent license renewal applications (SLRAs) that were based on the previously noted guidance documents. During these reviews, the staff and applicants identified improvements to the guidance that would assist in preparing and reviewing future SLRAs more effectively and efficiently. These ISGs provide interim updates to NUREG–2191 and NUREG–2192 to implement these improvements.

These ISGs are not intended for standalone use. They provide revisions to NUREG–2191 and NUREG–2192 sections and tables that supersede the content in the NUREGs and are intended to be used within the context of the NUREGs. The revisions captured in these ISGs include:

• Updates to recommended aging management programs;

• changes to aging management review items in NUREG–2191 tables and corresponding summary tables in NUREG–2192;

• new aging management review items in NUREG–2191 tables and corresponding summary tables in NUREG–2192;

• changes to ''further evaluation'' guidance sections in NUREG–2192;

• updates to references listed in affected NUREG–2191 sections; and

• editorial corrections to relevant sections.

II. Availability of Documents

The documents identified in the following table are available to interested persons in ADAMS, as indicated.

Document	ADAMS Accession No.
NUREG–2191, ''Generic Aging Lessons Learned for Subsequent License Renewal (GALL–SLR) Report''	ML16274A389 (Vol. 1); ML16274A399 (Vol. 2).
NUREG–2192, ''Standard Review Plan for Review of Subsequent License Renewal Applications for Nuclear Power Plants, Final Report''.	ML16274A402.
Draft SLR–ISG–MECHANICAL–2020–XX; Updated Aging Management Criteria for Mechanical Portions of Subsequent License Renewal Guidance.	ML20156A330.
Draft SLR–ISG–STRUCTURES–2020–XX; Updated Aging Management Criteria for Structures Portions of Subsequent License Renewal Guidance.	ML20156A338.
Draft SLR–ISG–ELECTRICAL–2020–XX; Updated Aging Management Criteria for Electrical Portions of Subsequent License Renewal Guidance.	ML20156A324.
Errata for Draft SLR–ISG–MECHANICAL–2020–XX; Updated Aging Management Criteria for Mechanical Portions of Subsequent License Renewal Guidance.	ML20198M382.
March 28, 2019, Summary of Category 2 Public Meeting on Lessons Learned from the Review of the First Subsequent License Renewal Applications.	ML19112A206.
Summary of December 12, 2019, Category 2 Public Meeting on Lessons Learned from the Review of the First Subsequent License Renewal Applications.	ML20016A347.
February 20, 2020, Summary of Category 2 Public Meeting on Lessons Learned from the Review of the First Subsequent License Renewal Applications.	ML20076E074.
Summary of March 25, 2020, Meeting with Industry Related to Revisions to Subsequent License Renewal Guidance Documents.	ML20107F702.
Summary of April 3, 2020, Meeting with Industry Regarding Changes to Subsequent License Renewal Guidance Documents.	ML20107F733.
Summary of April 7, 2020 Meeting with Industry Regarding Revisions to the Subsequent License Renewal Guidance Documents.	ML20107F699.
Comment (1) of Allison Borst & Peter W. Kissinger, on Behalf of Nuclear Energy Institute, on Changes to Subsequent License Renewal Guidance Documents.	ML20224A465.
Final SLR–ISG–2021–02–MECHANICAL; Updated Aging Management Criteria for Mechanical Portions of Subsequent License Renewal Guidance.	ML20181A434.
Final SLR–ISG–2021–03–STRUCTURES; Updated Aging Management Criteria for Structures Portions of Subsequent License Renewal Guidance.	ML20181A381.
Final SLR–ISG–2021–04–ELECTRICAL; Updated Aging Management Criteria for Electrical Portions of Subsequent License Renewal Guidance.	ML20181A395.

III. Backfitting, Forward Fitting, and Issue Finality

These ISGs intend to revise guidance for the NRC staff reviewing SLRAs and for prospective applicants in preparing SLRAs. Issuance of these ISGs does not constitute a backfit as defined in section 50.109(a)(1) of title 10 of the *Code of Federal Regulations* (10 CFR) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the ''Backfitting'' sections of the final ISGs, the ISG positions do not constitute backfitting inasmuch as the ISGs are guidance directed to the NRC staff with respect to its regulatory responsibilities and to applicants who choose to follow the guidance. Applicants and potential applicants are not, with certain exceptions, the subject of either the backfit rule or any issue finality provisions under 10 CFR part 52. The NRC staff has no intention to impose the ISG positions on existing nuclear power plant licensees either now or in the future (absent a voluntary request for a change from the licensee).

IV. Congressional Review Act

These ISGs are rules as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found them to be major rules as defined in the Congressional Review Act.

Dated: February 22, 2021.

For the Nuclear Regulatory Commission.

Robert Caldwell,

Deputy Director, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

[FR Doc. 2021–03917 Filed 2–24–21; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Product Change—Priority Mail Express and Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* February 25, 2021.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 18, 2021, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express & Priority Mail Contract 124 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2021–70, CP2021–73.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2021–03846 Filed 2–24–21; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Parcel Select and Parcel Return Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* February 25, 2021.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 16, 2021, it filed with the Postal Regulatory Commission a *USPS Request to Add Parcel Select and Parcel Return Service Contract 13 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2021–69, CP2021–72.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2021–03845 Filed 2–24–21; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Notice of Changes to Postal Service Standard 4C

AGENCY: Postal Service.

ACTION: Notice of changes.

SUMMARY: The Postal Service has updated the Postal Operation Manual (POM) to revise Standard 4C concerning apartment parcel locker ratios.

DATES: **Federal Register** Publication: December 18, 2020 to January 19, 2021.

FOR FURTHER INFORMATION CONTACT: *Delivery.Growth@usps.gov,* Valerie Barksdale, 202–268–2567.

SUPPLEMENTARY INFORMATION: The Postal Service has revised Postal Operations Manual (POM) section 632.622a. These changes revise the parcel locker ratio in apartment community buildings from 10:1 to 5:1.

This change is necessary to accommodate an increase in package volume.

Although, the Postal Service had already made this change to the POM, a solicitation was published in the **Federal Register** on December 18, 2020 seeking comments from the public concerning this change. The comment period ran from December 18. 2020 to January 19, 2021, and as of that later date, no comments were received.

The Postal Service will continue to apply the POM provision at issue. You may view the changes to the POM at the following website: *https://about.usps.com/what-we-are-doing/current-initiatives/delivery-growth-management/section-632.pdf* (632.622a).

(Authority: 39 CFR 211.2)

Joshua J. Hofer,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2021–03722 Filed 2–24–21; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express and Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* February 25, 2021.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 12, 2021, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express & Priority Mail Contract 123 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2021–68, CP2021–71.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2021–03844 Filed 2–24–21; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting; Cancellation

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 86 FR 8061, February 3, 2021.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Tuesday, February 23, 2021 at 5 p.m.

CHANGES IN THE MEETING: The Closed Meeting scheduled for Tuesday, February 23, 2021 at 5 p.m., has been cancelled.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: February 23, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–04049 Filed 2–23–21; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–118, OMB Control No. 3235–0095]

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 236

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Rule 236 (17 CFR 230.236) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) (''Securities Act'') provides an exemption from registration under the Securities Act for the offering of shares of stock or similar securities to provide funds to be distributed to security holders in lieu of fractional shares, scrip certificates or order forms, in connection with a stock dividend, stock split, reverse stock split, conversion, merger or similar transaction. Issuers wishing to rely upon the exemption are required to furnish specified information to the Commission at least 10 days prior to the offering. The information is needed to provide notice that the issuer is relying on the exemption. Public companies are the likely respondents. All information provided to the Commission is available to the public for review upon request. Approximately 10 respondents file the information required by Rule 236 at an estimated 1.5 hours per response for a total annual reporting burden of 15 hours (1.5 hours per response × 10 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: February 22, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–03884 Filed 2–24–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–625, OMB Control No. 3235–0686]

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Form TCR and Form WB–APP—Implementing the Whistleblower Provisions of Section 21F of the Securities Exchange Act of 1934

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit an extension for this current collection of information to the Office of Management and Budget for approval.

In Release No. 34–64545,[1] the Commission adopted rules (''Rules'') and forms to implement Section 21F of the Securities Exchange Act of 1934 entitled ''Securities Whistleblower Incentives and Protection,'' which was created by Section 922 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'').[2] The Rules describe the whistleblower program that the Commission has established pursuant to the Dodd-Frank Act which requires the Commission to pay an award, subject to certain limitations and conditions, to whistleblowers who voluntarily provide the Commission with original information about a violation of the federal securities laws that leads to the successful enforcement of a covered judicial or administrative action, or of a related action. The Rules define certain terms critical to the operation of the whistleblower program, outline the procedures for applying for awards and the Commission's procedures for making decisions on claims, and generally explain the scope of the whistleblower program to the public and to potential whistleblowers.

Form TCR is a form submitted by whistleblowers who wish to provide information to the Commission and its staff regarding potential violations of the securities laws. Form TCR is required for submission of information under the Rules. The Commission estimates that it takes a whistleblower, on average, one and one-half hours to complete Form TCR. Based on the receipt of an average of approximately 560 annual Form TCR submissions for the past three fiscal years, the Commission estimates that the annual reporting burden of Form TCR is 840 hours.

Form WB–APP is a form that is submitted by whistleblowers filing a claim for a whistleblower award. Form WB–APP is required for application for an award under the Rules. On December 4, 2020, the Commission approved an updated version of the WB–APP in conjunction with its newly amended rules. The updated WB–APP removes the requirement for the filer to submit their Social Security Number and modified the order of the questions on the form. No substantive changes were made to the WB–APP. The Commission estimates that it takes a whistleblower, on average, two hours to complete Form WB–APP. The completion time depends largely on the complexity of the alleged violation and the amount of information the whistleblower possesses in support of his or her application for an award. Based on the receipt of an average of approximately 215 [3] annual Form WB–APP submissions for the past six fiscal years, the Commission estimates that the annual reporting burden of Form WB–APP is 430 hours.

Estimated annual reporting burden = 1,270 hours.

[1] Implementation of the Whistleblower Provisions of Section 21F of the Securities Exchange Act of 1934, Release No. 34–64545; File No. S7–33–10 (adopted May 25, 2011).

[2] Public Law 111–203, 922(a), 124 Stat 1841 (2010).

[3] This figure does not include Form WB–APP submissions which were facially deficient, subsequently withdrawn, or submitted by individuals who have been barred by the Commission from participation in the whistleblower program.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: February 22, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–03883 Filed 2–24–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91166; File No. SR–ICEEU–2021–005]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to Part BB of the ICE Clear Europe Delivery Procedures

February 19, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 12, 2021, ICE Clear Europe Limited (''ICE Clear Europe'' or the ''Clearing House'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I, II and III below, which Items have been prepared by ICE Clear Europe. ICE Clear Europe filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(4)(ii)[4] thereunder, such that the proposed rule change was immediately effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4)(ii).

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed amendments is for ICE Clear Europe to make certain amendments to Part BB of its Delivery Procedures to clarify the delivery specifications relating to Containerised White Sugar futures contracts in order to facilitate identification of sugar eligible for delivery under the contract.[5]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICE Clear Europe has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

ICE Clear Europe is proposing to amend Part BB of its Delivery Procedures to clarify the delivery specifications relating to Containerised White Sugar contracts. The proposed amendments would provide that such contracts relate to specified sugar of any origin of the crop or production current on the first day of the delivery period (instead of referencing the crop at the time of delivery). The change would facilitate identification of sugar eligible for delivery under the contract.

(b) Statutory Basis

ICE Clear Europe believes that the proposed amendments to Part BB of the Delivery Procedures are consistent with the requirements of Section 17A of the Act[6] and the regulations thereunder applicable to it. In particular, Section 17A(b)(3)(F) of the Act[7] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible, and the protection of investors and the public interest. The proposed changes to the Delivery Procedures are designed to strengthen ICE Clear Europe's arrangements and delivery procedures relating to Containerised White Sugar contracts. The amendments would clarify that Containerised White Sugar contracts relate to specified sugar of any origin of the crop or production current on the first day of the delivery period (rather than at the time of delivery). The amendments do not otherwise change the terms and conditions of the contracts, and the contracts will continue to be cleared by ICE Clear Europe in the same manner as they are currently. In ICE Clear Europe's view, the amendments are thus consistent with the prompt and accurate clearance and settlement of cleared contracts and the protection of investors and the public interest. (ICE Clear Europe would not expect the amendments to affect the safeguarding of securities and funds in ICE Clear Europe's custody or control or for which it is responsible). Accordingly, the amendments satisfy the requirements of Section 17A(b)(3)(F).[8]

In addition, Rule 17Ad–22(e)(10)[9] requires that each covered clearing agency ''establish and maintain transparent written standards that state its obligations with respect to the delivery of physical instruments, and establish and maintain operational practices that identify, monitor and manage the risks associated with such physical deliveries.'' As discussed above, the amendments would clarify the delivery specifications for Containerised White Sugar contracts to facilitate identification of sugar eligible for delivery under the contracts. The amendments would not otherwise change the manner in which the contracts are cleared or in which delivery is made, as supported by ICE Clear Europe's existing financial resources, risk management, systems and operational arrangements. The amendments thus clarify the role and responsibilities of the Clearing House and Clearing Members with respect to physical delivery. As a result, ICE Clear Europe believes the amendments are consistent with the requirements of Rule 17Ad–22(e)(10).[10]

(B) Clearing Agency's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed amendments would have any

[5] Capitalized terms used but not defined herein have the meanings specified in the ICE Clear Europe Clearing Rules (the ''Rules'').

[6] 15 U.S.C. 78q–1.

[7] 15 U.S.C. 78q–1(b)(3)(F).

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 17 CFR 240.17Ad–22(e)(10).

[10] 17 CFR 240.17Ad–22(e)(10).

impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. The amendments are being adopted to update and clarify the delivery specifications in Part BB of the Delivery Procedures in connection with Containerised White Sugar contracts, and will not otherwise affect the contract. ICE Clear Europe does not expect that the proposed changes will adversely affect access to clearing or the ability of Clearing Members, their customers or other market participants to continue to clear contracts. ICE Clear Europe also does not believe the amendments would materially affect the cost of clearing or otherwise impact competition among Clearing Members or other market participants or limit market participants' choices for selecting clearing services. Accordingly, ICE Clear Europe does not believe the amendments would impose any burden on competition not necessary or appropriate in furtherance of the purpose of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments relating to the proposed rule changes have not been solicited or received by ICE Clear Europe. ICE Clear Europe will notify the Commission of any written comments received with respect to the proposed amendments.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and paragraph (f) of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ICEEU–2021–005 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–ICEEU–2021–005. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's website at *https://www.theice.com/clear-europe/regulation.* All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICEEU–2021–005 and should be submitted on or before March 18, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–03850 Filed 2–24–21; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. IA–5688]

Notice of Intention To Cancel Registrations of Certain Investment Advisers Pursuant to Section 203(H) of the Investment Advisers Act of 1940

February 22, 2021.

Notice is given that the Securities and Exchange Commission (the ''*Commission*'') intends to issue an order or orders, pursuant to section 203(h) of the Investment Advisers Act of 1940 (the ''*Act*''), cancelling the registrations of the investment advisers whose names appear in the attached Appendix, hereinafter referred to as the ''*registrants.*''

Section 203(h) of the Act provides, in pertinent part, that if the Commission finds that any person registered under section 203, or who has pending an application for registration filed under that section, is no longer in existence, is not engaged in business as an investment adviser, or is prohibited from registering as an investment adviser under section 203A, the Commission shall by order cancel the registration of such person.

Each registrant listed in the attached Appendix either (a) has not filed a Form ADV amendment with the Commission as required by rule 204–1 under the Act[1] and appears to be no longer engaged in business as an investment adviser or (b) has indicated on Form ADV that it is no longer eligible to remain registered with the Commission as an investment adviser but has not filed Form ADV–W to withdraw its registration. Accordingly, the Commission believes that reasonable grounds exist for a finding that these registrants are no longer in existence, are not engaged in business as investment advisers, or are prohibited from registering as investment advisers under section 203A, and that their registrations should be cancelled pursuant to section 203(h) of the Act.

Notice is also given that any interested person may, by March 19, 2021, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the cancellation of the registration of any registrant listed in the attached Appendix, accompanied by a statement as to the nature of such person's interest, the reason for such person's request, and the issues, if any,

[1] Rule 204–1 under the Act requires any adviser that is required to complete Form ADV to amend the form at least annually and to submit the amendments electronically through the Investment Adviser Registration Depository.

of fact or law proposed to be controverted, and the writer may request to be notified if the Commission should order a hearing thereon. Any such communication should be emailed to the Commission's Secretary at *Secretarys-Office@sec.gov.*

At any time after March 19, 2021, the Commission may issue an order or orders cancelling the registrations of any or all of the registrants listed in the attached Appendix, upon the basis of the information stated above, unless an order or orders for a hearing on the cancellation shall be issued upon request or upon the Commission's own motion. Persons who requested a hearing, or who requested to be advised as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. Any registrant whose registration is cancelled under delegated authority may appeal that decision directly to the Commission in accordance with rules 430 and 431 of the Commission's rules of practice (17 CFR 201.430 and 431).

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.*

FOR FURTHER INFORMATION CONTACT: Lawrence Pace, Senior Counsel, at 202–551–6999; SEC, Division of Investment Management, Investment Adviser Regulation Office, 100 F Street NE, Washington, DC 20549–8549.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.[2]

J. Matthew DeLesDernier,

Assistant Secretary.

Appendix

SEC No.	Full legal name
801–80706	ATLANTIS ASSET MANAGEMENT INTERNATIONAL CORP.
801–80669	BLUE SHORES CAPITAL MANAGEMENT LLC.
801–107925	BRISTOL ADVISORS, LLC.
801–28037	BUSH O'DONNELL INVESTMENT ADVISORS, INC.
801–96240	CLINK SAVINGS INC.
801–80697	COPPIN COLLINGS LIMITED.
801–44774	EAST PACIFIC INVESTMENT CO INC.
801–108051	EMPEROR TREE CAPITAL LIMITED.
801–107673	ETHIKA INVESTMENTS, LLC.
801–107890	EVA CAPITAL MANAGEMENT LP.
801–57393	FINANCIAL WEST INVESTMENT GROUP, INC.
801–77028	FINLES N.V.
801–71707	FINVASIA FINANCIAL SERVICES PVT LTD.
801–79943	FOREFRONT CAPITAL ADVISORS, LLC.
801–66757	HARDING ADVISORY LLC.
801–61820	HIGH PERCH LLC.
801–61381	INDEPENDENT PORTFOLIO CONSULTANTS, INC.
801–50509	INTEGRATED WEALTH MANAGEMENT, INC.
801–108178	IPC PRIVATE WEALTH PARTNERS, LLC.
801–81034	KATZ FAMILY FINANCIAL ADVISORS, LLC.
801–115109	KEE MULTI FAMILY OFFICE CORP.
801–68831	LEBENTHAL ASSET MANAGEMENT, LLC.
801–79208	LEBENTHAL PARTNERS LLC.
801–78930	LEBENTHAL WEALTH ADVISORS, LLC.
801–57974	MARKETOCRACY CAPITAL MANAGEMENT LLC.
801–108510	MILLENNIUM CAPITAL PARTNERS LTD.
801–111687	MOONWALK CAPITAL LLC.
801–114916	POWERSCALE CAPITAL MANAGEMENT, LLC.
801–79356	QUANTMETRICS CAPITAL MANAGEMENT LLP.
801–36999	RENN CAPITAL GROUP, INC.
801–110578	RETIREMENT INCOME SECURITY SOLUTIONS, LLC.
801–78597	SAPPHIRE CAPITAL MANAGEMENT, LTD.
801–113600	SECOND NATURE INVESTMENTS LLC.
801–108811	SL2 INVESTMENTS LLC.
801–115294	SLATE CREEK CAPITAL, LLC.
801–112406	SOLARA INVESTMENT ADVISORS LLC.
801–81062	STARBOARD ASSET MANAGEMENT, INC.
801–107824	STAUFFER, ADAM WILLIAM.
801–112934	STOCKPITCH FINANCIAL CORPORATION.
801–47405	TONG ROBERT WAI.
801–117662	TRIDENT OS, LLC.
801–117680	UNICREDIT FINANCIAL SERVICES AND INVESTMENT ADVISOR.
801–113476	VENROTH PRINCIPAL MANAGEMENT.
801–74490	WEALTH MANAGEMENT, LLC.
801–110776	XENON PRIVATE EQUITY LTD.

[2] 17 CFR 200.30–5(e)(2).

[FR Doc. 2021–03896 Filed 2–24–21; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[License No. 03/03–0248]

Surrender of License of Small Business Investment Company; Patriot Capital II, L.P.

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, as amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 03/03–0248 issued to Patriot Capital II, L.P., said license is hereby declared null and void.

United States Small Business Administration.

Thomas G. Morris,

Acting Associate Administrator, Director, Office of SBIC Liquidation, Office of Investment and Innovation.

[FR Doc. 2021–03876 Filed 2–24–21; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[License No. 05/05–0291]

Surrender of License of Small Business Investment Company; Aldine SBIC Fund, L.P.

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, as amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 05/05–0291 issued to Aldine SBIC Fund, L.P., said license is hereby declared null and void.

United States Small Business Administration.

Thomas G. Morris,

Acting Associate Administrator, Director, Office of SBIC Liquidation, Office of Investment and Innovation.

[FR Doc. 2021–03877 Filed 2–24–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2019–0153]

Pipeline Safety: Request for Special Permit; Tejas Pipeline, LLC

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a request for special permit received from the Tejas Pipeline, LLC (Tejas). The special permit request is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit request.

DATES: Submit any comments regarding this special permit request by March 29, 2021.

ADDRESSES: Comments should reference the docket number for this special permit request and may be submitted in the following ways:

- *E-Gov website: http://www.Regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *http://www.Regulations.gov.*

Note: There is a privacy statement published on *http://www.Regulations.gov.* Comments, including any personal information provided, are posted without changes or edits to *http://www.Regulations.gov.*

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 Code of Federal Regulations (CFR) § 190.343, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as ''Confidential''; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Kay McIver, DOT, PHMSA–PHP–80, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

FOR FURTHER INFORMATION CONTACT:

General: Ms. Kay McIver by telephone at 202–366–0113, or by email at *kay.mciver@dot.gov.*

Technical: Mr. Steve Nanney by telephone at 713–272–2855, or by email at *steve.nanney@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA received a special permit request from Tejas, a subsidiary of Kinder Morgan, Inc., seeking a waiver from the requirements of 49 CFR 192.611(a) and (d): Change in class location: Confirmation or revision of maximum allowable operating pressure, and 49 CFR 192.619(a): Maximum allowable operating pressure: Steel or plastic pipelines. This special permit is being requested in lieu of pipe replacement or pressure reduction for one (1) pipeline segment totaling 1,929 feet (approximately 0.37 miles) of 30-inch diameter pipe on the King Ranch to Lovell Pipeline located in Chambers County, Texas. The proposed special permit will allow operation of the original Class 1 pipe in the Class 3 location.

The proposed special permit segment on the Tejas King Ranch to Lovell Pipeline has a maximum allowable operating pressure of 703 pounds per square inch gauge and was constructed in 1958.

The special permit request, proposed special permit with conditions, and Draft Environmental Assessment (DEA) for the Tejas King Ranch to Lovell Pipeline are available for review and public comments in Docket No. PHMSA–2019–0153. PHMSA invites interested persons to review and submit comments on the special permit request and DEA in the docket. Please include any comments on potential safety and environmental impacts that may result if the special permit is granted. Comments may include relevant data.

Before issuing a decision on the special permit request, PHMSA will evaluate all comments received on or before the comments closing date. Comments received after the closing date will be evaluated, if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment it receives in making its decision to grant or deny this special permit request.

Issued in Washington, DC, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2021–03913 Filed 2–24–21; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

Adjustment to Rail Passenger Transportation Liability Cap

AGENCY: Office of the Secretary of Transportation (OST), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice details the adjustment made to the rail passenger transportation liability cap as required by section 11415 of the Fixing America's Surface Transportation (FAST) Act (December 4, 2015). Pursuant to the FAST Act, the rail passenger transportation liability cap is raised from $294,278,983 to $322,864,228.

DATES: This adjustment will go into effect 30 days after February 25, 2021.

FOR FURTHER INFORMATION CONTACT: For further information regarding this notice, please contact Stephen O'Connor, Office of Policy and Planning, Federal Railroad Administration at *stephen.o'connor@dot.gov* or (202) 493–6325.

SUPPLEMENTARY INFORMATION: The Department of Transportation is publishing the inflation adjusted index factors for the rail passenger transportation liability cap under 49 U.S.C. 28103(a)(2), as directed by section 11415 of the FAST Act. The index methodology ensures that the aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident is based on current dollars and is adjusted for inflation from the $200,000,000 cap that went into effect on December 2, 1997.

Under the FAST Act, the index is adjusted to the date of enactment of the FAST Act using the Bureau of Labor Statistics Consumer Price Index—All Urban Consumers.

The index was based on the liability cap established on December 2, 1997, and the last full month prior to the enactment of the FAST Act on December 4, 2015. The FAST Act also directs the Secretary to update the liability cap every fifth year after the date of enactment. The table below shows the Index and inflator the Federal Railroad Administration used to calculate an inflation adjusted amount of $322,864,228.

PASSENGER LIABILITY CAP INFLATION ADJUSTED INDEX AND INFLATION FACTOR

Month	Index	Inflator	Liability cap
December 1997	161.30	1.00	$200,000,000
October 2020	260.39	1.61	322,864,228

The adjustment of the rail passenger transportation liability cap to $322,864,228 shall be effective 30 days after the date of publication of this notice.

Issued in Washington, DC, on February 22, 2021.

Peter Paul Montgomery Buttigieg,

Secretary.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Funding Opportunity for the Department of Transportation's Infrastructure for Rebuilding America (INFRA) Program for Fiscal Year 2021

AGENCY: Office of the Secretary of Transportation, U.S. Department of Transportation (USDOT).

ACTION: Notice of funding opportunity.

SUMMARY: The Infrastructure for Rebuilding America (INFRA) program provides Federal financial assistance to highway and freight projects of national or regional significance. This notice solicits applications for awards under the program's fiscal year (FY) 2021 funding, subject to the availability of appropriated funds.

DATES: Applications must be submitted by 11:59 p.m. EST on March 19, 2021. The *Grants.gov* ''Apply'' function will open by February 17, 2021.

ADDRESSES: Applications must be submitted through *www.Grants.gov.* Only applicants who comply with all submission requirements described in this notice and submit applications through *www.Grants.gov* will be eligible for award.

FOR FURTHER INFORMATION CONTACT: For further information regarding this notice, please contact the Office of the Secretary via email at *INFRAgrants@dot.gov,* or call Paul Baumer at (202) 366–1092. A TDD is available for individuals who are deaf or hard of hearing at 202–366–3993. In addition, up to the application deadline, the Department will post answers to common questions and requests for clarifications on USDOT's website at *https://www.transportation.gov/buildamerica/INFRAgrants.*

SUPPLEMENTARY INFORMATION: The organization of this notice is based on an outline set in 2 CFR part 200 to ensure consistency across Federal financial assistance programs. However, that format is designed for locating specific information, not for linear reading. For readers seeking to familiarize themselves with the INFRA program, the Department encourages them to begin with Section A (Program Description), which describes the Department's goals for the INFRA program and purpose in making awards, and Section E (Application Review Information), which describes how the Department will select among eligible applications. Those two sections will provide appropriate context for the remainder of the notice: Section B (Federal Award Information) describes information about the size and nature of awards; Section C (Eligibility Information) describes eligibility requirements for applicants and projects; Section D (Application and Submission Information) describes in detail how to apply for an award; Section F (Federal Award Administration Information) describes administrative requirements that will accompany awards; and Sections G (Federal Awarding Agency Contacts) and H (Other Information) provide additional administrative information.

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A. Program Description

1. Overview

The INFRA program provides Federal financial assistance to highway and freight projects of national or regional significance. To maximize the value of FY 2021 INFRA funds for all Americans, the Department is focusing the competition on transportation infrastructure projects that support six key objectives, each of which is discussed in greater detail in section A.2:

(1) Supporting economic vitality at the national and regional level;

(2) Addressing climate change and environmental justice impacts;

(3) Advancing racial equity and Reducing barriers to opportunity;

(4) Leveraging Federal funding to attract non-Federal sources of infrastructure investment;

(5) Deploying innovative technology, encouraging innovative approaches to project delivery, and incentivizing the use of innovative financing; and

(6) Holding grant recipients accountable for their performance.

This notice's focus on the six key objectives does not supplant the Department's focus on safety as our top priority. Consistent with the R.O.U.T.E.S. initiative, the Department seeks rural projects that address deteriorating conditions and

disproportionately high fatality rates on rural transportation infrastructure.

2. Key Program Objectives

This section of the notice describes the six key program objectives that the Department intends to advance with FY 2021 INFRA funds. Section E.1 describes how the Department will evaluate applications to advance these objectives, and section D.2.b describes how applicants should address the six objectives in their applications.

a. Key Program Objective #1: Supporting Economic Vitality

A strong transportation network is critical to the functioning and growth of the American economy. The nation's industry depends on the transportation network to move the goods that it produces, and facilitate the movements of the workers who are responsible for that production. When the nation's highways, railways, and ports function well, that infrastructure connects people to jobs, increases the efficiency of delivering goods and thereby cuts the costs of doing business, reduces the burden of commuting, and improves overall well-being.

Infrastructure investment also provides opportunities for workers to find good-paying jobs with the choice to join a union and supports American industry through the application of domestic preference requirements. Projects that use project labor agreements and deploy local hiring provisions also contribute to economic vitality.

This objective aligns with the Department's strategic goals [1] of (1) investing in infrastructure to ensure mobility accessibility and to stimulate economic growth, productivity, and competitiveness for American workers and businesses and (2) reducing transportation-related fatalities and serious injuries across the transportation system.

b. Key Program Objective #2: Climate Change and Environmental Justice Impacts

The Department seeks to select projects that have considered climate change and environmental justice in the planning stage and were designed with specific elements to address climate change impacts. Projects should directly support Climate Action Plans or apply environmental justice screening tools in the planning stage. Projects should include components that reduce emissions, promote energy efficiency, incorporate electrification or zero emission vehicle infrastructure, increase resiliency, and recycle or redevelop existing infrastructure. A list of planning activities and project components that address this objective and the Department will consider during application evaluations is in Section E.1.a (Criterion #2). This objective aligns with the Department's Infrastructure Objective #1: Project Delivery, Planning, Environment, Funding, and Finance Partnerships and Infrastructure Objective #2: Life Cycle and Preventative Maintenance.

c. Key Program Objective #3: Racial Equity and Barriers to Opportunity

The Department seeks to use the INFRA program to encourage racial equity in two areas: (1) Planning and policies related to racial equity and barriers to opportunity; and (2) project investments that either proactively address racial equity and barriers to opportunity, including automobile dependence as a form of barrier, or redress prior inequities and barriers to opportunity. This objective supports the Department's strategic goal related to infrastructure, with the potential for significantly enhancing environmental stewardship and community partnerships, and reflects Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009). See section E.1.a (Criterion #3) for additional information. This objective aligns with the Department's Infrastructure Objective #1: Project Delivery, Planning, Environment, Funding, and Finance Partnerships and Innovation Strategic Objective #2: Deployment of Innovation.

d. Key Program Objective #4: Leveraging of Federal Funding

The Department is committed to supporting increased investment in infrastructure from all levels of government. The Department recognizes that the COVID–19 pandemic has exacerbated infrastructure funding challenges faced by State and local governments. However, the Department continues to seek to maximize all available Federal and non-Federal funding for investment in infrastructure as a critical contribution to the economy. This objective aligns with the Department's Infrastructure Strategic Objective #1: Project Delivery, Planning, Environment, Funding, and Finance.

e. Key Program Objective #5: Innovation

The Department seeks to use the INFRA program to encourage innovation in three areas, to build transformative projects: (1) The deployment of innovative technology and expanded access to broadband; (2) use of innovative permitting, contracting, and other project delivery practices; and (3) innovative financing. This objective supports the Department's strategic goal of innovation, with the potential for significantly enhancing the safety, efficiency, and performance of the transportation network. The USDOT anticipates INFRA projects will support the integration of new technology and practices and demonstrate how those technologies and practices will contribute to the goals of the program as described in 23 U.S.C. 117. In section E.1.a (Criterion #5), the Department provides many examples of innovative technologies, practices, and financing. It encourages applicants to identify those that are suitable for their projects and local constraints. This objective aligns with the Department's strategic goal to lead in the development and deployment of innovative practices and technologies that improve the safety and performance of the nation's transportation system.

f. Key Program Objective #6: Performance and Accountability

The Department seeks to increase project sponsor accountability and performance by evaluating each INFRA applicant's plans to address the full lifecycle costs of their project and willingness to condition award funding on achieving specific Departmental goals.

To maximize public benefits from INFRA funds and promote local activity that will provide benefits beyond the INFRA-funded projects, the Department seeks projects that allow it to condition funding on specific, measurable outcomes. For appropriate projects, the Department may use one or more of the following types of events to trigger availability of some or all INFRA funds: (1) Reaching construction and project completion in a timely manner; or (2) achieving transportation performance targets that support economic vitality or improve safety. This objective aligns with the Department's Infrastructure Strategic Objective #2: Life Cycle and Preventative Maintenance, and Infrastructure Strategic Objective #3: System Operations and Performance.

In section E.1.d (Criterion #6), the Department provides a framework for accountability measures and encourages applicants to voluntarily identify those that are most appropriate for their projects and local constraints.

[1] The U.S. Department of Transportation Strategic Plan for FY 2018–2022 (Feb. 2018) is available at *https://www.transportation.gov/dot-strategic-plan.*

3. Changes From the FY 2020 NOFO

The FY2021 INFRA Notice is updated to reflect priorities around creating good-paying jobs, ensuring safety, advancing racial equity, addressing climate change, and building innovative, transformative projects. There are also two new program objectives that are incorporated into the merit evaluation process as described in Section E. These are Climate Change and Environmental Justice Impacts, and Racial Equity and Barriers to Opportunity. The NOFO reflects the importance of creating good-paying jobs. Innovative project delivery contracting and procurement related to project labor agreements and inclusive local participation goals will be considered to the extent permitted by Federal law and DOT regulations.[2]

Section D.2.b.vii of this notice provides additional information explaining how the Department will evaluate whether applications meet the statutory Large Project Requirements.

Section H of this Notice provides additional detail on the INFRA Extra initiative. The INFRA Extra initiative provides certain INFRA applicants the opportunity to apply for TIFIA credit assistance for up to 49% of eligible project costs. The INFRA Extra initiative does not impact how applications will be considered for an INFRA grant nor how applications for TIFIA credit assistance will be evaluated (other than in respect of eligibility to apply for credit assistance for up to 49% of eligible project costs).

Applicants who are planning to re-apply using materials prepared for prior competitions should ensure that their FY 2021 application fully addresses the criteria and considerations described in this Notice and that all relevant information is up to date.

Section H of this NOFO provides additional detail on the INFRA Extra initiative. The INFRA Extra initiative provides certain INFRA applicants the opportunity to apply for TIFIA credit assistance for up to 49% of eligible project costs. The INFRA Extra initiative does not impact how applications will be considered for an INFRA grant nor how applications for TIFIA credit assistance will be evaluated (other than in respect of eligibility to apply for credit assistance for up to 49% of eligible project costs).

[2] Contracts awarded with geographic hiring preferences are eligible for assistance under DOT financial assistance programs only if the recipient makes the certifications required under section 199B of division L of the Consolidated Appropriations Act, 2021, Public Law 116–260.

4. Additional Information

The INFRA program is authorized at 23 U.S.C. 117. It is described in the Federal Assistance Listings under the assistance listing program title ''Nationally Significant Freight and Highway Projects'' and assistance listing number 20.934.

B. Federal Award Information

1. Amount Available

The FAST Act authorizes the INFRA program at $4.5 billion for fiscal years (FY) 2016 through 2020, and the Continuing Appropriations Act, 2021 and Other Extensions Act authorizes $1 billion for FY 2021, to be awarded by USDOT on a competitive basis to projects of national or regional significance that meet statutory requirements. This notice solicits applications for the $889 million in FY 2021 INFRA funds available for awards. In addition to the FY 2021 INFRA funds, amounts from prior year authorizations, presently estimated at up to $150 million, may be made available and awarded under this solicitation. Any award under this notice will be subject to the availability of appropriated funds.

2. Restrictions on Award Portfolio

The Department will make awards under the INFRA program to both large and small projects (refer to section C.3.c for a definition of large and small projects). For a large project, the FAST Act specifies that an INFRA grant must be at least $25 million. For a small project, including both construction awards and project development awards, the grant must be at least $5 million. For each fiscal year of INFRA funds, 10 percent of available funds are reserved for small projects, and 90 percent of funds are reserved for large projects.

The program statute specifies that not more than $600 million in aggregate of the $5.5 billion authorized for INFRA grants over fiscal years 2016 to 2021 may be used for grants to freight rail, water (including ports), or other freight intermodal projects that make significant improvements to freight movement on the National Highway Freight Network. After accounting for FY 2016–2020 INFRA selections, as much as $146 million may be available within this constraint. Only the non-highway portion(s) of multimodal projects count toward this limit. Grade crossing and grade separation projects do not count toward the limit for freight rail, port, and intermodal projects. The Department's awards may not exhaust this limitation.

The program statute requires that at least 25 percent of the funds provided for INFRA grants must be used for projects located in rural areas, as defined in Section C.3.e. The Department may elect to go above that threshold. The USDOT must consider geographic diversity among grant recipients, including the need for a balance in addressing the needs of urban and rural areas.

C. Eligibility Information

To be selected for an INFRA grant, an applicant must be an Eligible Applicant and the project must be an Eligible Project that meets the Minimum Project Size Requirement.

1. Eligible Applicants

Eligible applicants for INFRA grants are: (1) A State or group of States; (2) a metropolitan planning organization that serves an Urbanized Area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals; (3) a unit of local government or group of local governments; (4) a political subdivision of a State or local government; (5) a special purpose district or public authority with a transportation function, including a port authority; (6) a Federal land management agency that applies jointly with a State or group of States; (7) a tribal government or a consortium of tribal governments; or (8) a multi-State or multijurisdictional group of public entities.

Multiple States or jurisdictions that submit a joint application should identify a lead applicant as the primary point of contact. Joint applications should include a description of the roles and responsibilities of each applicant and should be signed by each applicant. The applicant that will be responsible for financial administration of the project must be an eligible applicant.

2. Cost Sharing or Matching

This section describes the statutory cost share requirements for an INFRA award. Cost share will also be evaluated according to the ''Leveraging of Federal Funding'' evaluation criterion described in Section E.1.a (Criterion #4). That section clarifies that the Department seeks applications for projects that exceed the minimum non-Federal cost share requirement described here.

INFRA grants may be used for up to 60 percent of future eligible project costs. Other Federal assistance may satisfy the non-Federal share requirement for an INFRA grant, but total Federal assistance for a project receiving an INFRA grant may not exceed 80 percent of future eligible

project costs. Non-Federal sources include State funds originating from programs funded by State revenue, local funds originating from State or local revenue-funded programs, private funds or other funding sources of non-Federal origins. If a Federal land management agency applies jointly with a State or group of States, and that agency carries out the project, then Federal funds that were not made available under titles 23 or 49 of the United States Code may be used for the non-Federal share. Unless otherwise authorized by statute, local cost-share may not be counted as non-Federal share for both the INFRA and another Federal program. For any project, the Department cannot consider previously incurred costs or previously expended or encumbered funds towards the matching requirement. Matching funds are subject to the same Federal requirements described in Section F.2.b as awarded funds. See Sections D.2.b.iv, D.2.b.vii.5a, and E.1.b.v.5 for information about documenting cost sharing in the application.

For the purpose of evaluating eligibility under the statutory limit on total Federal assistance, funds from TIFIA and Railroad Rehabilitation & Improvement Financing (RRIF) credit assistance programs are considered Federal assistance and, combined with other Federal assistance, may not exceed 80 percent of the future eligible project costs.

3. Other

a. Eligible Projects

Eligible projects for INFRA grants are: Highway freight projects carried out on the National Highway Freight Network (23 U.S.C. 167); highway or bridge projects carried out on the National Highway System (NHS), including projects that add capacity on the Interstate System to improve mobility or projects in a national scenic area; railway-highway grade crossing or grade separation projects; or a freight project that is (1) an intermodal or rail project, or (2) within the boundaries of a public or private freight rail, water (including ports), or intermodal facility. A project within the boundaries of a freight rail, water (including ports), or intermodal facility must be a surface transportation infrastructure project necessary to facilitate direct intermodal interchange, transfer, or access into or out of the facility and must significantly improve freight movement on the National Highway Freight Network. Improving freight movement on the National Highway Freight Network may include shifting freight transportation to other modes, thereby reducing congestion and bottlenecks on the National Highway Freight Network. For a freight project within the boundaries of a freight rail, water (including ports), or intermodal facility, Federal funds can only support project elements that provide public benefits.

b. Eligible Project Costs

INFRA grants may be used for the construction, reconstruction, rehabilitation, acquisition of property (including land related to the project and improvements to the land), environmental mitigation, construction contingencies, equipment acquisition, and operational improvements directly related to system performance. Statutorily, INFRA grants may also fund development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering, design, and other preconstruction activities, provided the project meets statutory requirements. However, the Department is seeking to use INFRA funding on projects that result in construction meaning development phase activities are less competitive by nature of the evaluation structure described in Section E. Public-private partnership assessments for projects in the development phase are also eligible costs.

INFRA grant recipients may use INFRA funds to pay the subsidy and administrative costs necessary to receive TIFIA credit assistance.

All INFRA projects are subject to the Buy America requirement at 23 U.S.C. 313. The Department expects all INFRA applicants to comply with that requirement without needing a waiver. To obtain a waiver, a recipient must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. If you anticipate requiring a waiver, you must state so in your application.

c. Minimum Project Size Requirement

For the purposes of determining whether a project meets the minimum project size requirement, the Department will count all future eligible project costs under the award and some related costs incurred before selection for an INFRA grant. Previously incurred costs will be counted toward the minimum project size requirement only if they were eligible project costs under Section C.3.b. and were expended as part of the project for which the applicant seeks funds. Although those previously incurred costs may be used for meeting the minimum project size thresholds described in this Section, they cannot be reimbursed with INFRA grant funds, nor will they count toward the project's required non-Federal share.

i. Large Projects

The minimum project size for large projects is the lesser of $100 million; 30 percent of a State's FY 2020 Federal-aid apportionment if the project is located in one State; or 50 percent of the larger participating State's FY 2020 apportionment for projects located in more than one State. The following chart identifies the minimum total project cost, rounded up to the nearest million, for projects for FY 2021 for both single and multi-State projects.

State	FY21 NSFHP (30% of FY20 apportionment) one-state minimum (millions)	FY21 NSFHP (50% of FY20 apportionment) multi-state minimum * (millions)
Alabama	$100	$100
Alaska	100	100
Arizona	100	100
Arkansas	100	100
California	100	100
Colorado	100	100
Connecticut	100	100
Delaware	56	94
Dist. of Col.	53	88
Florida	100	100
Georgia	100	100
Hawaii	56	94
Idaho	95	100
Illinois	100	100
Indiana	100	100
Iowa	100	100
Kansas	100	100
Kentucky	100	100
Louisiana	100	100
Maine	62	100
Maryland	100	100
Massachusetts	100	100
Michigan	100	100
Minnesota	100	100
Mississippi	100	100
Missouri	100	100
Montana	100	100
Nebraska	96	100
Nevada	100	100
New Hampshire	55	92
New Jersey	100	100
New Mexico	100	100
New York	100	100
North Carolina	100	100
North Dakota	83	100
Ohio	100	100
Oklahoma	100	100
Oregon	100	100
Pennsylvania	100	100
Rhode Island	73	100
South Carolina	100	100
South Dakota	94	100
Tennessee	100	100
Texas	100	100
Utah	100	100
Vermont	68	100
Virginia	100	100
Washington	100	100
West Virginia	100	100
Wisconsin	100	100
Wyoming	85	100

* For multi-State projects, the minimum project size is the largest of the multi-State minimums from the participating States.

ii. Small Projects

A small project is an eligible project that does not meet the minimum project size described in Section C.3.c.i.

d. Large/Small Project Requirements

For a large project to be selected, the Department must determine that the project meets seven requirements described in 23 U.S.C. 117(g) and below. If your project consists of multiple components with independent utility, the Department must determine that each component meets each requirement, to select it for an award. The requirements are listed below and further described in Section E.1.b.v and Section D.2.b.vii:

Large Project Requirement #1: The project will generate national or regional economic, mobility, or safety benefits.

Large Project Requirement #2: The project will be cost effective.

Large Project Requirement #3: The project will contribute to the accomplishment of one or more of the goals described in 23 U.S.C. § 150.

Large Project Requirement #4: The project is based on the results of preliminary engineering.

Large Project Requirement #5: With respect to related non-Federal financial commitments, one or more stable and dependable funding or financing sources are available to construct, maintain, and operate the project, and contingency amounts are available to cover unanticipated cost increases.

Large Project Requirement #6: The project cannot be easily and efficiently completed without other Federal funding or financial assistance available to the project sponsor.

Large Project Requirement #7 The project is reasonably expected to begin construction no later than 18 months after the date of obligation of funds for the project.

For a small project to be selected, the Department must consider the cost-effectiveness of the proposed project and the effect of the proposed project on mobility in the State and region in which the project is carried out.

e. Rural/Urban Area

This section describes the statutory definition of urban and rural areas and the minimum statutory requirements for projects that meet those definitions. For more information on how the Department consider projects in urban, rural, and low population areas as part of the selection process, see Section E.1.b.i.

The INFRA statute defines a rural area as an area outside an Urbanized Area [3] with a population of over 200,000. In this notice, urban area is defined as inside an Urbanized Area, as a designated by the U.S. Census Bureau, with a population of 200,000 or more.[4] Rural and urban definitions differ in some other USDOT programs, including TIFIA. Cost share requirements and minimum grant awards are the same for projects located in rural and urban areas. The Department will consider a project to be in a rural area if the majority of the project (determined by geographic location(s) where the majority of the money is to be spent) is located in a rural area. However, if a project consists of multiple components, as described under section C.3.f or C.3.g., then for each separate component the Department will determine whether that component is rural or urban. In some circumstances, including networks of projects under section C.3.g that cover wide geographic regions, this component-by-component determination may result in INFRA awards that include urban and rural funds.

f. Project Components

An application may describe a project that contains more than one component. The USDOT may award funds for a component, instead of the larger project, if that component (1) independently meets minimum award amounts described in Section B and all eligibility requirements described in Section C, including the requirements for large projects described in Sections C.3.d and D.2.b.vii; (2) independently aligns well with the selection criteria specified in Section E; and (3) meets National Environmental Policy Act (NEPA) requirements with respect to independent utility. Independent utility means that the component will represent a transportation improvement that is usable and represents a reasonable expenditure of USDOT funds even if no other improvements are made in the area, and will be ready for intended use upon completion of that component's construction. If an application describes multiple components, the application should demonstrate how the components collectively advance the purposes of the INFRA program. An applicant should not add multiple components to a single application merely to aggregate costs or avoid submitting multiple applications.

Applicants should be aware that, depending upon applicable Federal law and the relationship among project components, an award funding only some project components may make other project components subject to Federal requirements as described in Section F.2.b. For example, under 40 CFR 1508.25, the NEPA review for the funded project component may need to include evaluation of all project components as connected, similar, or cumulative actions.

The Department strongly encourages applicants to identify in their applications the project components that meet independent utility standards and separately detail the costs and INFRA funding requested for each component. If the application identifies one or more independent project components, the application should clearly identify how each independent component addresses selection criteria and produces benefits on its own, in addition to describing how the full proposal of which the independent component is a part addresses selection criteria.

g. Network of Projects

An application may describe and request funding for a network of projects. A network of projects is one INFRA award that consists of multiple projects addressing the same transportation problem. For example, if an applicant seeks to improve efficiency along a rail corridor, then their application might propose one award for four grade separation projects at four different railway-highway crossings. Each of the four projects would independently reduce congestion but the overall benefits would be greater if the projects were completed together under a single award.

The USDOT will evaluate applications that describe networks of projects similar to how it evaluates projects with multiple components. Because of their similarities, the guidance in Section C.3.f is applicable to networks of projects, and applicants should follow that guidance on how to present information in their application. As with project components, depending upon applicable Federal law and the relationship among projects within a network of projects, an award that funds only some projects in a network may make other projects subject to Federal

[3] For Census 2010, the Census Bureau defined an Urbanized Area (UA) as an area that consists of densely settled territory that contains 50,000 or more people. Updated lists of UAs are available on the Census Bureau website at *http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/*. For the purposes of the INFRA program, Urbanized Areas with populations fewer than 200,000 will be considered rural.

[4] See *www.transportation.gov/buildamerica/InFRAgrants* for a list of Urbanized Areas with a population of 200,000 or more.

requirements as described in Section F.2.

h. Application Limit

To encourage applicants to prioritize their INFRA submissions, each eligible applicant may submit no more than three applications. The three-application limit applies only to applications where the applicant is the lead applicant. There is no limit on applications for which an applicant can be listed as a partnering agency. If a lead applicant submits more than three applications as the lead applicant, only the first three received will be considered.

D. Application and Submission Information

1. Address

Applications must be submitted through *www.Grants.gov*. Instructions for submitting applications can be found at *https://www.transportation.gov/buildamerica/InFRAgrants.*

2. Content and Form of Application

The application must include the Standard Form 424 (Application for Federal Assistance), Standard Form 424C (Budget Information for Construction Programs), cover page, and the Project Narrative. More detailed information about the cover pages and Project Narrative follows.

a. Cover Page

Each application should contain a cover page with the following chart:

Basic Project Information:	
What is the Project Name?	
Who is the Project Sponsor?	
Was an INFRA application for this project submitted previously? (If Yes, please include title)	
Project Costs:	
INFRA Request Amount	Exact Amount in year-of-expenditure dollars.
Estimated Federal funding (excl. INFRA), anticipated to be used in INFRA funded future project.	Estimate in year-of-expenditure dollars.
Estimated non-Federal funding anticipated to be used in INFRA funded future project.	Estimate in year-of-expenditure dollars.
Future Eligible Project Cost (Sum of previous three rows)	Estimate in year-of-expenditure dollars.
Previously incurred project costs (if applicable)	Estimate in year-of-expenditure dollars.
Total Project Cost (Sum of 'previous incurred' and 'future eligible').	Estimate in year-of-expenditure dollars.
Are matching funds restricted to a specific project component? If so, which one?	
Project Eligibility To be eligible, all future eligible project costs must fall into at least one of the following four categories:	
Approximately how much of the estimated future eligible project costs will be spent on components of the project currently located on National Highway Freight Network (NHFN)?	Please provide an estimate, in year-of-expenditure dollars, of the costs that meet this definition.
Approximately how much of the estimated future eligible project costs will be spent on components of the project currently located on the National Highway System (NHS)?	Please provide an estimate, in year-of-expenditure dollars, of the costs that meet this definition. Maps can be found here: *https://www.fhwa.dot.gov/planning/national_highway_system/nhs_maps/.*
Approximately how much of the estimated future eligible project costs will be spent on components constituting railway-highway grade crossing or grade separation projects?	Please provide an estimate, in year-of-expenditure dollars, of the costs that meet this definition.
Approximately how much of the estimated future eligible project costs will be spent on components constituting intermodal or freight rail projects, or freight projects within the boundaries of a public or private freight rail, water (including ports), or intermodal facility?	Please provide an estimate, in year-of-expenditure dollars, of the costs that meet this definition.
Project Location:	
State(s) in which project is located.	
Small or large project	Small/Large.
Urbanized Area in which project is located, if applicable.	
Population of Urbanized Area (According to 2010 Census):	
Is the project located (entirely or partially) in Federally designated community development zones.	Yes/No. If yes, please describe which of the four Federally designated community development zones in which your project is located. Opportunity Zones: (*https://opportunityzones.hud.gov/*). Empowerment Zones: (*https://www.hud.gov/hudprograms/empowerment_zones*). Promise Zones: (*https://www.hud.gov/program_offices/field_policy_mgt/fieldpolicymgtpz*). Choice Neighborhoods: (*https://www.hud.gov/program_offices/public_indian_housing/programs/ph/cn*).
Is the project currently programmed in the:	Yes/no (*please specify in which plans the project is currently programmed, and provide the identifying number if applicable*).
• TIP	
• STIP.	
• MPO Long Range Transportation Plan.	
• State Long Range Transportation Plan.	
• State Freight Plan?.	

b. Project Narrative

The Department recommends that the project narrative follow the basic outline below to address the program requirements and assist evaluators in locating relevant information.

I. Project Description	See D.2.b.i.
II. Project Location	See D.2.b.ii.
III. Project Parties	See D.2.b.iii.
IV. Grant Funds, Sources and Uses of all Project Funding	See D.2.b.iv.
V. Merit Criteria	See D.2.b.v.
VI. Project Readiness	See D.2.b.vi and E.1.c.ii.
VII. Large/Small Project Requirements	See D.2.b.vii and C.3.d.

The project narrative should include the information necessary for the Department to determine that the project satisfies project requirements described in Sections B and C and to assess the selection criteria specified in Section E.1. To the extent practicable, applicants should provide supporting data and documentation in a form that is directly verifiable by the Department. The Department may ask any applicant to supplement data in its application, but expects applications to be complete upon submission.

In addition to a detailed statement of work, detailed project schedule, and detailed project budget, the project narrative should include a table of contents, maps, and graphics, as appropriate, to make the information easier to review. The Department recommends that the project narrative be prepared with standard formatting preferences (*i.e.,* a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins). The project narrative may not exceed 25 pages in length, excluding cover pages and table of contents. The only substantive portions that may exceed the 25-page limit are documents supporting assertions or conclusions made in the 25-page project narrative. If possible, website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the project narrative the relevant portion of the project narrative that each supporting document supports. At the applicant's discretion, relevant materials provided previously to a modal administration in support of a different USDOT financial assistance program may be referenced and described as unchanged. The Department recommends using appropriately descriptive final names (*e.g.,* ''Project Narrative,'' ''Maps,'' ''Memoranda of Understanding and Letters of Support,'' etc.) for all attachments. The USDOT recommends applications include the following sections:

i. Project Summary

The first section of the application should provide a concise description of the project, the transportation challenges that it is intended to address, and how it will address those challenges. This section should discuss the project's history, including a description of any previously incurred costs. The applicant may use this section to place the project into a broader context of other infrastructure investments being pursued by the project sponsor.

ii. Project Location

This section of the application should describe the project location, including a detailed geographical description of the proposed project, a map of the project's location and connections to existing transportation infrastructure, and geospatial data describing the project location. If the project is located within the boundary of a 2010 Census-designated Urbanized Area, the application should identify the Urbanized Area.[5]

iii. Project Parties

This section of the application should list all project parties, including details about the proposed grant recipient and other public and private parties who are involved in delivering the project, such as port authorities, terminal operators, freight railroads, shippers, carriers, freight-related associations, third-party logistics providers, and freight industry workforce organizations.

iv. Grant Funds, Sources and Uses of Project Funds

This section of the application should describe the project's budget. At a minimum, it should include:

(A) Previously incurred expenses, as defined in Section C.3.c.

(B) Future eligible costs, as defined in Section C.3.c.

(C) For all funds to be used for future eligible project costs, the source and amount of those funds.

- For non-Federal funds to be used for future eligible project costs, documentation of funding commitments should be referenced here and included as an appendix to the application.
- For Federal funds to be used for future eligible project costs, the amount, nature, and source of any required non-Federal match for those funds.

(D) A budget showing how each source of funds will be spent. The budget should show how each funding source will share in each major construction activity, and present that data in dollars and percentages. Funding sources should be grouped into three categories: Non-Federal; INFRA; and other Federal. If the project contains components, the budget should separate the costs of each project component. If the project will be completed in phases, the budget should separate the costs of each phase. The budget should be detailed enough to demonstrate that the project satisfies the statutory cost-sharing requirements described in Section C.2.

(E) Information showing that the applicant has budgeted sufficient contingency amounts to cover unanticipated cost increases.

(F) The amount of the requested INFRA funds that would be subject to the limit on freight rail, port, and intermodal infrastructure described in Section B.2.

In addition to the information enumerated above, this section should provide complete information on how all project funds may be used. For example, if a source of funds is available only after a condition is satisfied, the application should identify that condition and describe the applicant's control over whether it is satisfied. Similarly, if a source of funds is available for expenditure only during a fixed period, the application should describe that restriction. Complete

[5] Lists of Urbanized Areas are available on the Census Bureau website at *http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/* and maps are available at *https://tigerweb.geo.census.gov/tigerweb/*. For the purposes of the INFRA program, Urbanized Areas with populations fewer than 200,000 will be considered rural.

information about project funds will ensure that the Department's expectations for award execution align with any funding restrictions unrelated to the Department, even if an award differs from the applicant's request.

v. Merit Criteria

This section of the application should demonstrate how the project aligns with the Merit Criteria described in Section E.1 of this notice. The Department encourages applicants to address each criterion or expressly state that the project does not address the criterion. Applicants are not required to follow a specific format, but the following organization, which addresses each criterion separately, promotes a clear discussion that assists project evaluators. To minimize redundant information in the application, the Department encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application.

The guidance here is about how the applicant should organize their application. Guidance describing how the Department will evaluate projects against the Merit Criteria is in Section E.1 of this notice. Applicants also should review that section before considering how to organize their application.

Criterion #1: Support for National or Regional Economic Vitality

This section of the application should describe the anticipated outcomes of the project that support the Economic Vitality criterion (described in Section E.1.a of this notice). The applicant should summarize the conclusions of the project's benefit-cost analysis, including estimates of the project's benefit-cost ratio and net benefits. The applicant should also describe economic impacts and other data-supported benefits that are not included in the benefit-cost analysis, such as how their project creates good-paying jobs with the choice to join a union and will support American industry by complying with domestic preference laws without need for a waiver. If you are pursuing innovative project delivery strategies related to economic vitality, such as using project labor agreements to local hiring requirements, include that information in the Innovation section. For the purposes of considering whether the project primarily serves freight and goods movement, the application should include estimates of the volume and share of freight (trucks, rail carloads, TEUs, tonnage, or other relevant measure) that travels through the project area and identify the sources for those estimates.

Consistent with the Department's ROUTES Initiative, the Department encourages applicants to describe how the project would address the unique challenges of rural transportation networks in safety, infrastructure condition, and passenger and freight usage, should the project serve a rural location.

The benefit-cost analysis calculation file(s) should be provided as an appendix to the project narrative, as described in Section D.2.c. of this notice.

Criterion #2: Climate Change and Environmental Justice Impacts

This section of the application should demonstrate whether the project has incorporated climate change and environmental justice in terms of (a) planning and policy or (b) design components with outcomes that address climate change. To address the planning and policies element of this criterion, the application should describe what specific climate change or environmental justice activities have been completed for this project. The application should state whether a project is incorporated in a climate action plan, whether an equitable development plan has been prepared, and whether tools such as EPA's EJSCREEN have been applied in project planning.[6] To address the design components element of this criterion, the application should describe specific and direct ways that the project will mitigate or reduce climate change impacts. This may include a description of how the project encourages modal shift, temporal changes in asset utilization to reduce congestion, or incorporates multimodal infrastructure to reduce vehicle miles traveled, other ways that the project reduces emissions or uses technology to increase energy efficiency, incorporates resiliency measures for disaster preparedness, or recycles and enhances existing idle or dilapidated infrastructure. See Section E.1.a for additional information related to evaluation of Climate Change and Environmental Justice.

Criterion #3: Racial Equity and Barriers to Opportunity

This section of the application should include sufficient information to evaluate how the applicant will advance the Racial Equity and Barriers to Opportunity program objective. The applicant should indicate which (if any) planning and policies related to racial equity and barriers to opportunity they are implementing or have implemented, along with the specific project investment details necessary for the Department to evaluate if the investments are being made to either proactively advance racial equity and barriers to opportunity or redress prior inequities and barriers to opportunity. All project investment costs for the project that are related to racial equity and barriers to opportunity should be summarized here, even if those project costs are ineligible for the INFRA grant. See Section E.1.a for additional information. Any relevant racial equity and barriers to opportunity related policies, plans and outreach documentation as described in Section E.1.a, should be provided as an appendix to the project narrative.

Criterion #4: Leveraging of Federal Funding

The Leveraging Criterion will be assessed according to the methodology described in Section E.1.a., referencing information provided in the application's Grant Funds, Sources and Uses of Project Funds section. Please describe the source of all non-INFRA funds in the project's financial plan. Please state the share of non-INFRA funds coming from Federal funds, including Federal formula funds that may be passed through a State entity. Please provide evidence that funding is stable, dependable, and will be available to complete the project.

Criterion #5: Potential for Innovation

This section of the application should contain sufficient information to evaluate how the project can be transformative in achieving program goals, and includes or enables innovation in: (1) The accelerated deployment of innovative technology, including expanded access to broadband; (2) use of innovative permitting, contracting, and other project delivery practices; and (3) innovative financing. If the project does not address a particular innovation area, the application should state this fact. Please see Section E.1.a for additional information.

Criterion #6: Performance and Accountability

This section of the application should include sufficient information to

[6] The EJSCREEN tool can be referenced on the EPA site: *https://ejscreen.epa.gov/mapper/.*

evaluate how the applicant will advance the Performance and Accountability program objective. In general, the applicant should indicate which (if any) accountability measures they are willing to implement or have implemented, along with the specific details necessary for the Department to evaluate their accountability measure. The applicant should also address the lifecycle cost component of this criterion in this section. See Section E.1.a for additional information.

vi. Project Readiness

This section of the application should include information that, when considered with the project budget information presented elsewhere in the application, is sufficient for the Department to evaluate whether the project is reasonably expected to begin construction in a timely manner. To assist the Department's project readiness assessment, the applicant should provide the information requested on technical feasibility, project schedule, project approvals, and project risks, each of which is described in greater detail in the following sections. Applicants are not required to follow the specific format described here, but this organization, which addresses each relevant aspect of project readiness, promotes a clear discussion that assists project evaluators. To minimize redundant information in the application, the Department encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application.

The guidance here is about what information applicants should provide and how the applicant should organize their application. Guidance describing how the Department will evaluate a project's readiness is described in section E.1 of this notice. Applicants also should review that section before considering how to organize their application.

(A) Technical Feasibility. The applicant should demonstrate the technical feasibility of the project with engineering and design studies and activities; the development of design criteria and/or a basis of design; the basis for the cost estimate presented in the INFRA application, including the identification of contingency levels appropriate to its level of design; and any scope, schedule, and budget risk-mitigation measures. Applicants should include a detailed statement of work that focuses on the technical and engineering aspects of the project and describes in detail the project to be constructed.

(B) Project Schedule. The applicant should include a detailed project schedule that identifies all major project milestones. Examples of such milestones include State and local planning approvals (programming on the Statewide Transportation Improvement Program), start and completion of NEPA and other Federal environmental reviews and approvals including permitting; design completion; right of way acquisition; approval of plans, specifications and estimates (PS&E); procurement; State and local approvals; project partnership and implementation agreements including agreements with railroads; and construction. The project schedule should be sufficiently detailed to demonstrate that:

(1) All necessary activities will be complete to allow INFRA funds to be obligated sufficiently in advance of the statutory deadline (September 30, 2024 for FY 2021 funds), and that any unexpected delays will not put the funds at risk of expiring before they are obligated;

(2) the project can begin construction quickly upon obligation of INFRA funds, and that the grant funds will be spent expeditiously once construction starts; and

(3) all real property and right-of-way acquisition will be completed in a timely manner in accordance with 49 CFR part 24, 23 CFR part 710, and other applicable legal requirements or a statement that no acquisition is necessary.

(C) Required Approvals.

(1) Environmental Permits and Reviews. The application should demonstrate receipt (or reasonably anticipated receipt) of all environmental approvals and permits necessary for the project to proceed to construction on the timeline specified in the project schedule and necessary to meet the statutory obligation deadline, including satisfaction of all Federal, State, and local requirements and completion of the NEPA process. Specifically, the application should include:

(a) Information about the NEPA status of the project. If the NEPA process is complete, an applicant should indicate the date of completion, and provide a website link or other reference to the final Categorical Exclusion, Finding of No Significant Impact, Record of Decision, and any other NEPA documents prepared. If the NEPA process is underway, but not complete, the application should detail the type of NEPA review underway, where the project is in the process, and indicate the anticipated date of completion of all milestones and of the final NEPA determination. If the last agency action with respect to NEPA documents occurred more than three years before the application date, the applicant should describe why the project has been delayed and include a proposed approach for verifying and, if necessary, updating this material in accordance with applicable NEPA requirements.

(b) Information on reviews, approvals, and permits by other agencies. An application should indicate whether the proposed project requires reviews or approval actions by other agencies,[7] indicate the status of such actions, and provide detailed information about the status of those reviews or approvals and should demonstrate compliance with any other applicable Federal, State, or local requirements, and when such approvals are expected. Applicants should provide a website link or other reference to copies of any reviews, approvals, and permits prepared.

(c) Environmental studies or other documents—preferably through a website link—that describe in detail known project impacts, and possible mitigation for those impacts.

(d) A description of discussions with the appropriate USDOT modal administration field or headquarters office regarding the project's compliance with NEPA and other applicable Federal environmental reviews and approvals.

(e) A description of public engagement about the project that has occurred, including details on the degree to which public comments and commitments have been integrated into project development and design.

(2) State and Local Approvals. The applicant should demonstrate receipt of State and local approvals on which the project depends, such as State and local environmental and planning approvals and STIP or TIP funding. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project has broad public support.

(3) Federal Transportation Requirements Affecting State and Local Planning. The planning requirements applicable to the Federal-aid highway program apply to all INFRA projects, but for port, freight, and rail projects, planning requirements of the operating administration that will administer the INFRA project will also apply,[8]

[7] Projects that may impact protected resources such as wetlands, species habitat, cultural or historic resources require review and approval by Federal and State agencies with jurisdiction over those resources.

[8] In accordance with 23 U.S.C. 134 and 135, all projects requiring an action by the Federal Highway Administration (FHWA) must be in the applicable plan and programming documents (*e.g.,*

including intermodal projects located at airport facilities.[9] Applicants should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning documents has been or will be included in such documents. If the project is not included in a relevant planning document at the time the application is submitted, the applicant should submit a statement from the appropriate planning agency that actions are underway to include the project in the relevant planning document.

To the extent possible, freight projects should be included in a State Freight Plan and supported by a State Freight Advisory Committee (49 U.S.C. 70201, 70202). Applicants should provide links or other documentation supporting this consideration.

Because projects have different schedules, the construction start date for each INFRA grant will be specified in the project-specific agreements signed by relevant modal administration and the grant recipients, based on critical path items that applicants identify in the application and will be consistent with relevant State and local plans.

(D) Assessment of Project Risks and Mitigation Strategies. Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted local match, or lack of legislative approval, affect the likelihood of successful project start and completion. The applicant should identify all material risks to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake to mitigate those risks. The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks.

To the extent it is unfamiliar with the Federal program, the applicant should contact USDOT modal field or headquarters offices as found at *www.transportation.gov/infragrants* for information on what steps are pre-requisite to the obligation of Federal funds to ensure that their project schedule is reasonable and that there are no risks of delays in satisfying Federal requirements.

vii. Large/Small Project Requirements

To select a large project for award, the Department must determine that the project—as a whole, as well as each independent component of the project—satisfies several statutory requirements enumerated at 23 U.S.C. 117(g) and restated in the table below. The application must include sufficient information for the Department to make these determinations for both the project as a whole and for each independent component of the project. Applicants should use this section of the application to summarize how their project and, if present, each independent project component, meets each of the following requirements. Applicants are not required to reproduce the table below in their application, but following this format will help evaluators identify the relevant information that supports each large project determination. Supporting information provided in appendices may be referenced.

Large project determination	Guidance
1. Does the project generate national or regional economic, mobility, or safety benefits?	Summarize the economic, mobility, and safety benefits of the project and independent project components, and describe the scale of their impact in national or regional terms. The Department will base its determination on the project's benefits as assessed according to the Economic Vitality criterion.
2. Is the project cost effective?	Highlight the results of the benefit cost analysis, as well as the analyses of independent project components if applicable. The Department will base its determination on the ratio of project benefits to project costs as assessed according to the Economic Vitality criterion.
3. Does the project contribute to one or more of the Goals listed under 23 U.S.C. 150 (and shown below)? (1) National Goals.—It is in the interest of the United States to focus the Federal-aid highway program on the following national goals: (2) Safety.—To achieve a significant reduction in traffic fatalities and serious injuries on all public roads. (3) Infrastructure condition.—To maintain the highway infrastructure asset system in a state of good repair. (4) Congestion reduction.—To achieve a significant reduction in congestion on the National Highway System. (5) System reliability.—To improve the efficiency of the surface transportation system.	Specify the Goal(s) and summarize how the project and independent project components contributes to that goal(s). The Department will base its determination on the project's benefits as assessed according to the Economic Vitality criterion.

metropolitan transportation plan, transportation improvement program (TIP) and statewide transportation improvement program (STIP)). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming metropolitan transportation plan and TIP. Inclusion in the STIP is required under certain circumstances. To the extent a project is required to be on a metropolitan transportation plan, TIP, and/or STIP, it will not receive an INFRA grant until it is included in such plans. Projects not currently included in these plans can be amended by the State and metropolitan planning organization (MPO). Projects that are not required to be in long range transportation plans, STIPs, and TIPs will not need to be included in such plans to receive an INFRA grant. Port, freight rail, and intermodal projects are not required to be on the State Rail Plans called for in the Passenger Rail Investment and Improvement Act of 2008. However, applicants seeking funding for freight projects are encouraged to demonstrate that they have done sufficient planning to ensure that projects fit into a prioritized list of capital needs and are consistent with long-range goals. Means of demonstrating this consistency would include whether the project is in a TIP or a State Freight Plan that conforms to the requirements Section 70202 of Title 49 prior to the start of construction. Port planning guidelines are available at *StrongPorts.gov.*

[9] Projects at grant obligated airports must be compatible with the FAA-approved Airport Layout Plan (ALP), as well as aeronautical surfaces associated with the landing and takeoff of aircraft at the airport. Additionally, projects at an airport: Must comply with established Sponsor Grant Assurances, including (but not limited to) requirements for non-exclusive use facilities, consultation with users, consistency with local plans including development of the area surrounding the airport, and consideration of the interest of nearby communities, among others; and must not adversely affect the continued and unhindered access of passengers to the terminal.

Large project determination	Guidance
(6) Freight movement and economic vitality.—To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development. (7) Environmental sustainability.—To enhance the performance of the transportation system while protecting and enhancing the natural environment. (8) Reduced project delivery delays.—To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices.	
4. Is the project based on the results of preliminary engineering?	For a project or independent project component to be based on the results of preliminary engineering, please indicate which of the following activities have been *completed* as of the date of application submission: • Environmental Assessments. • Topographic Surveys. • Metes and Bounds Surveys. • Geotechnical Investigations. • Hydrologic Analysis. • Utility Engineering. • Traffic Studies. • Financial Plans. • Revenue Estimates. • Hazardous Materials Assessments. • General estimates of the types and quantities of materials. • Other work needed to establish parameters for the final design. If one or more of these studies was included in a larger plan or document not described above, please explicitly state that and reference the document. The Department will base its determination on an assessment of this information by the INFRA program evaluators.
5a. With respect to non-Federal financial commitments, does the project have one or more stable and dependable funding or financing sources to construct, maintain, and operate the project?	Please indicate funding source(s) and amounts that will account for all project costs, broken down by independent project component, if applicable. Demonstrate that the funding is stable, dependable, and dedicated to this specific project by referencing the STIP/TIP, a letter of commitment, a local government resolution, memorandum of understanding, or similar documentation. The Department will base its determination on an assessment of this information by INFRA program evaluators.
5b. Are contingency amounts available to cover unanticipated cost increases?	Please state the contingency amount available for the project. The Department will base its determination on an assessment of this information by INFRA program evaluators.
6. Is it the case that the project cannot be easily and efficiently completed without other Federal funding or financial assistance available to the project sponsor?	Describe the potential negative impacts on the proposed project if the INFRA grant (or other Federal funding) was not awarded. Respond to the following: 1. How would the project scope be affected if INFRA (or other Federal funds) were not received? 2. How would the project schedule be affected if INFRA (or other Federal funds) were not received? 3. How would the project cost be affected if INFRA (or other Federal funds) were not received? If there are no negative impacts to the project scope, schedule, or budget if INFRA funds are not received, state that explicitly. Impacts to a portfolio of projects will not satisfy this requirement; please describe only project-specific impacts. Re-stating the project's importance for national or regional economic, mobility, or safety will not satisfy this requirement. The Department will base its determination on an assessment of this information by INFRA program evaluators.
7. Is the project reasonably expected to begin construction not later than 18 months after the date of obligation of funds for the project?	Please provide expected obligation date [10] and construction start date, referencing project budget and schedule as needed. If the project has multiple independent components, or will be obligated and constructed in multiple phases, please provide sufficient information to show that each component meets this requirement. The Department will base its determination on the project risk rating as assessed according to the Project Readiness consideration. The Department will base its determination on the project risk rating as assessed according to the Project Readiness consideration.

For a small project to be selected, the Department must consider the cost effectiveness of the proposed project and the effect of the proposed project on mobility in the State and region in which the project is carried out. If an applicant seeks an award for a small project, it should use this section to provide information on the project's cost effectiveness and the project's effect on the mobility in its State and region, or refer to where else the information can be found in the application.

c. Guidance for Benefit-Cost Analysis

This section describes the recommended approach for the completion and submission of a benefit-cost analysis (BCA) as an appendix to the Project Narrative. The results of the analysis should be summarized in the Project Narrative directly, as described in Section D.2.b.v.

Applicants should delineate each of their project's expected outcomes in the form of a complete BCA to enable the Department to consider cost-effectiveness (small projects), determine whether the project will be cost effective (large projects), estimate a benefit-cost ratio and calculate the magnitude of net benefits and costs for the project. In support of each project for which an applicant seeks funding, the applicant should submit a BCA that quantifies the expected benefits and costs of the project against a no-build baseline. Applicants should use a real discount rate (*i.e.,* the discount rate net of the inflation rate) of 7 percent per year to discount streams of benefits and costs to their present value in their BCA.

The primary economic benefits from projects eligible for INFRA grants are likely to include savings in travel time costs, vehicle operating costs, and safety costs for both existing users of the improved facility and new users who may be attracted to it as a result of the project. Reduced damages from vehicle emissions and savings in maintenance costs to public agencies may also be quantified. Applicants may describe other categories of benefits in the BCA that are more difficult to quantify and value in economic terms, such as improving the reliability of travel times or improvements to the existing human and natural environments (such as increased connectivity, improved public health, storm water runoff mitigation, and noise reduction), while also providing numerical estimates of the magnitude and timing of each of these additional impacts wherever possible. Any benefits claimed for the project, both quantified and unquantified, should be clearly tied to the expected outcomes of the project.

The BCA should include the full costs of developing, constructing, operating, and maintaining the proposed project (including both previously incurred and future costs), as well as the expected timing or schedule for costs in each of these categories. The BCA may also consider the present discounted value of any remaining service life of the asset at the end of the analysis period (net of future maintenance and rehabilitation costs) as a deduction from the estimated costs. The costs and benefits that are compared in the BCA should also cover the same project scope.

The BCA should carefully document the assumptions and methodology used to produce the analysis, including a description of the baseline, the sources of data used to project the outcomes of the project, and the values of key input parameters. Applicants should provide all relevant files used for their BCA, including any spreadsheet files and technical memos describing the analysis (whether created in-house or by a contractor). The spreadsheets and technical memos should present the calculations in sufficient detail and transparency to allow the analysis to be reproduced by USDOT evaluators. Detailed guidance for estimating some types of quantitative benefits and costs, together with recommended economic values for converting them to dollar terms and discounting to their present values, are available in the Department's guidance for conducting BCAs for projects seeking funding under the INFRA program (see *https://www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis-guidance*).

Applicants for freight projects within the boundaries of a freight rail, water (including ports), or intermodal facility should also quantify the benefits of their proposed projects for freight movements on the National Highway Freight Network, and should demonstrate that the Federal share of the project funds only elements of the project that provide public benefits.

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant must: (1) Be registered in SAM before submitting its application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The Department may not make an INFRA grant to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Department is ready to make an INFRA grant, the Department may determine that the applicant is not qualified to receive an INFRA grant and use that determination as a basis for making an INFRA grant to another applicant.

4. Submission Dates and Timelines

a. Deadline

Applications must be submitted by 11:59 p.m. EST March 19, 2021. The *Grants.gov* ''Apply'' function will open by February 17, 2021.

To submit an application through *Grants.gov*, applicants must:

(1) Obtain a Data Universal Numbering System (DUNS) number:

(2) Register with the System Award for Management (SAM) at *www.sam.gov;* and

(3) Create a *Grants.gov* username and password;

(4) The E-business Point of Contact (POC) at the applicant's organization must also respond to the registration email from *Grants.gov* and login at *Grants.gov* to authorize the POC as an Authorized Organization Representative (AOR). Please note that there can only be one AOR per organization.

Please note that the *Grants.gov* registration process usually takes 2–4 weeks to complete and that the Department will not consider late applications that are the result of failure to register or comply with *Grants.gov* applicant requirements in a timely manner. For information and instruction on each of these processes, please see instructions at *http://www.grants.gov/web/grants/applicants/applicant-faqs.html.* If interested parties experience difficulties at any point during the registration or application process, please call the *Grants.gov* Customer Service Support Hotline at 1(800) 518–4726, Monday–Friday from 7:00 a.m. to 9:00 p.m. EST.

b. Consideration of Application

Only applicants who comply with all submission deadlines described in this notice and submit applications through *Grants.gov* will be eligible for award. Applicants are strongly encouraged to make submissions in advance of the deadline.

[10] Obligation occurs when a selected applicant enters a written, project-specific agreement with the Department and is generally after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements.

c. Late Applications

Applications received after the deadline will not be considered except in the case of unforeseen technical difficulties outlined in Section D.4.d.

d. Late Application Policy

Applicants experiencing technical issues with *Grants.gov* that are beyond the applicant's control must contact *INFRAgrants@dot.gov* prior to the application deadline with the user name of the registrant and details of the technical issue experienced. The applicant must provide:

(1) Details of the technical issue experienced;

(2) Screen capture(s) of the technical issues experienced along with corresponding *Grants.gov* ''Grant tracking number'';

(3) The ''Legal Business Name'' for the applicant that was provided in the SF–424;

(4) The AOR name submitted in the SF–424;

(5) The DUNS number associated with the application; and

(6) The *Grants.gov* Help Desk Tracking Number.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) failure to complete the registration process before the deadline; (2) failure to follow *Grants.gov* instructions on how to register and apply as posted on its website; (3) failure to follow all the instructions in this notice of funding opportunity; and (4) technical issues experienced with the applicant's computer or information technology environment. After the Department reviews all information submitted and contacts the *Grants.gov* Help Desk to validate reported technical issues, USDOT staff will contact late applicants to approve or deny a request to submit a late application through *Grants.gov*. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

E. Application Review Information

1. Criteria

a. Merit Criteria

The Department will consider the extent to which the project addresses the following criteria, which are explained in greater detail below and reflect the key program objectives described in Section A.2: (1) Support for national or regional economic vitality; (2) climate change and environmental justice impacts; (3) racial equity and barriers to opportunity; (4) leveraging of Federal funding; (5) potential for innovation; and (6) performance and accountability. The Department is neither weighting these criteria nor requiring that each application address every criterion, but the Department expects that competitive applications will substantively address all six criteria.

Criterion #1: Support for National or Regional Economic Vitality

The Department will consider the extent to which a project would support the economic vitality of either the nation or a region. For 2021, the Department is relying on the Benefit Cost Analysis to assess this criterion. Other factors important to economic vitality, including how a project contributes to the creation of jobs with a choice to join a union, support for American industry through compliance with domestic preference laws, the use of project labor agreements and local hiring requirements, will be considered in other ways. To the extent possible, the Department will rely on quantitative, data-supported analysis to assess how well a project addresses this criterion, including an assessment of the applicant-supplied benefit-cost analysis described in Section D.2.c., The Department will consider estimates of the project's benefit-cost ratio.

Based on the Department's assessment, the Department will group projects into ranges based on their estimated benefit costs ratio (BCR) and assign a level of confidence associated with each project's assigned BCR. The Department will use these ranges for BCR: Less than 1; 1–1.5; 1.5–3; and greater than 3. The confidence levels are high, medium, and low.

Criterion #2: Climate Change and Environmental Justice Impacts

The Department encourages applicants to (1) consider climate change and environmental justice in project planning efforts and (2) to incorporate project elements dedicated to mitigating or reducing impacts of climate change, as described in Section A.2.b of this NOFO. The project will be assigned a Climate Change and Environmental Justice rating based on how it addresses these areas. Applications that incorporate climate change or environmental justice in both planning activities and specific project elements will receive a high rating. Applications that incorporate climate change or environmental justice in planning activities or project elements, but not both, will receive a medium rating. Applications that address this criterion in neither planning activities nor project elements will receive a low rating.

Applicants intending to address the planning portion of the climate change and environmental justice criterion should describe in detail, provide supporting documentation, or otherwise demonstrate how they meet at least one of the options below:

(1) A Local/Regional/State Climate Action Plan which results in lower greenhouse gas emissions has been prepared and the project directly supports that Climate Action Plan;

(2) A Local/Regional/State Equitable Development Plan has been prepared and the project directly supports that Equitable Development Plan;

(3) The project sponsor has used environmental justice tools such as the EJSCREEN to minimize impacts to environmental justice communities (*https://ejscreen.epa.gov/mapper/*); or

(4) A Local/Regional/State Energy Baseline Study has been prepared and the project directly supports that study.

Applicants intending to address the project components portion of the climate change and environmental justice criterion should describe how they meet at least one of the options below:

(1) The project supports a modal shift in freight or passenger movement to reduce vehicle miles traveled;

(2) The project incorporates electrification infrastructure, zero-emission vehicle infrastructure, or both;

(3) The project utilizes one or more demand management strategies to reduce congestion and greenhouse gas emissions,

(4) The project supports the installation of electric vehicle charging stations along the NHS;

(5) The project promotes energy efficiency, for example through reduction in vessel dwell time or use of cold ironing technology at ports;

(6) The project serves the renewable energy supply chain;

(7) The project improves disaster preparedness and resiliency;

(8) The project supports bringing existing idle or dilapidated infrastructure that is currently causing environmental harm into a state of good repair (*e.g.* brownfield redevelopment);

(9) The project supports or incorporates the construction of energy- and location-efficient buildings;

(10) The project includes new or improved pedestrian/cycling connections or multi-modalism as part of a highway or grade separation project; or

(11) The project proposes recycling of materials, use of materials known to reduce or reverse carbon emissions, or both.

Criterion #3: Racial Equity and Barriers to Opportunity

The Department encourages applicants to describe credible planning and actions to address potential inequities and barriers to equal opportunity in the project as reflected in Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,* and Section A.2.c of this NOFO.

The application will be assigned a Racial Equity and Barriers to Opportunity rating based on how it addresses racial equity and barriers to equal opportunity in (1) planning and policies and (2) project investments. Applications that address both planning and policies and project investments will receive a high rating. Applications that address either planning and policies or project investment receive a medium rating. Applications that do not address racial equity and barriers to opportunity in either their sponsors' planning and policies or project investment will receive a low rating.

In Racial Equity and Barriers to Opportunity #1: Planning and Policies, the application will be determined to have addressed this area if the INFRA application incorporates any of the following, but these are not the only bases that the Department may use to determine an application addresses this area:

- A racial equity impact analysis for the project;
- Documentation of equity-focused community outreach and public engagement in the project's planning in underserved communities;
- The project's sponsor has adopted an equity and inclusion program/plan or has otherwise instituted equity-focused policies related to project procurement, material sourcing, construction, inspection, or other activities designed to ensure racial equity in the overall project delivery and implementation.

In Racial Equity and Barriers to Opportunity #2: Project Investment, the Department will assess if the project investments either proactively address racial equity and barriers to opportunity or redress prior inequities and barriers to opportunity, and whether those investments are documented by previously incurred and/or future costs of the project. Examples of Racial Equity and Barriers to Opportunity Project Investment include, but are not limited to:

- Project investments that improve or newly connect underserved communities to proactively address barriers to opportunity or redress past inequities and barriers to opportunity. For example:
  - *Physical-barrier-mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that are directly related to the project and either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities;*
  - *New or improved walking, biking, and rolling access for the disabled to reverse the disproportional impacts of crashes on people of color, and mitigate neighborhood bifurcation; and*
  - *New or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities.*
- Project investments that directly partner with underserved communities to proactively address barriers to opportunity or redress past inequities and barriers to opportunity. For example:
  - *Project sponsor partnerships with land banks or land trusts for equitable and fair transfer of excess right-of-way, and other properties directly related to the project;*
  - *Project sponsor partnerships with, or investments in, multimodal mobility providers to proactively address potential racial equity and barriers to opportunity or redress past inequities and barriers to opportunity directly related to the project;*
  - *Project that result in hiring from local communities.*

Definitions for ''racial equity'' and ''underserved communities'' are found in Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,* Sections 2 (a) and (b).

Criterion #4: Leveraging of Federal Funding

To maximize the impact of INFRA awards, the Department seeks to leverage INFRA funding with non-Federal contributions. To evaluate this criterion, the Department will assign a rating to each project based on how the calculated non-Federal share of the project's future eligible project costs compares with other projects proposed for INFRA funding. The Department will sort large and small project applications' non-Federal leverage percentage from high to low, and the assigned ratings will be based on quintile: projects in the 80th percentile and above receive the highest rating; the 60th –79th percentile receive the second highest rating; 40th–59th, the third highest; 20th–39th, the fourth highest; and 0–19th, the lowest rating.

USDOT recognizes that applicants have varying abilities and resources to contribute non-Federal contributions. To help applicants gauge competitiveness of proposed non-Federal contributions, the Department has published information about the non-Federal leverage proposed in applications from the prior INFRA round at this link: *https://www.transportation.gov/buildamerica/financing/infra-grants/additional-resources*.

This evaluation criterion is separate from the statutory cost share requirements for INFRA grants, which are described in Section C.2. Those statutory requirements establish the minimum permissible non-Federal share; they do not define a competitive INFRA project. For the purposes of evaluating leverage as a competitive selection criterion, the Department will consider the proceeds of Federal assistance under chapter 6 of Title 23, United States Code or sections 501 through 504 of the Railroad and Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94–210), as amended, to be part of the Federal share of project costs. Applications that require other discretionary funding from the Department to complete the project's funding package will be considered less competitive.

Criterion #5: Potential for Innovation

The Department seeks to use the INFRA program to encourage innovation and be transformative in achieving program goals in three areas: (1) The accelerated deployment of innovative technology and expanded access to broadband; (2) use of innovative permitting, contracting, and other project delivery practices; and (3) innovative financing. The Department expects these innovations to contribute to the goals for the program established in 23 U.S.C. 117 § (a)(2) or align with one of the key objectives of (1) Supporting economic vitality, (5) Addressing climate change and environmental justice impacts, or (6) Advancing racial equity and reducing barriers to opportunity:

- Improve the safety, efficiency and reliability of the movement of freight and people
- Generate national or regional economic benefits and an increase in the global economic competitiveness of the United States
- Reduce highway congestion and bottlenecks
- Improve connectivity between modes of transportation

- Enhance the resiliency critical highway infrastructure and help protect the environment
- Improve roadways vital to national energy security
- Address the impact of population growth on the movement of people and freight

The project will be assigned an innovation rating based on how it cumulatively addresses these areas. For an application to receive credit for addressing an Innovation area, it must demonstrate both that the project incorporates an innovative technology or approach and that said technology or approach addresses one of the goals above. Applications that satisfy at least two of these three areas will be assigned a high rating. Applications that address one of these areas will be assigned a medium rating. Applications that address none of these areas will be assigned a low rating.

In Innovation Area #1: Technology, the application will be determined to have addressed the Technology Innovation Area if the INFRA project incorporates any of the following technologies and demonstrates how such technologies will improve transportation outcomes described above:

- Conflict detection and mitigation technologies (*e.g.,* intersection alerts, signal prioritization, or smart traffic signals),
- Automated enforcement;
- Dynamic signaling or pricing systems to reduce congestion;
- Signage and design features that facilitate autonomous or semi-autonomous vehicle technologies, provided users outside of autonomous vehicles have also been considered;
- Applications to automatically capture and report safety-related issues (*e.g.,* identifying and documenting near-miss incidents);
- Vehicle-to-Everything V2X Technologies (*e.g.* technology that facilitates passing of information between a vehicle and any entity that may affect the vehicle);
- Vehicle-to-Infrastructure (V2I) Technologies (*e.g.,* digital, physical, coordination, and other infrastructure technologies and systems that allow vehicles to interact with transportation infrastructure in ways that improve their mutual performance);
- Vehicle-to-Grid Technologies (*e.g.,* technologies and infrastructure that encourage electric vehicle charging, and broader sustainability of the power grid);
- Cybersecurity elements to protect safety-critical systems;
- Technology at land and sea ports of entry that reduces congestion, wait times, and delays, while maintaining or enhancing the integrity of our border;
- Work Zone data exchanges or related data exchanges
- Other Intelligent Transportation Systems (ITS) that directly benefit the project's users.

The application will also address the Technology Innovation Area if the project facilitates broadband deployment and the installation of high-speed networks concurrent with project construction, including broadband deployment in rural areas, per Executive Order 13821 *Streamlining and Expediting Requests to Locate Broadband Facilities in Rural America.*

In Innovation Area #2: Project Delivery, the Department will assess whether the applicant intends to pursue an innovative strategy to improve project design and delivery and demonstrates how such strategy will improve transportation outcomes described above and will result in more efficient project implementation. Innovative project delivery contracting and procurement will be considered to the extent permitted by DOT regulations. Some of these strategies may require the use of a SEP–14 or SEP–15 waiver, but many do not: an application can address this innovation area without requiring a waiver. Examples of innovative project delivery include:

- Planning and Engagement
  - *Scenario Planning*
  - *Access to Destinations Analysis*
  - *Robust Community Engagement*
- Contracting/Procurement:
  - *Indefinite Quantity/Indefinite Delivery Contracting*
  - *Alternative Pavement Type Bidding*
  - *No Excuse Bonuses*
  - *Lump Sum Bidding*
  - *Best Value Procurement*
  - *System Integrator Contracts*
  - *Progressive Design-Build*
  - *P3 DBFOM Procurements*
  - *Pay-for-Performance and/or Outcomes-based Procurement*
  - *P3 with Minority-owned Business Participation*
  - *Local Contracting Plans*
  - *Local and Inclusive Participation Goals*
  - *Project Labor Agreements*
  - *Construction Inclusion Plans*
- Environmental Requirements
  - *NEPA/Section 404 Merger*
  - *Use of Permitting/Authorization Agency Liaisons*
  - *Establishment of State/Local ''One-Stop-Shop'' for Permitting*
  - *Programmatic Agreements*
- Every Day Counts Initiative
  - *Use of proven technologies and innovations to shorten and enhance project delivery listed at https://www.fhwa.dot.gov/innovation/everydaycounts/edc_innovation.cfm*
- *Environmentally Friendly Design*
  - *Recycling and reuse of construction debris, especially if processed on site to reduce transport VMT.*
  - *Green street treatments, including the treatment of stormwater run-off and localized flooding within the transportation project, especially considering methods of carbon capture*
  - *Innovative, regenerative, or permeable pavement*
  - *Adaptive Lighting Installation*
- *Safety-Oriented Design*
  - *Improving DOT and Railroad Coordination, specifically at-grade crossings to reduce death and injury*
  - *Data-Driven Safety Analysis*
  - *Demonstration of Vision Zero. Towards Zero Deaths, and Road to Zero crash reduction outcomes*
  - *Use of high visibility/durability pavement treatments for pedestrian and bicycling infrastructure*
  - *High Friction Surface Treatment*
  - *Intersection and Interchange Geometrics that improve safety for all users*
  - *Road Diets, lane conversions, or other geometric safety modifications*
  - *Pedestrian push-button automation, recall*
  - *Application of bicycle specific signal systems*
  - *ADA enhancements to intersections*
  - *Pedestrian-scale lighting and/or adaptive lighting systems*
  - *Safety EdgeSM*
  - *Safe Transportation for Every Pedestrian (STEP)*

Finally, in Innovation Area #3, Innovative Financing, the Department will consider if the project financial plan incorporates funding or financing from innovative sources, if the applicant describes recent or pending efforts to raise significant new revenue for transportation investment across its program, and if the innovative financing approach improves the transportation outcomes described in the beginning of this section.

Examples of innovative sources in a financial plan include:

- *Private Sector contributions, excluding donated right-of-way, amounting to at least $5 million,*
- *Revenue from the competitive sale or lease of publicly owned or operated asset, or*

- *Financing supported by direct project user fees*

Examples of significant new revenue—provided it is dedicated to transportation investment across an applicant's program—include:

- *Revenue resulting from recent or pending increases to sales or fuel taxes*
- *Revenue resulting from the recent or pending implementation of tolling*
- *Revenue resulting from the recent or pending adoption of value capture strategies such as tax-increment financing*

Criterion #6: Performance and Accountability

The Department encourages applicants to describe a credible plan to address the full lifecycle costs associated with the project and implement an accountability measure as described in Section A.2.f of this NOFO.

A credible plan to address full lifecycle costs should include, at a minimum, (1) an estimate of the lifecycle costs of the project; (2) an identified source of funding that will be sufficient to pay for operation and maintenance of the project; and (3) a description of controls in place to ensure the identified funding will not be diverted away from operation and maintenance. Examples of such controls include if a private sector entity is contractually obligated to maintain the project, if a project sponsor has a demonstrated history of fully funding maintenance on its assets, or if the sponsor describes an asset management plan or strategy. For a plan to be considered credible, the applicant should show that they have considered the impact of climate change on their plan.

Applicants intending to address the accountability measure portion of this criterion should describe how they meet at least one of the three options below:

(1) The applicant should state in the application that it agrees to meet a specific construction start and completion date and state those dates in the application. If the project sponsor does not meet these deadlines, the project will be subject to forfeit or return of up to 10% of the awarded funds, or $10 million, whichever is lower.

(2) The applicant should propose a specific indicator of project success that will be evident within 12 months of project completion. The indicator should relate to a benefit estimated in the BCA (*e.g.,* travel time savings), and the level of performance should be consistent with the estimates in the BCA. If the project fails to produce this specific outcome in the time allotted, it will be subject to forfeit or return of up to 10% of the awarded funds, or $10 million, whichever is lower.

(3) The applicant should show that they will meet a negotiated Community Benefit Agreement or have completed an Equitable Project Assessment and will be monitoring compliance.

The project will be assigned a Performance and Accountability rating based on how it addresses these areas. Applications that address both lifecycle costs and accountability measures will receive a high rating. Applications that address either lifecycle costs or accountability measures, but not both, will receive a medium rating. Applications that address neither area will receive a low rating.

b. Additional Considerations

i. Geographic Diversity

By statute, when selecting INFRA projects, the Department must consider contributions to geographic diversity among recipients, including the need for a balance between the needs of rural and urban communities.

The Department will also consider whether the project is located in a Federally designated community development zones such as a qualified opportunity zone, Empowerment Zone, Promise Zone, or Choice Neighborhood. Applicants can find additional information about each of the designated zones at the sites below:

- Opportunity Zones: (*https://opportunityzones.hud.gov/*)
- Empowerment Zones: (*https://www.hud.gov/hudprograms/empowerment_zones*)
- Promise Zones: (*https://www.hud.gov/program_offices/field_policy_mgt/fieldpolicymgtpz*)
- Choice Neighborhoods: (*https://www.hud.gov/program_offices/public_indian_housing/programs/ph/cn*)

A project located in a Federally designated community development zone is more competitive than a similar project that is not located in a Federally designated community development zone. The Department will rely on applicant-supplied information to make this determination and will only consider this if the applicant expressly identifies the designation in their application.

ii. Project Readiness

During application evaluation, the Department considers project readiness in two ways: to assess the likelihood of successful project delivery and to confirm that a project will satisfy statutory readiness requirements.

First, the Department will consider significant risks to successful obligation of funding for a project, including risks associated with environmental review, permitting, technical feasibility, funding, and the applicant's capacity to manage project delivery. Risks do not disqualify projects from award, but competitive applications clearly and directly describe achievable risk mitigation strategies. A project with mitigated risks is more competitive than a comparable project with unaddressed risks. The Department will assign each application one of three risk ratings based on the likelihood of the project meeting the statutory obligation deadline: (1) High risk; (2) moderate risk; and (3) low risk. A project is assigned high risk if, based on the available information, there is a high likelihood that project will not be able to reach obligation within the statutory timeframe. It is moderate risk if, based on the available information, there is some possibility that the project will not be able to reach obligation within the statutory timeframe. It is low risk if, based on the available information, it is highly likely that the project will be able to be reach obligation within the statutory timeframe.

Second, by statute, the Department cannot award a large project unless that project is reasonably expected to begin construction within 18 months of obligation of funds for the project. Obligation occurs when a selected applicant enters a written, project-specific agreement with the Department and is generally after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements. Depending on the nature of pre-construction activities included in the awarded project, the Department may obligate funds in phases. Preliminary engineering and right-of-way acquisition activities, such as environmental review, design work, and other preconstruction activities, do not fulfill the requirement to begin construction within 18 months of obligation for large projects. By statute, INFRA funds must be obligated within three years of the end of the fiscal year for which they are authorized. Therefore, for awards with FY 2021 funds, the Department will determine that large projects with an anticipated obligation date beyond September 30, 2024 are not reasonably expected to begin construction within 18 months of obligation.

iii. Freight Rating

Projects that primarily serve freight and goods movement play an important

role in supporting economic vitality. Accordingly, the significance of freight benefits for a project will be rated. The rating will be three tiered, based on the share of quantifiable benefits which are attributable project impacts to freight movement. A project for which 20% or more of the quantifiable benefits are attributable to project impacts on freight movement will be designated as having substantial freight benefits; for projects in which those benefits within a 5–20% range will be designated as a project with moderate freight benefits; leaving projects for which less than 5% of the quantifiable benefits fall into this category to be designated as having incidental freight benefits.

iv. Non-Motorized Multimodal Rating

Projects that expand or maintain options for non-motorized users are important to ensuring an equitable transportation system. The Department will determine, for each application, whether the project includes improvements for multimodal non-motorized users. Accordingly, the Department anticipates awarding some INFRA funding to projects that include improvements for non-motorized multimodal users to advance the objective of Racial Equity and Barriers to Opportunity.

v. Evaluation of Large Project Requirements

The following describes how the Department will evaluate the statutory Large Project requirements.

1. The project will generate national or regional economic, mobility, or safety benefits.

A project meets this determination if the Economic Vitality review documents national or regional economic, mobility, or safety benefits.

2. The project will be cost effective.

The Department's determination will be based on its estimate of the project's benefit-cost ratio: A project is determined to be cost effective if the Department estimates that the project's benefit-cost ratio is equal to or greater than one.

3. The project will contribute to the accomplishment of one or more of the goals described in 23 U.S.C § 150.

A project meets this requirement if the Economic Vitality review documents benefits related to one of the following:

(1) National Goals.—It is in the interest of the United States to focus the Federal-aid highway program on the following national goals:

(2) Safety.—To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.

(3) Infrastructure condition.—To maintain the highway infrastructure asset system in a state of good repair.

(4) Congestion reduction.—To achieve a significant reduction in congestion on the National Highway System.

(5) System reliability.—To improve the efficiency of the surface transportation system.

(6) Freight movement and economic vitality.—To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.

(7) Environmental sustainability.—To enhance the performance of the transportation system while protecting and enhancing the natural environment.

(8) Reduced project delivery delays.—To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices.

4. The project is based on the results of preliminary engineering.

A project meets this requirement if the application provides evidence that at least one of the following activities has been completed at the time of application submission: Environmental assessments, topographic surveys, metes and bounds surveys, geotechnical investigations, hydrologic analysis, hydraulic analysis, utility engineering, traffic studies, financial plans, revenue estimates, hazardous materials assessments, general estimates of the types and quantities of materials, or other work needed to establish parameters for the final design.

5. With respect to related non-Federal financial commitments, one or more stable and dependable funding or financing sources are available to construct, maintain, and operate the project, and contingency amounts are available to cover unanticipated cost increases.

A project meets this requirement if the application demonstrates that financing sources are dedicated to the proposed project and are highly likely to be available within the proposed project schedule, and if it provides evidence of contingency funding in the project budget.

6. The project cannot be easily and efficiently completed without other Federal funding or financial assistance available to the project sponsor.

A project meets this requirement if the application demonstrates one or more of the following:

(1) The project scope would be negatively affected if INFRA or other Federal funds were not received.

(2) The project schedule would be negatively affected if INFRA or other Federal funds were not received.

(3) The project cost would materially increase if INFRA or other Federal funds were not received.

7. The project is reasonably expected to begin construction no later than 18 months after the date of obligation of funds for the project.

A project meets this requirement if the proposed project schedule and the evaluation of the project readiness evaluation team indicate that it is reasonably expected to begin construction not later than 18 months after obligation.

vi. Previous Awards

The Department may consider whether the project has previously received an award from the BUILD, INFRA, or other departmental discretionary grant programs.

2. Review and Selection Process

The USDOT will review all eligible applications received before the application deadline. The INFRA process consists of a Technical Evaluation phase and Senior Review. In the Technical Evaluation phase, teams will, for each project, determine whether the project satisfies statutory requirements and rate how well it addresses the selection criteria. The Senior Review Team will consider the applications and the technical evaluations to determine which projects to advance to the Secretary for consideration. The Secretary will ultimately select the projects for award. The selections identify the applications that best address program requirements and are most worthy of funding. A Quality Control and Oversight Team will ensure consistency across project evaluations and appropriate documentation throughout the review and selection process.

3. Additional Information

Prior to award, each selected applicant will be subject to a risk assessment as required by 2 CFR 200.206. The Department must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered. The Department will consider comments by the applicant, in addition to the other information in FAPIIS, in

making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

F. Federal Award Administration Information

1. Federal Award Notices

Following the evaluation outlined in Section E, the Secretary will announce awarded projects by posting a list of selected projects at *https://www.transportation.gov/buildamerica/INFRAgrants.* Following the announcement, the Department will contact the point of contact listed in the SF 424 to initiate negotiation of a project-specific agreement.

2. Administrative and National Policy Requirements

a. Safety Requirements

The Department will require INFRA projects to meet two general requirements related to safety. First, INFRA projects must be part of a thoughtful, data-driven approach to safety. Each State maintains a strategic highway safety plan.[11] INFRA projects will be required to incorporate appropriate elements that respond to priority areas identified in that plan and are likely to yield safety benefits. Second, INFRA projects will incorporate appropriate safety-related activities that the Federal Highway Administration (FHWA) has identified as ''proven safety countermeasures'' due to their history of demonstrated effectiveness.[12]

After selecting INFRA recipients, the Department will work with those recipients on a project-by-project basis to determine the specific safety requirements that are appropriate for each award.

b. Other Administrative and Policy Requirements

All INFRA awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR part 200, as adopted by USDOT at 2 CFR part 1201. A project carried out under the INFRA program will be treated as if the project is located on a Federal-aid highway. Additionally, applicable Federal laws, rules and regulations of the relevant operating administration administering the project will apply to the projects that receive INFRA grants, including planning requirements, Stakeholder Agreements, and other requirements under the Department's other highway, transit, rail, and port grant programs. For an illustrative list of the applicable laws, rules, regulations, executive orders, policies, guidelines, and requirements as they relate to an INFRA grant, please see *http://www.ops.fhwa.dot.gov/Freight/infrastructure/nsfhp/fy2016_gr_exhbt_c/index.htm.*

As expressed in Executive Order 14005, *Ensuring the Future Is Made in All of America by All of America's Workers* (86 FR 7475), it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. All INFRA projects are subject to the Buy America requirement at 23 U.S.C. 313. The Department expects all INFRA applicants to comply with that requirement without needing a waiver. To obtain a waiver, a recipient must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project.

The applicability of Federal requirements to a project may be affected by the scope of the NEPA reviews for that project. For example, under 23 U.S.C. 313(g), Buy America requirements apply to all contracts that are eligible for assistance under title 23, United States Code, and are carried out within the scope of the NEPA finding, determination, or decision regardless of the funding source of such contracts if at least one contract is funded with Title 23 funds.

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, nondiscrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of the Department of Transportation; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients, in particular, must ensure that no concession agreements are denied or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If the Department determines that a recipient has failed to comply with applicable Federal requirements, the Department may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

INFRA projects involving vehicle acquisition must involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards and Federal Motor Vehicle Safety Regulations, or vehicles that are exempt from Federal Motor Carrier Safety Standards or Federal Motor Carrier Safety Regulations in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

3. Reporting

a. Progress Reporting on Grant Activity

Each applicant selected for an INFRA grant must submit the Federal Financial Report (SF–425) on the financial condition of the project and the project's progress, as well as an Annual Budget Review and Program Plan to monitor the use of Federal funds and ensure accountability and financial transparency in the INFRA program.

b. Reporting of Matters Related to Integrity and Performance

If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110–417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111–212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact the Office of the Secretary via email at *INFRAgrants@dot.gov.* For other INFRA program questions, please contact Paul Baumer at (202) 366–1092. A TDD is available for individuals who are deaf or hard of hearing at 202–366–3993. In addition,

[11] Information on State-specific strategic highway safety plans is available at *https://safety.fhwa.dot.gov/shsp/other_resources.cfm.*

[12] Information on FHWA proven safety countermeasures is available at: *https://safety.fhwa.dot.gov/provencountermeasures/.*

up to the application deadline, the Department will post answers to common questions and requests for clarifications on USDOT's website at *https://www.transportation.gov/buildamerica/INFRAgrants.* To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact USDOT directly, rather than through intermediaries or third parties, with questions. DOT staff may also conduct briefings on the INFRA Transportation grant selection and award process upon request.

H. Other Information

1. Protection of Confidential Business Information

All information submitted as part of, or in support of, any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission ''Contains Confidential Business Information (CBI)''; (2) mark each affected page ''CBI''; and (3) highlight or otherwise denote the CBI portions.

The Department protects such information from disclosure to the extent allowed under applicable law. In the event the Department receives a Freedom of Information Act (FOIA) request for the information, USDOT will follow the procedures described in its FOIA regulations at 49 CFR 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA.

2. Publication of Application Information

Following the completion of the selection process and announcement of awards, the Department intends to publish a list of all applications received along with the names of the applicant organizations and funding amounts requested. Except for the information properly marked as described in Section H.1., the Department may make application narratives publicly available or share application information within the Department or with other Federal agencies if the Department determines that sharing is relevant to the respective program's objectives.

3. Department Feedback on Applications

The Department strives to provide as much information as possible to assist applicants with the application process. The Department will not review applications in advance, but Department staff are available for technical questions and assistance. To efficiently use Department resources, the Department will prioritize interactions with applicants who have not already received a debrief on their FY 2020 INFRA application. Program staff will address questions to *INFRAgrants@dot.gov* throughout the application period.

4. INFRA Extra, Eligibility and Designation

Due to overwhelming demand, the Department is unable to provide an INFRA award to every competitive project that applies. The INFRA Extra initiative is aimed at encouraging sponsors with competitive projects that do not receive an INFRA award to consider applying for TIFIA credit assistance.

Projects for which an INFRA application is advanced by the Senior Review Team on the List of Projects for Consideration, but that are not awarded, are automatically designated *INFRA Extra Projects,* unless the Department determines that they are not reasonably likely to satisfy the TIFIA project type (23 U.S.C. 601(a)(12)) and project size (23 U.S.C. 602(a)(5)) eligibilities. This is a novel designation that provides the sponsors of these projects the opportunity to apply for TIFIA credit assistance for up to 49% of eligible project costs. Under current policy, TIFIA credit assistance is limited to 33% of eligible project costs unless the applicant provides strong rationale for requiring additional assistance. Projects for which an INFRA application is advanced by the Senior Review Team on the List of Projects for Consideration, but that are not awarded, are automatically deemed to have demonstrated a strong rationale for such additional assistance.

Projects designated as INFRA Extra Projects will be announced by the Secretary after INFRA award announcements are made.

For further information about the TIFIA program in general, including details about the types of credit assistance available, eligibility requirements and the creditworthiness review process, please refer to the Build America Bureau Credit Programs Guide, available on the Build America Bureau website: *https://www.transportation.gov/buildamerica/financing/program-guide.*

Disclaimer: An INFRA Extra Project designation does not guarantee that an applicant will receive TIFIA credit assistance nor does it guarantee that any award of TIFIA credit assistance will be equal to 49% of eligible project costs. Receipt of TIFIA credit assistance is contingent on the applicant's ability to satisfy applicable creditworthiness standards and other Federal requirements.

Issued in Washington, DC, on February 22, 2021.

Peter Paul Montgomery Buttigieg,

Secretary of Transportation.

[FR Doc. 2021–03885 Filed 2–24–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Fiduciary Activities

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the renewal of an information collection, as required by the Paperwork Reduction Act of 1995 (PRA). An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning renewal of its information collection titled ''Fiduciary Activities.'' The OCC also is giving notice that it has submitted the collection to OMB for review.

DATES: Comments must be submitted by March 29, 2021.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557–0140, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0140'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

You may review comments and other related materials that pertain to this information collection [1] following the close of the 30-day comment period for this notice by the following method:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0140'' or ''Fiduciary Activities.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks that OMB extend its approval of this collection.

Type of Review: Regular.

Abstract: The OCC is seeking to renew the emergency approval granted for the information collection requirements contained in the interim final rule titled ''Collective Investment Funds: Prior Notice Period for Withdrawals.'' [2] The rule provides that, if the OCC approves and certain conditions are satisfied, a bank administering a collective investment fund that is invested primarily in real estate or other assets that are not readily marketable may withdraw an account from a collective investment fund up to one year after the end of the standard withdrawal period. In addition, a bank may request that the OCC approve extensions beyond the one-year extension period, if certain conditions are satisfied. In granting such extensions, the OCC must determine that the bank has made a good faith effort to satisfy withdrawal requests and has been unable to do so without causing harm to participants due to economic and market conditions. Extensions beyond the initial one-year extension must be requested and approved annually, in one-year increments for a maximum of two years after the initial one-year extension period.

The OCC is also seeking to renew the information collection for the OCC's rules governing fiduciary activities in 12 CFR parts 9 and 150. Those requirements are detailed in the supporting statement filed with OMB.

Title: Fiduciary Activities.

OMB Control No.: 1557–0140.

Affected Public: Businesses or other for-profit.

Frequency: On occasion.

Estimated number of respondents: 4.

Total estimated annual burden: 220 burden hours.

On November 6, 2020, the OCC published a 60-day notice for this information collection, 85 FR 71138. No comments were received. Comments continue to be invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility; (b) The accuracy of the OCC's estimate of the information collection burden; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; (d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2021–03860 Filed 2–24–21; 8:45 am]

BILLING CODE 4810–33–P

[1] On November 6, 2020, the OCC published a 60-day notice for this information collection, 85 FR 71138.

[2] 85 FR 49229 (August 13, 2020).

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nominations for Appointment to the Advisory Committee on Minority Veterans

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA), Center for Minority Veterans (CMV), is seeking nominations of qualified candidates to be considered for appointment as a member of the Advisory Committee on Minority Veterans (''the Committee'').

DATES: Nominations for membership on the Committee must be received no later than 5:00 p.m. EST on July 15, 2021.

ADDRESSES: All nomination packages (Application, should be mailed to the Center for Minority Veterans, Department of Veterans Affairs, 810 Vermont Ave. NW (00M), Washington, DC 20420 or email *us@vacocenterforminorit@va.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Dwayne Campbell and Mr. Ronald Sagudan, Center for Minority Veterans, Department of Veterans Affairs, 810 Vermont Ave. NW (00M), Washington, DC 20420, Telephone (202) 461–6191. A copy of the Committee charter, application and list of the current membership can be obtained by contacting Mr. Campbell or Mr. Sagudan or by accessing the website managed by CMV at *https://www.va.gov/centerforminorityveterans/acmv/index.asp.*

SUPPLEMENTARY INFORMATION: In carrying out the duties set forth, the Committee responsibilities include, but not limited to:

(1) Advising the Secretary and Congress on VA's administration of benefits and provisions of healthcare, benefits, and services to minority Veterans.

(2) Providing a biennial report to congress outlining recommendations, concerns and observations on VA's

delivery of services to minority Veterans.

(3) Meeting with VA officials, Veteran Service Organizations, and other stakeholders to assess the Department's efforts in providing benefits and outreach to minority Veterans.

(4) Making periodic site visits and holding town hall meetings with Veterans to address their concerns.

Management and support services for the Committee are provided by the Center for Minority Veterans (CMV).

Authority: The Committee was established in accordance with 38 U.S.C. 544 (Public Law 103–446, Sec 510). In accordance with 38 U.S.C. 544, the Committee advises the Secretary on the administration of VA benefits and services to minority Veterans; assesses the needs of minority Veterans with respect to such benefits; and evaluates whether VA compensation, medical and rehabilitation services, outreach and other programs are meeting those needs. The Committee makes recommendations to the Secretary regarding such activities. Nominations of qualified candidates are being sought to fill upcoming vacancies on the Committee.

Membership Criteria

CMV is requesting nominations for upcoming vacancies on the Committee. The Committee is currently composed of 12 members, in addition to ex-officio members. As required by statute, the members of the Committee are appointed by the Secretary from the general public, including:

(1) Representatives of Veterans who are minority group members;

(2) Individuals who are recognized authorities in fields pertinent to the needs of Veterans who are minority group members;

(3) Veterans who are minority group members and who have experience in a military theater of operations;

(4) Veterans who are minority group members and who do not have such experience and;

(5) Women Veterans who are minority group members recently separated from active military service.

Section 544 defines ''minority group member'' as an individual who is Asian American, Black, Hispanic, Native American (including American Indian, Alaska Native and Native Hawaiian); or Pacific-Islander American.

In accordance with § 544, the Secretary determines the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any member for additional terms of service.

Professional Qualifications: In addition to the criteria above, VA seeks—

(1) Diversity in professional and personal qualifications;

(2) Experience in military service and military deployments (please identify your Branch of Service and Rank);

(3) Current work with Veterans;

(4) Committee subject matter expertise;

(5) Experience working in large and complex organizations;

Requirements for Nomination Submission

Nominations should be type written (one nomination per nominator). Nomination package should include: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.* specific attributes which qualify the nominee for service in this capacity), and a statement from the nominee indicating a willingness to serve as a member of the Committee; (2) the nominee's contact information, including name, mailing address, telephone numbers, and email address; (3) the nominee's curriculum vitae or resume, and (4) a summary of the nominee's experience and qualification relative to the *professional qualifications* criteria listed above.

Individuals selected for appointment to the Committee shall be invited to serve a two-year term. Committee members will receive a stipend for attending Committee meetings, including per diem and reimbursement for travel expenses incurred.

The Department makes every effort to ensure that the membership of its Federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Every effort is made to ensure that a broad representation of geographic areas, males & females, racial and ethnic minority groups, and Veterans with disabilities are given consideration for membership. Appointment to this Committee shall be made without discrimination because of a person's race, color, religion, sex (including gender identity, transgender status, sexual orientation, and pregnancy), national origin, age, disability, or genetic information. Nominations must state that the nominee is willing to serve as a member of the Committee and appears to have no conflict of interest that would preclude membership. An ethics review is conducted for each selected nominee.

Dated: February 22, 2021.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2021–03926 Filed 2–24–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0660]

Agency Information Collection Activity: Request for Contact Information

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement of a previously approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 26, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0660'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0660'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 5502 and 38 U.S.C. 5711.

Title: Request for Contact Information (Form Letter 21–30).

OMB Control Number: 2900–0660.

Type of Review: Reinstatement of a previously approved collection.

Abstract: Form Letter 21–30 is used to locate a fiduciary, beneficiary, claimant, or witness when a field examination is necessary in order to gather information that is needed to maintain program integrity. The form is used only when contact information cannot be obtained by other means, or when travel funds may be significantly impacted (*e.g.,* when the individual resides in a remote location and has a history of not being home during the day or when visited). This is a reinstatement only with no changes.

The respondent burden has not changed.

Affected Public: Individuals and households.

Estimated Annual Burden: 1,250 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 5,000.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–03899 Filed 2–24–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0215]

Agency Information Collection Activity Under OMB Review: Request for Information To Make Direct Payment to Child Reaching Majority

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Refer to ''OMB Control No. 2900–0215.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0215'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 1310, 1313, 1542, and 101(4).

Title: Request for Information to Make Direct Payment to Child Reaching Majority (Form Letter 21–863)

OMB Control Number: 2900–0215.

Type of Review: Reinstatement of a previously approved collection.

Abstract: Form Letter 21–863 is used to gather the necessary information to determine a schoolchild's continued eligibility to VA death benefits and eligibility to direct payment at the age of majority. No change in burden and no changes were made to the form.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 85 FR 247 on December 23, 2020, page 84123.

Affected Public: Individuals or Households.

Estimated Annual Burden: 3 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 20.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–03891 Filed 2–24–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0659]

Agency Information Collection Activity Under OMB Review: Statement in Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD) and Statement in Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD) Secondary to Personal Assault

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Refer to ''OMB Control No. 2900–0659.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance

Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0659'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 5103(a), 38 U.S.C. 5107(a).

Title: Statement in Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD) (VA Form 21–0781) and Statement in Support of Claim for Service Connection for Post-Traumatic Stress Disorder (PTSD) Secondary to Personal Assault (VA Form 21–0781a).

OMB Control Number: 2900–0659.

Type of Review: Reinstatement of a previously approved collection.

Abstract: VA Forms 21–0781 and 21–0781a are used to gather information about stressful incidents in service from veterans claiming compensation for Post-Traumatic Stress Disorder (PTSD). The forms request the information that is necessary for VA to conduct meaningful research of records in order to assist claimants in obtaining credible supporting evidence that the incidents occurred. Without this collection of information, VA would not be able to fulfill its statutory duty to assist for claimants and would be unable to properly authorize benefits.

No changes have been made to these forms. The increase in respondent burden is due to the estimated number of receivables from the previous year.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 85 FR 216 on November 6, 2020, pages 71139 and 71140.

Affected Public: Individuals and households.

Estimated Annual Burden: 23,770 hours.

Estimated Average Burden per Respondent: 70 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 20,374.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–03882 Filed 2–24–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0881]

Agency Information Collection Activity Under OMB Review: Lay/Witness Statement

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Refer to ''OMB Control No. 2900–0881.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0881'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 501, 38 U.S.C. 5103, and 38 U.S.C. 5101(a).

Title: Lay/Witness Statement (VA Form 21–10210).

OMB Control Number: 2900–0881.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–10210 is used by the claimant to gather lay or witness statements that support an existing claim for benefits or services. Without this information, VA may not be able to efficiently and successfully process claims that may require additional statements associated with a claim for benefits or services. This request is an extension only with no substantive changes made to the form.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 85 FR 177 on September 11, 2020, pages 56290 and 56291.

Affected Public: Individuals or Households.

Estimated Annual Burden: 16,667 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 100,000.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–03881 Filed 2–24–21; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 86 Thursday,
No. 36 February 25, 2021

Part II

The President

Proclamation 10148—Remembering the 500,000 Americans Lost to COVID–19

Federal Register
Vol. 86, No. 36
Thursday, February 25, 2021

Presidential Documents

Title 3—

The President

Proclamation 10148 of February 22, 2021

Remembering the 500,000 Americans Lost to COVID–19

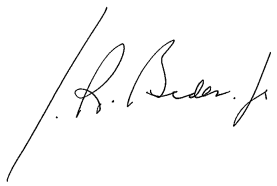
By the President of the United States of America

A Proclamation

As of this week during the dark winter of the COVID–19 pandemic, more than 500,000 Americans have now died from the virus. That is more Americans who have died in a single year of this pandemic than in World War I, World War II, and the Vietnam War combined. On this solemn occasion, we reflect on their loss and on their loved ones left behind. We, as a Nation, must remember them so we can begin to heal, to unite, and find purpose as one Nation to defeat this pandemic.

In their memory, the First Lady and I will be joined by the Vice President and the Second Gentleman for a moment of silence at the White House this evening. I ask all Americans to join us as we remember the more than 500,000 of our fellow Americans lost to COVID–19 and to observe a moment of silence at sunset. I also hereby order, by the authority vested in me by the Constitution and laws of the United States, that the flag of the United States shall be flown at half-staff at the White House and on all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset February 26, 2021. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of February, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-fifth.



[FR Doc. 2021–04097
Filed 2–24–21; 11:15 am]
Billing code 3295–F1–P

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Thursday, February 25, 2021

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