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Presidential Documents

Title 3—

The President

Executive Order 14024 of April 15, 2021

Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code,

I, JOSEPH R. BIDEN JR., President of the United States of America, find that specified harmful foreign activities of the Government of the Russian Federation—in particular, efforts to undermine the conduct of free and fair democratic elections and democratic institutions in the United States and its allies and partners; to engage in and facilitate malicious cyber-enabled activities against the United States and its allies and partners; to foster and use transnational corruption to influence foreign governments; to pursue extraterritorial activities targeting dissidents or journalists; to undermine security in countries and regions important to United States national security; and to violate well-established principles of international law, including respect for the territorial integrity of states—constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. I hereby declare a national emergency to deal with that threat.

Accordingly, I hereby order:

Section 1. All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(a) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, and, with respect to subsection (a)(ii) of this section, in consultation with the Attorney General, or by the Secretary of State, in consultation with the Secretary of the Treasury, and, with respect to subsection (a)(ii) of this section, in consultation with the Attorney General:

(i) to operate or have operated in the technology sector or the defense and related materiel sector of the Russian Federation economy, or any other sector of the Russian Federation economy as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State;

(ii) to be responsible for or complicit in, or to have directly or indirectly engaged or attempted to engage in, any of the following for or on behalf of, or for the benefit of, directly or indirectly, the Government of the Russian Federation:

(A) malicious cyber-enabled activities;

(B) interference in a United States or other foreign government election;

(C) actions or policies that undermine democratic processes or institutions in the United States or abroad;

(D) transnational corruption;

(E) assassination, murder, or other unlawful killing of, or infliction of other bodily harm against, a United States person or a citizen or national of a United States ally or partner;

(F) activities that undermine the peace, security, political stability, or territorial integrity of the United States, its allies, or its partners; or

(G) deceptive or structured transactions or dealings to circumvent any United States sanctions, including through the use of digital currencies or assets or the use of physical assets;

(iii) to be or have been a leader, official, senior executive officer, or member of the board of directors of:

(A) the Government of the Russian Federation;

(B) an entity that has, or whose members have, engaged in any activity described in subsection (a)(ii) of this section; or

(C) an entity whose property and interests in property are blocked pursuant to this order;

(iv) to be a political subdivision, agency, or instrumentality of the Government of the Russian Federation;

(v) to be a spouse or adult child of any person whose property and interests in property are blocked pursuant to subsection (a)(ii) or (iii) of this section;

(vi) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of:

(A) any activity described in subsection (a)(ii) of this section; or

(B) any person whose property and interests in property are blocked pursuant to this order; or

(vii) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation or any person whose property and interests in property are blocked pursuant to this order.

(b) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, a government whose property and interests in property are blocked pursuant to chapter V of title 31 of the Code of Federal Regulations or another Executive Order, and to be:

(i) a citizen or national of the Russian Federation;

(ii) an entity organized under the laws of the Russian Federation or any jurisdiction within the Russian Federation (including foreign branches); or

(iii) a person ordinarily resident in the Russian Federation.

(c) any person determined by the Secretary of State, in consultation with the Secretary of the Treasury, to be responsible for or complicit in, or to have directly or indirectly engaged in or attempted to engage in, cutting or disrupting gas or energy supplies to Europe, the Caucasus, or Asia, and to be:

(i) an individual who is a citizen or national of the Russian Federation; or

(ii) an entity organized under the laws of the Russian Federation or any jurisdiction within the Russian Federation (including foreign branches).

(d) The prohibitions in subsections (a), (b), and (c) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted before the date of this order.

Sec. 2. The prohibitions in section 1 of this order include:

(a) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order; and

(b) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 3. (a) The unrestricted immigrant and nonimmigrant entry into the United States of noncitizens determined to meet one or more of the criteria in section 1 of this order would be detrimental to the interests of the United States, and the entry of such persons into the United States, as immigrants or nonimmigrants, is hereby suspended, except when the Secretary of State or the Secretary of Homeland Security, as appropriate, determines that the person's entry would not be contrary to the interests of the United States, including when the Secretary of State or the Secretary of Homeland Security, as appropriate, so determines, based on a recommendation of the Attorney General, that the person's entry would further important United States law enforcement objectives.

(b) The Secretary of State shall implement this authority as it applies to visas pursuant to such procedures as the Secretary of State, in consultation with the Secretary of Homeland Security, may establish.

(c) The Secretary of Homeland Security shall implement this order as it applies to the entry of noncitizens pursuant to such procedures as the Secretary of Homeland Security, in consultation with the Secretary of State, may establish.

(d) Such persons shall be treated by this section in the same manner as persons covered by section 1 of Proclamation 8693 of July 24, 2011 (Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions).

Sec. 4. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 5. I hereby determine that the making of donations of the types of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order would seriously impair my ability to deal with the national emergency declared in this order, and I hereby prohibit such donations as provided by section 1 of this order.

Sec. 6. For the purposes of this order:

(a) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(b) the term ''Government of the Russian Federation'' means the Government of the Russian Federation, any political subdivision, agency, or instrumentality thereof, including the Central Bank of the Russian Federation, and any person owned, controlled, or directed by, or acting for or on behalf of, the Government of the Russian Federation;

(c) the term ''noncitizen'' means any person who is not a citizen or noncitizen national of the United States;

(d) the term ''person'' means an individual or entity; and

(e) the term ''United States person'' means any United States citizen, lawful permanent resident, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 7. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual.

I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

Sec. 8. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All departments and agencies of the United States shall take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 9. Nothing in this order shall prohibit transactions for the conduct of the official business of the Federal Government or the United Nations (including its specialized agencies, programs, funds, and related organizations) by employees, grantees, and contractors thereof.

Sec. 10. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to submit recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

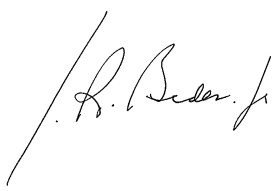
Sec. 11. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
April 15, 2021.

[FR Doc. 2021–08098
Filed 4–16–21; 8:45 am]
Billing code 3295–F1–P

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 930

[Doc. No. AMS–SC–20–0079; SC20–930–4 FR]

Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Modification of Assessment Rate

AGENCY: Agricultural Marketing Service, Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: This rule implements a recommendation from the Cherry Industry Administrative Board (Board) to decrease the portion of assessments allocated to research and promotion activities and increase the portion allocated to administrative expenses. The overall assessment rate remains unchanged. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Effective May 19, 2021.

FOR FURTHER INFORMATION CONTACT: Thomas Nalepa, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 291–8614, or email: *Thomas.Nalepa@usda.gov* or *Christian.Nissen@usda.gov*.

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, or Email: *Richard.Lower@usda.gov*.

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This rule is issued under Marketing Agreement and Order No. 930, both as amended (7 CFR part 930), regulating the handling of tart cherries produced in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. Part 930 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Board locally administers the Order and is comprised of producers and handlers of tart cherries operating within the production area, and a public member.

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 13563 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the Order now in effect, tart cherry handlers are subject to assessments. Funds to administer the Order are derived from such assessments. It is intended that the assessment rate will be applicable to all assessable tart cherries for the 2020–21 crop year and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule decreases the portion of the assessment rate allocated to research and promotion activities from $0.005 to $0.00275 per pound of tart cherries and increases the portion allocated to administrative expenses from $0.00075 to $0.003 per pound of tart cherries. The overall assessment rate established for the Board for the 2020–21 and subsequent fiscal periods remains unchanged at $0.00575 per pound of tart cherries.

The Order provides authority for the Board, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members are familiar with the Board's needs and with the costs of goods and services in their local areas and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2019–20 fiscal period, the Board recommended, and USDA approved, an assessment rate of $0.00575 per pound of tart cherries that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

During the September 10, 2020, meeting, the Board recommended 2020–21 expenditures of $795,000 and an assessment rate of $0.00575 per pound of tart cherries. In comparison, last year's budgeted expenditures were $1,956,500. The total assessment rate remains unchanged by this action. However, this rule decreases the portion of the assessment rate allocated to research and promotion activities from $0.005 to $0.00275 per pound of tart cherries and increases the portion allocated to administrative expenses from $0.00075 to $0.003 per pound of tart cherries. This shift in allocation will allow the Board to fund its administrative obligations while continuing limited research and promotion activities to help market this season's below-average crop. The revised allocation should ensure the availability of adequate administrative funds despite a significant draw-down in reserves resulting from the 2019–20 crop year assessment rate reduction.

The major expenditures recommended by the Board for the 2020–21 year include $350,000 for research and promotion, $255,000 for salaries and wages, and $130,000 for other administrative expenses. Budgeted expenses for these items in 2019–2020 were $1,514,500, $250,000, and $130,000, respectively.

The Board derived the recommended assessment rate by considering anticipated administrative expenses, an estimated crop of 141.46 million pounds of tart cherries (down from last year's production of 236.3 million pounds), the current status of reserves, and the needs of the industry with regards to research and promotion activities. Income derived from handler assessments is calculated at $813,395 (141.46 million pounds × $0.00575/pound). The Board anticipates that due to approved exemptions and loss adjustments the actual income from assessments will be closer to $783,992. Assessment income, along with interest income and funds from the Board's authorized reserve, should be adequate to cover budgeted expenses of $795,000. Funds in the reserve are estimated to be $75,096 at the end of the 2020–21 fiscal year.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Board or other available information.

Although this assessment rate will be in effect for an indefinite period, the Board will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Board meetings are available from the Board or USDA. Board meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate Board recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Board's 2020–21 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by USDA.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 400 producers of tart cherries in the regulated area and approximately 40 handlers of tart cherries who are subject to regulation under the Order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts of less than $1,000,000 and small agricultural service firms have been defined as those whose annual receipts are less than $30,000,000 (13 CFR 121.201).

According to the National Agricultural Statistics Service (NASS) and Board data, the average annual grower price for tart cherries during the 2019–20 season was approximately $0.15 per pound. With total utilization at 236.3 million pounds, the total 2019–20 crop value is estimated at $35.45 million. Dividing the crop value by the estimated number of producers (400) yields an estimated average receipt per producer of $88,613. This is well below the SBA threshold for small producers.

A free on board (FOB) price of $0.82 per pound for processed tart cherries was derived from USDA's 2020 purchases of dried tart cherries at an average price of $4.11 per pound. The dried cherry price was converted to a raw product equivalent price at an industry recognized ratio of five to one. Based on utilization, this price represents a good estimate of the price for processed cherries. Multiplying this FOB price by total utilization of 236.3 million pounds results in an estimated handler-level tart cherry value of $193.8 million. Dividing this figure by the number of handlers (40) yields estimated average annual handler receipts of $4.8 million, which is below the SBA threshold for small agricultural service firms. Assuming a normal distribution, the majority of producers and handlers of tart cherries may be classified as small entities.

This final rule decreases the portion of the assessment rate allocated to research and promotion activities from $0.005 to $0.00275 per pound of tart cherries and increases the portion allocated to administrative expenses from $0.00075 to $0.003 per pound of tart cherries. The overall assessment rate established for the Board for the 2019–20 and subsequent fiscal periods remains unchanged at $0.00575 per pound of tart cherries. The volume of assessable tart cherries for the 2020–21 season is estimated at 141.46 million pounds. Thus, the $0.00575 rate should provide $813,395 in assessment income (141.46 million pounds × $0.00575/pound). The Board anticipates that due to approved exemptions and loss adjustments the total income from assessments will be $783,992. Income derived from handler assessments, along with interest income and funds from the Board's authorized reserve, should be adequate to cover budgeted expenses.

The major expenditures recommended by the Board for the 2020–21 year include $350,000 for research and promotion, $255,000 for salaries and wages, and $130,000 for other administrative expenses. Budgeted expenses for these items in 2019–20 were $1,514,500, $250,000, and $130,000, respectively.

This rule shifts the allocation of the assessment rate to decrease the portion allotted for research and promotion, while increasing the amount allocated for administrative costs. This adjustment should provide enough funds for the Board's administrative obligations and decrease the funding for research and promotion activities to reflect the significant reduction in the 2020–21 crop.

Prior to arriving at this budget and assessment rate, the Board considered production history, crop estimates, its financial statements, and the need to meet its administrative obligations and maintain some marketing efforts to increase demand for tart cherries. The Board discussed alternatives, including raising the assessment rate and borrowing funds; however, they were rejected due to the burden of increasing assessments on handlers and the cost of debt due to financing. The Board determined that 2020–21 expenditures of $795,000 were appropriate, and the recommended assessment rate and allocation, along with funds from interest income, and funds from reserves, would be adequate to cover the budgeted expenses.

A review of historical information and preliminary information pertaining to the upcoming fiscal year indicates that the average grower price for the 2020–21 season should be approximately $0.19 per pound of tart cherries. According to NASS statistics, this price is the average of the past three years. Therefore, the estimated assessment revenue for the 2020–21 crop year as a

percentage of total grower revenue will be approximately 3.0 percent.

This action will not increase the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order.

The Board's meeting was widely publicized throughout the tart cherry industry. All interested persons were invited to attend the meeting and participate in Board deliberations on all issues. Like all Board meetings, the September 10, 2020, meeting was a public meeting, and all entities, both large and small, were able to express views on this issue.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by the OMB and assigned OMB No. 0581–0177, Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. No changes in those requirements will be necessary as a result of this rule. Should any changes become necessary, they would be submitted to OMB for approval.

This rule imposes no additional reporting or recordkeeping requirements on either small or large tart cherry handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. As noted in the initial regulatory flexibility analysis, 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 December 16, 2020 (85 FR 81425). Copies of the proposed rule were also mailed or sent via email to all tart cherry handlers. The proposed rule was made available through the internet by USDA and the Office of the Federal Register. A 30-day comment period ending January 15, 2021, was provided for interested persons to respond to the proposal.

One comment was received that opposed any increase to the assessment rate and expressed concern that small growers suffered an unfair financial burden with respect to assessments. While this action does increase the portion of the assessment rate dedicated to administrative expenses, it decreases the portion dedicated to research and promotion. This action does not change the overall assessment rate currently in effect and will not increase the assessment cost on small or large handlers. The assessment rate is also calculated on a per pound basis so the cost to small and large handlers is shared proportionally based on their production volume. Accordingly, no changes will be made to the rule as proposed, based on the comment received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *https://www.ams.usda.gov/rules-regulations/moa/small-businesses*. Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Board and other available information, it is hereby found that this rule will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 930

Marketing agreements, Reporting and recordkeeping requirements, Tart cherries.

For the reasons set forth in the preamble, 7 CFR part 930 is amended as follows:

PART 930—TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN

■ 1. The authority citation for 7 CFR part 930 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 930.200 is revised to read as follows:

§ 930.200 Assessment rate.

On and after October 1, 2020, the assessment rate imposed on handlers shall be $0.00575 per pound of tart cherries grown in the production area and utilized in the production of tart cherry products. Included in this rate is $0.00275 per pound of tart cherries to cover the cost of the research and promotion program and $0.003 per pound of tart cherries to cover administrative expenses.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2021–07954 Filed 4–16–21; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

[Doc. No. AMS–CN–20–0097]

Cotton Research and Promotion Program: Procedures for Conduct of Sign-Up Period

AGENCY: Agricultural Marketing Service (AMS), Department of Agriculture (USDA).

ACTION: Direct final rule.

SUMMARY: This direct final rule amends the rules and regulations regarding the procedures for the conduct of a sign-up period for eligible cotton producers and importers to request a continuance referendum on the 1991 amendments to the Cotton Research and Promotion Order (Order) provided for in the Cotton Research and Promotion Act (Act) amendments of 1990. The amendments update various dates, name changes, addresses, and make other administrative changes.

DATES: This direct rule is effective June 18, 2021, without further action or notice, unless significant adverse comment is received by May 19, 2021. If significant adverse comment is received, AMS will publish a timely withdrawal of the amendment in the **Federal Register**.

ADDRESSES: Written comments may be submitted to the addresses specified below. All comments will be made available to the public. Please do not include personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments may be posted on the internet and can be retrieved by most internet search engines. Comments may be submitted anonymously.

Comments, identified by AMS–CN–20–0097, may be submitted electronically through the *Federal eRulemaking Portal at http://www.regulations.gov.* Please follow the instructions for submitting comments. In addition, comments may be submitted by *mail or hand delivery* to Cotton Research and Promotion, Cotton

and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406. Comments should be submitted in triplicate. All comments received will be made available for public inspection at Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406. A copy of this document may be found at: *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Shethir M. Riva, Director, Research and Promotion, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406; telephone (540) 361–2726, facsimile (540) 361–1199, or email at *CottonRP@usda.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

The 1991 amendments to the Cotton Research and Promotion Order (7 CFR part 1205) were implemented following the July 1991 referendum. The amendments were provided for in the Cotton Research and Promotion Act (7 U.S.C. 2101–2118) amendments of 1990. These amendments provided for: (1) Importer representation on the Cotton Board by an appropriate number of persons, to be determined by USDA, who import cotton or cotton products into the U.S., and whom USDA selects from nominations submitted by importer organizations certified by USDA; (2) assessments levied on imported cotton and cotton products at a rate determined in the same manner as for U.S. cotton; (3) increasing the amount USDA can be reimbursed for the conduct of a referendum from $200,000 to $300,000; (4) reimbursing government agencies that assist in administering the collection of assessments on imported cotton and cotton products; and (5) terminating the right of producers to demand a refund of assessments.

On December 18, 2020, USDA issued a determination based on its review (85 FR 82426) not to conduct a referendum regarding the 1991 amendments to the Order; however, the Act provides that USDA shall nevertheless conduct a referendum at the request of 10 percent or more of the total number of eligible producers and importers that voted in the most recent referendum. Furthermore, the Act provides for a sign-up period during which eligible cotton producers and importers may request that USDA conduct a referendum on continuation of the 1991 amendments to the Order.

Pursuant to section 8(c) of the Act, USDA will provide all eligible Upland cotton producers and importers of cotton and cotton-containing products an opportunity to sign up and request a continuance referendum regarding the 1991 amendments to the Order. Eligible cotton producers would be provided the opportunity to sign-up to request a continuance referendum in person at the county Farm Service Agency (FSA) office where their farm is located. If a producer's land is in more than one county, the producer shall sign-up at the county office where FSA administratively maintains and processes the producer's farm records. Producers may alternatively request a sign-up form in the mail from the same office or through the USDA, AMS website: *http://www.ams.usda.gov/Cotton* and return it to their FSA office or return their signed request forms to USDA, Agricultural Marketing Service, Cotton and Tobacco Program, Attention: Cotton Sign-Up, P.O. Box 23181, Washington, DC 20077–8249.

Eligible importers would be provided the opportunity to sign up to request a continuance referendum by downloading a form from the AMS website, or request a sign-up form by contacting *CottonRP@usda.gov* or (540) 361–2726, and return their signed request forms to USDA, Agricultural Marketing Service, Cotton and Tobacco Program, Attention: Cotton Sign-Up, P.O. Box 23181, Washington, DC 20077–8249.

Such request must be accompanied by a copy of the U.S. Customs and Border Protection form 7501 showing payment of a cotton assessment (also known as the ''cotton fee'') for calendar year 2020. Requests and supporting documentation should be mailed to USDA, AMS, Cotton and Tobacco Program, Attention: Cotton Sign-Up, P.O. Box 23181, Washington, DC 20077–8249.

The sign-up period will be from June 21, 2021, until July 2, 2021. Producer and importer forms shall only be counted if received by USDA before July 2, 2021.

Section 8(c)(2) of the Act provides that if USDA determines, based on the results of the sign-up, that 10 percent (*i.e.,* 4,622) or more of the total number of eligible producers and importers that voted in the most recent 1991 referendum request a continuance referendum on the 1991 amendments, a referendum will be held within 12 months after the end of the sign-up period. In counting such requests, however, not more than 20 percent may be from producers from any one state or from importers of cotton. For example, when counting the requests, the Agricultural Marketing Service's (AMS) Cotton and Tobacco Program would determine the total number of valid requests from all cotton-producing states and from importers. Not more than 20 percent of the total requests will be counted from any one state or from importers toward reaching the 10 percent or 4,622 total signatures required to call for a referendum. If USDA determines that 10 percent or more of the number of producers and importers who voted in the most recent referendum favor a continuance referendum, a referendum will be held.

This direct final rule amends the procedures for the conduct of the current sign-up period. The current rules and regulations provide for sections on definitions, supervision of the sign-up period, eligibility, participation in the sign-up period, counting requests, reporting results, and instructions and forms.

In §§ 1205.20, 1205.26, and 1205.27, references to ''calendar year 2014'' are revised to read ''calendar year 2020.'' Also, in § 1205.26, eligible persons are further defined to ensure that all producers that planted cotton during 2020 will be eligible to participate in the sign-up period, and in § 1205.26(2), the rule updates and reflects the elimination of the $2.00 per line item importer de minimis (81 FR 38893; June 15, 2016) and that any importer of cotton and cotton-containing products during the representative period may participate. In §§ 1205.27, 1205.28, and 1205.29 sign-up period conduct dates, FSA reporting dates, and mailing addresses have been updated.

A 30-day comment period is determined to be appropriate because these eligibility and participation requirements are substantially the same as the eligibility and participation requirements that were used in previous referenda and sign-up periods; participation is voluntary; and this rule, if adopted, should be made effective as soon as possible in order to conduct the sign-up at the earliest possible dates.

B. Regulatory Analyses

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 would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

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 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 12 of the Act, any person subject to an order may file with the Secretary of Agriculture (Secretary) a petition stating that the order, any provision of the plan, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the District Court of the United States in any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling, provided a complaint is filed within 20 days from the date of the entry of the Secretary's ruling.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has examined the economic impact of this rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such action so that small businesses will not be unduly or disproportionately burdened. The Small Business Administration (SBA) defines, in 13 CFR 121.201, small agricultural producers as those having annual receipts of no more than $1,000,000, and small ''Other Farm Product Raw Material Merchant Wholesalers'' (cotton merchants/importers) as having no more than 100 employees. The Cotton Board estimates 12,000 producers and 40,000 importers are subject to the rules and regulations issued pursuant to the Cotton Research and Promotion Order. According to the United States Census Bureau's ''2016 Survey of SUSB Annual Data Tables by Establishment Industry,'' most importers are considered small entities as defined by the SBA. The majority of these producers and importers are small businesses under the criteria established by the SBA.

There are no Federal rules that duplicate, overlap, or conflict with this rule.

This rule is voluntary and only affects producers and importers wishing to participate in the sign-up under the Cotton Research and Promotion Order. Only those eligible persons who are in favor of conducting a referendum would need to participate in the sign-up period. Of the 46,220 total valid ballots received in the 1991 referendum, 27,879, or 60 percent, favored the amendments to the Order, and 18,341, or 40 percent, opposed the amendments to the Order. This rule provides those persons who are not in favor of the continuance of the Order amendments an opportunity to request a continuance referendum.

The eligibility and participation requirements for producers and importers are substantially the same as the rules that established the eligibility and participation requirements for the 1991 referendum and previous sign-up periods. In the most recent sign-up in 2015, USDA announced its determination not to conduct a continuance referendum because it received only 46 requests, an insufficient number of signatures to hold another referendum (80 FR 76654; December 10, 2015).

The amendments in this action update various dates, name changes, and addresses, and make other miscellaneous administrative changes.

The sign-up procedures do not impose a substantial burden or have a significant impact on persons subject to the Order because participation is not mandatory, not all persons subject to the Order are expected to participate, and USDA will determine producer and importer eligibility. The information collection requirements under the Paperwork Reduction Act are minimal.

Paperwork Reduction Act

The information collections in this rule will be carried out under the OMB Control Number 0581–0093. This rule does not add to the overall burden currently approved by OMB and assigned OMB Control Number 0581–0093 under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). This OMB Control Number is referenced in § 1205.541 of the regulations.

A 30-day comment period is provided to comment on the changes to the Cotton Board Rules and Regulations herein.

List of Subjects in 7 CFR Part 1205

Advertising, Agricultural research, Cotton, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, AMS amends 7 CFR part 1205 as follows:

PART 1205—COTTON RESEARCH AND PROMOTION

■ 1. The authority citation for part 1205 continues to read as follows:

Authority: 7 U.S.C. 2101–2118; 7 U.S.C 7401.

■ 2. Section 1205.20 is revised to read as follows:

§ 1205.20 Representative period.

The term *representative period* means the 2020 calendar year.

■ 3. In § 1205.26, paragraphs (a)(1) and (2) are revised to read as follows:

§ 1205.26 Eligibility.

* * * * *

(a) * * *

(1) Any person who was engaged in the production of Upland cotton during calendar year 2020; and

(2) Any person who was an importer of Upland cotton during calendar year 2020.

* * * * *

■ 4. Section 1205.27 is revised to read as follows:

§ 1205.27 Participation in the sign-up period.

The sign-up period will be from June 21, 2021, until July 2, 2021. Those persons who favor the conduct of a continuance referendum and who wish to request that Department of Agriculture (USDA) conduct such a referendum may do so by submitting such request in accordance with this section. All requests must be received by the appropriate USDA office by July 2, 2021.

(a) Before the sign-up period begins, FSA shall establish a list of known, eligible, Upland cotton producers in the county that it serves during the representative period, and AMS shall also establish a list of known, eligible Upland cotton importers.

(b) Before the start of the sign-up period, Agricultural Marketing Service (AMS) will post sign-up information, including sign-up forms, on its website: *http://www.ams.usda.gov/Cotton.* Importers who favor the conduct of a continuance referendum can download

a form from the website, or request a sign-up form by contacting *CottonRP@usda.gov* or (540) 361–2726 and one will be provided to them. Importers may participate in the sign-up period by submitting a signed, written request for a continuance referendum, along with a copy of a U.S. Customs and Border Protection form 7501 showing payment of a cotton assessment for calendar year 2020. The USDA, AMS, Cotton and Tobacco Program, Attention: Cotton Sign-Up, P.O. Box 23181, Washington, DC 20077–8249 shall be considered the polling place for all cotton importers. All requests and supporting documents must be received by July 2, 2021.

(c) Each person on the county FSA office lists may participate in the sign-up period. Eligible producers must date and sign their name on the ''County FSA Office Sign-up Sheet.'' A person whose name does not appear on the county FSA office list may participate in the sign-up period. Such person must be identified on FSA–578 during the representative period or provide documentation that demonstrates that the person was a cotton producer during the representative period. Cotton producers not listed on the FSA–578 shall submit at least one sales receipt for cotton they planted during the representative period. Cotton producers must make requests to the county FSA office where the producer's farm is located. If the producer's land is in more than one county, the producer shall make request at the county office where FSA administratively maintains and processes the producer's farm records. It is the responsibility of the person to provide the information needed by the county FSA office to determine eligibility. It is not the responsibility of the county FSA office to obtain this information. If any person whose name does not appear on the county FSA office list fails to provide at least one sales receipt for the cotton they produced during the representative period, the county FSA office shall determine that such person is ineligible to participate in the sign-up period, and shall note ''ineligible'' in the remarks section next to the person's name on the county FSA office sign-up sheet. In lieu of personally appearing at a county FSA office, eligible producers may request a sign-up form from the county FSA office where the producer's farm is located. If the producer's land is in more than one county, the producer shall make the request for the sign-up form at the county office where FSA administratively maintains and processes the producer's farm records. Such request must be accompanied by a copy of at least one sales receipt for cotton they produced during the representative period. The appropriate FSA office must receive all completed forms and supporting documentation by July 2, 2021.

■ 7. In § 1205.28, the first sentence is revised to read as follows:

§ 1205.28 Counting.

County FSA offices and FSA, Deputy Administrator for Field Operations (DAFO), shall begin counting requests no later than July 2, 2021. * * *

■ 8. Section 1205.29 is revised to read as follows:

§ 1205.29 Reporting results.

(a) Each county FSA office shall prepare and transmit to the state FSA office, by July 12, 2021, a written report of the number of eligible producers who requested the conduct of a referendum, and the number of ineligible persons who made requests.

(b) DAFO shall prepare, by July 12, 2021, a written report of the number of eligible importers who requested the conduct of a referendum, and the number of ineligible persons who made requests.

(c) Each state FSA office shall, by July 12, 2021, forward all county reports to DAFO. By July 19, 2021, DAFO shall forward its report of the total number of eligible producers and importers that requested a continuance referendum, through the sign-up period, to the Deputy Administrator, Cotton and Tobacco Program, Agricultural Marketing Service, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2021–07989 Filed 4–16–21; 8:45 am]

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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 702

[NCUA–2021–0046]

RIN 3133–AF19

Temporary Regulatory Relief in Response to COVID–19—Prompt Corrective Action

AGENCY: National Credit Union Administration (NCUA).

ACTION: Interim final rule; request for comments.

SUMMARY: The NCUA Board (Board) is making two temporary changes to its prompt corrective action (PCA) regulations to help ensure that federally insured credit unions (FICUs) remain operational and liquid during the COVID–19 pandemic. The first amends these regulations to temporarily enable the Board to issue an order applicable to all FICUs to waive the earnings-retention requirement for any FICU that is classified as adequately capitalized. The second modifies these regulations with respect to the specific documentation required for net worth restoration plans (NWRPs) for FICUs that become undercapitalized. These temporary modifications will be in place until March 31, 2022. This rule is substantially similar to an interim final rule that the Board published on May 28, 2020.

DATES: This rule is effective on April 19, 2021. Comments must be received on or before June 18, 2021.

ADDRESSES: You may submit written comments, identified by RIN 3133–AF19, by any of the following methods. Please send comments by one method only.

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments for Docket #NCUA–2021–0046.
- *Fax:* (703) 518–6319. Include ''[Your Name]—Comments on Temporary Regulatory Relief Rule in Response to COVID–19—Prompt Corrective Action'' in the transmittal.
- *Mail/Hand Delivery/Courier:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

Public Inspection: You may view all public comments on the Federal eRulemaking Portal at *http://www.regulations.gov* as submitted, except for those we cannot post for technical reasons. The NCUA will not edit or remove any identifying or contact information from the public comments submitted. Due to social distancing measures in effect, the usual opportunity to inspect paper copies of comments in the NCUA's law library is not currently available. After social distancing measures are relaxed, visitors may make an appointment to review paper copies by calling (703) 518–6540 or emailing *OGCMail@ncua.gov*.

FOR FURTHER INFORMATION CONTACT: *Policy and Analysis:* Lisa Roberson, Director, Policy Division, Office of Examination and Insurance, at (703) 518–6360; *Legal:* Marvin Shaw, Senior Staff Attorney and Thomas Zells, Senior Staff Attorney, Office of General Counsel, at (703) 518–6540; or by mail

at: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314.

SUPPLEMENTARY INFORMATION:

I. Legal Authority

The Board is issuing this interim final rule pursuant to its authority under the Federal Credit Union Act.[1] The Act grants the Board a broad mandate to issue regulations that govern both federal credit unions and, more generally, all FICUs. For example, section 120 of the Act is a general grant of regulatory authority, and authorizes the Board to prescribe rules and regulations for the administration of the Act.[2] Section 209 of the Act is a plenary grant of regulatory authority to issue rules and regulations necessary or appropriate for the Board to carry out its role as share insurer for all FICUs.[3] Other provisions of the Act confer specific rulemaking authority to address prescribed issues or circumstances.[4] Such specific rulemaking authority is set forth in section 216(b) with respect to PCA.[5]

II. Prompt Corrective Action Background

A. Statutory Provisions

In 1998, Congress enacted the Credit Union Membership Access Act (''CUMAA'').[6] The CUMAA amended the Federal Credit Union Act (''the Act'') to require the NCUA to adopt, by regulation, a system of PCA consisting of minimum capital standards and corresponding remedies to improve the net worth of federally insured ''natural person'' credit unions.[7] The purpose of PCA is to ''resolve the problems of insured credit unions at the least possible long-term loss to the [National Credit Union Share Insurance Fund ('NCUSIF')].'' [8]

The statute designated three principal components of PCA: (1) A framework combining mandatory actions prescribed by statute with discretionary actions developed by the NCUA; (2) an alternative system of PCA to be developed by the NCUA for FICUs which CUMAA defines as ''new;'' and (3) a risk-based net worth requirement to apply to FICUs which the NCUA defines as ''complex.''

For FICUs other than those that meet the statutory definition of a ''new'' FICU, the CUMAA mandated a framework of mandatory and discretionary supervisory actions indexed to five statutory net worth categories:

1. Well capitalized
2. Adequately capitalized
3. Undercapitalized
4. Significantly undercapitalized, and
5. Critically undercapitalized

The mandatory actions and conditions that trigger conservatorship and liquidation are expressly prescribed by statute.[9] To supplement the mandatory actions, the statute directed the NCUA to develop discretionary actions which are ''comparable'' to the ''discretionary safeguards'' available under section 38 of the Federal Deposit Insurance Act, which is the statute that applies PCA to other federally insured depository institutions.[10]

The Act addresses the earnings-retention requirement applicable to FICUs that are not well capitalized.[11] Such FICUs are required to annually set aside as net worth an amount equal to not less than 0.4% of their total assets.[12] The Board has the authority to decrease the earnings-retention requirement.[13] To accomplish this, the Board may issue an order if it determines the decrease is necessary to avoid a significant redemption of shares and further the purpose of PCA—to resolve the problems of insured credit unions at the least possible long-term cost to the NCUSIF. The Act also requires the Board to periodically review any order that it issues to decrease a FICU's earnings-retention requirement.[14]

Separately, 12 U.S.C. 1790d(f) sets forth requirements related to NWRPs, which FICUs must submit to the NCUA and which the NCUA must review when a FICU becomes undercapitalized. The regulatory provisions that address the procedures and documentation requirements for NWRPs are codified at 12 CFR 702.206 and are detailed below.

B. Regulatory Provisions

In February 2000, the NCUA Board adopted part 702 and subpart L of part 747, establishing a comprehensive system of PCA that combines mandatory supervisory actions prescribed by the statute with discretionary supervisory actions developed by the NCUA (2000 final rule).[15] Each of these supervisory actions index to the five statutory net worth categories (well capitalized, adequately capitalized, undercapitalized, significantly undercapitalized, and critically undercapitalized).

In addition, the 2000 final rule permits the NCUA to impose other action to carry out PCA beyond any discretionary supervisory action available for a particular net worth category.[16] In the proposal that provided the basis for the 2000 final rule, the Board noted that part 702 also amplifies the terms of the statutory exception to the 0.4% minimum set aside. Specifically, the Board stated that it interpreted the phrase *by order* to indicate that exceptions to the 0.4% statutory minimum are to be granted on a case-by-case basis.[17] The Board had historically interpreted these orders on a case-by-case basis. However, given the current economic conditions associated with the COVID–19 pandemic—during which many FICUs broadly face similar circumstances that affect net worth—the Board has determined it is appropriate to implement the changes in this rule to authorize a broadly applicable order to decrease the earnings-retention requirements for multiple FICUs and to allow a streamlined NWRP in certain circumstances.

III. Temporary Amendments to Earnings Retention and NWRP Provisions

A. May 2020 Interim Final Rule

On May 21, 2020, the Board approved an interim final rule that temporarily amended two provisions in the PCA regulations in part 702.[18] The first amendment addressed the earnings-retention requirement in § 702.201 for FICUs classified as adequately capitalized. The second amendment addressed the NWRPs in § 702.206(c) that have become undercapitalized.

The May 2020 interim final rule was issued in response to the COVID–19 pandemic. It sought to ensure that FICUs continued to operate efficiently, to ensure that FICUs maintained sufficient liquidity, and to account for the potential temporary increase in shares that FICUs may experience during the COVID–19 pandemic.

[1] 12 U.S.C. 1751 *et seq.*

[2] 12 U.S.C. 1766(a).

[3] 12 U.S.C. 1789.

[4] An example of a provision of the Act that provides the Board with specific rulemaking authority is section 207 (12 U.S.C. 1787), which is a specific grant of authority over share insurance coverage, conservatorships, and liquidations.

[5] 12 U.S.C. 1790d(b).

[6] Public Law 105–219, 112 Stat. 913 (1998).

[7] 12 U.S.C. 1790d *et seq.*

[8] 12 U.S.C. 1790d(a)(1).

[9] 12 U.S.C. 1790d(e), (f), (g), and (i); 12 U.S.C. 1786(h)(1)(F); 12 U.S.C. 1786(a)(3)(A)(1).

[10] 12 U.S.C. 1790d(b)(1)(A); S. Rep. No. 193, 105th Cong., 2d Sess. 12 (1998) (S. Rep.); H.R. Rep. No. 472, 105th Cong; *see also* 12 U.S.C. 1831o (Section 38 of the Federal Deposit Insurance Act setting forth the PCA requirements for banks).

[11] 12 U.S.C. 1790d(e).

[12] 12 U.S.C. 1790d(e)(1).

[13] 12 U.S.C. 1790d(e)(2).

[14] 12 U.S.C. 1790d(e)(2)(B).

[15] 65 FR 8560 (Feb. 18, 2000).

[16] 12 CFR 702.202(b)(9).

[17] 64 FR 27090 (May 18, 1999).

[18] 85 FR 31952 (May 28, 2020).

Specifically, the Board believed the temporary amendments in the interim final rule would allow FICUs to better utilize resources by reducing the administrative burden associated with a temporary increase in shares.

The Board concluded that the amendments would provide FICUs with necessary additional flexibility in a manner consistent with the NCUA's responsibility to maintain the safety and soundness of the credit union system. The Board made the temporary amendments effective upon publication and specified that they would remain in place through the end of calendar year 2020. The Board sought comment on the interim final rule.

On June 5, 2020, pursuant to the changes made by the May 2020 interim final rule, the Board issued a temporary order decreasing the earnings-retention requirement.[19] Specifically, the Board determined that, in light of the economic circumstances caused by the COVID–19 pandemic, decreasing the earnings-retention requirements set forth in the NCUA's regulations was necessary to avoid a significant redemption of shares and would further the purposes of the PCA regulations. Accordingly, the Board ordered that any natural-person FICU that had a net worth classification, as defined in part 702 of the NCUA's regulations, of adequately capitalized between March 31, 2020, and December 31, 2020, could decrease its earnings-retention requirement to zero as set forth in part 702. The order was effective through, and including, December 31, 2020.

As noted, the Board solicited comment on the May 2020 interim final rule. The Board received comments from a credit union trade association, two state credit union leagues, and an organization of state credit union supervisors. All commenters supported the interim final rule, and no commenter opposed it. All commenters stated that the changes were appropriate, noting that they provided regulatory relief and flexibility to credit unions to manage their liquidity and address financial hardships caused by the COVID–19 pandemic.

The interim final rule's two provisions expired on December 31, 2020. All commenters requested that the temporary amendments be extended or made permanent. One commenter stated that if the economic dislocation caused by the pandemic lingered, the regulatory relief contemplated in the interim final rule could be necessary beyond December 31, 2020. Among the recommendations to extend the effective date were (1) make the rule permanent, (2) extend the applicability until the COVID–19 pandemic was declared over by the Center for Disease Control or other Federal agency, or (3) make the end date December 31, 2021.

B. New Interim Final Rule

Based on limited utilization of the previous relief as of December 2020, the Board did not extend these provisions but continued to consider this issue. Considering information available following the expiration of the 2020 interim final rule, the Board has determined it is appropriate to readopt these amendments to the PCA regulations in part 702 on a temporary basis. Specifically, based on the recent congressional action (the American Rescue Plan Act of 2021) [20] to provide direct financial relief to individual taxpayers, the Board anticipates that credit unions will receive a significant increase in deposits due to stimulus checks. Accordingly, the Board has determined it is appropriate to reinstitute the changes to the PCA provisions previously adopted in May 2020.

In 2020, the credit union industry experienced significant asset growth as a result of the COVID–19 pandemic. The Board believes this growth will be temporary. This growth strained the net worth position of credit unions, and negatively impacted many credit unions' PCA classification. Specifically, the credit union industry experienced asset growth—predominantly from share growth—at a rate of 17.73 percent from December 31, 2019, to December 31, 2020. During this same period, the number of FICUs with a PCA classification of adequately capitalized increased by 274 percent, and those classified as undercapitalized increased by 123 percent.[21]

The American Rescue Plan Act is the third in a series of congressional actions to provide taxpayers monetary relief.[22] This action, approved in March 2021, provides relief to individual taxpayers in the form of stimulus payments (referred to as ''recovery rebates'' in the American Rescue Plan Act). At the time of this action, the previous stimulus payments approved by Congress in December 2020 as part of the Consolidated Appropriations Act of 2021 were still being distributed to qualified individuals in the form of stimulus payments.[23] Looking forward, the combination of both stimulus payments will place a continued strain on FICUs' PCA classifications.

III. Section-by-Section Analysis

A. Section 702.201—Earnings-Retention Requirement for ''Adequately Capitalized'' FICUs

With respect to earnings retention, a FICU that is classified as adequately capitalized or lower must increase the dollar amount of its net worth quarterly by an amount equivalent to at least 1/10th of a percent of its total assets and must quarterly transfer at least that amount (for a total of 0.4% annually) from undivided earnings to its regular reserve account every quarter until it is well capitalized.[24] The purpose of this provision is to restore a FICU that is less than well capitalized to a well-capitalized position in an incremental manner.

As discussed previously, § 702.201 currently provides that the Board may waive this requirement on a case-by-case basis when an affected FICU submits a waiver application to the NCUA. The Act provides broader authority for the Board to issue an order to waive this requirement and does not require an application or individual orders.[25] In response to the COVID–19 pandemic and resulting economic conditions, the Board has determined that it is appropriate to temporarily amend § 702.201 to provide the Board express regulatory authority to issue a single order waiving the earnings-retention requirement for all FICUs classified as adequately capitalized while this temporary rule is in effect. The Board intends, as it did in its June 2020 order, to authorize the applicable Regional Director to require an application for an earnings transfer waiver if a particular FICU poses undue risk to the NCUSIF or exhibits material safety and soundness concerns.

Amending the regulation in this manner will allow the Board to respond to circumstances that broadly affect many FICUs with a single issuance rather than numerous individual waiver approvals. This provision will be effective on the date the interim final rule is published in the **Federal Register** and will expire on March 31, 2022.

[19] The Order is available on the NCUA website: *https://www.ncua.gov/regulation-supervision/letters-credit-unions-other-guidance/temporary-order-decreasing-earnings-retention-requirement.*

[20] Public Law 117–2 (Mar. 11, 2021).

[21] Based on December 31, 2020 Call Report Data.

[22] Coronavirus Aid, Relief, and Economic Security Act, Public Law 116–136 (Mar. 27, 2020); Consolidated Appropriations Act, 2021, Public Law 116–260 (Dec. 27, 2020).

[23] Public Law 116–260 (Dec. 27, 2020).

[24] This relief is provided for FICUs that are required to make an earnings retention transfer under § 702.201.

[25] *See* 1 U.S.C. 1 (providing that unless context indicates otherwise, words importing the singular also apply to several persons or parties).

This interim final rule will impact the processing of earnings transfer waiver submissions listed in the following table. It will not impact the earnings transfer waiver submissions that were due March 16, 2021, as a result of a credit union's PCA classification of adequately capitalized (or lower), based on the Call Report for the quarter ending of December 31, 2020.

Call Report effective date	PCA classification date	Earnings transfer waiver submission date	Quarterly net worth transfer date	Earnings transfer waiver permissible
March 31, 2021	April 30, 2021	June 15, 2021	June 30, 2021	Yes.
June 30, 2021	July 30, 2021	Sept. 15, 2021	Sept. 30, 2021	Yes.
Sept. 30, 2021	Oct. 31, 2021	Dec. 16, 2021	Dec. 31, 2021	Yes.
Dec. 31, 2021	Jan. 30, 2022	March 16, 2022	March 31, 2022	Yes.

Once this regulatory amendment is in effect, the Board intends to issue the order described above following the publication of this rule in the **Federal Register**. The order will be applicable to adequately capitalized FICUs and will grant relief from the earnings-retention requirement without requiring those FICUs to submit applications and receive individual waiver approvals, subject to the qualification previously noted in this section.

The Board is exercising this authority under 12 U.S.C. 1790d(e)(2) to enhance flexibility in the application of the earnings-retention requirement. This relief is necessary to avoid a reduction of shares and thus retain system liquidity and capital adequacy, thereby furthering the purpose of PCA. As previously noted, the COVID–19 pandemic resulted in significant asset growth in the credit union industry. This growth may impact many credit unions' PCA classification, resulting in an increased number of credit unions being subject to the earnings retention requirement. Based on the December 31, 2020 Call Report data, 155 credit unions are classified as less than well capitalized and are subject to mandatory action under PCA. An estimated 107 credit unions were classified as adequately capitalized. These credit unions may experience relief from this rulemaking. The potential for the impact of additional issuance of COVID–19 pandemic relief in the form of stimulus payments could result in further reported asset growth and result in more credit unions qualifying for earnings retention relief. Specifically, 465 credit unions had net worth ratios between seven and eight percent at December 31, 2020. If these credit unions experienced substantial asset growth caused by increased share growth, there is a potential that some of these credit unions may also qualify for earnings retention relief during the next twelve months.

The Board further notes that FICU operations continue to be significantly disrupted as a result of social distancing practices, remote work, and related complications. This regulatory relief will lessen the administrative burden on both FICUs and the NCUA by avoiding the effort associated with preparing a waiver application and (for the NCUA) evaluating and responding to such applications. The Board notes qualifications in the planned order regarding FICUs that pose undue risk or material safety and soundness concerns will help ensure the purpose of PCA—namely, to resolve the problems of insured credit unions at the least possible long-term cost to the NCUSIF—is maintained while this temporary rule is in effect.

This approach affords the agency the flexibility to address potential difficulties FICUs face during this unprecedented period. The Board also notes that the current, specific requirements on earnings transfer waivers are based on a regulatory provision rather than a specific statutory directive.[26] Accordingly, the Board has flexibility to modify the regulatory provision to address the financial circumstances of individual FICUs as well as the broader credit union system. This is consistent with the overall statutory structure of PCA, which combines both mandatory and discretionary provisions.

Expansionary monetary and fiscal policies, combined with precautionary savings, are placing a strain on FICU net worth. The ongoing economic impact of the COVID–19 pandemic may result in an increase in the volatility of share balances, loan demand, and loan losses. The resulting stress on credit union balance sheets could potentially require an increased level of liquidity management throughout 2021. The NCUA continues to encourage credit unions to work with their members who are affected by the COVID–19 pandemic. Allowing for a broad order relieving adequately capitalized FICUs from this requirement is consistent with the statutory criteria for issuing such an order—namely, avoiding a significant redemption of shares and furthering the purpose of 12 U.S.C. 1790d to ''resolve the problems of insured credit unions at the least possible long-term loss to the Fund.'' [27]

Accordingly, the Board is amending § 702.201 to adopt the temporary provision to issue a broadly applicable order. The Board plans to issue through a separate action an order consistent with this re-adopted provision to set forth the terms of relief from the earnings-retention requirement.

B. Section 702.206(c)—Net Worth Restoration Plans (NWRPs); Contents of NWRP

With respect to NWRPs, the Act provides a broad directive that a FICU that is less than adequately capitalized must submit an applicable NWRP to the NCUA. The NCUA, by regulation, has provided additional details to flesh out this statutory provision. Section 702.206(a) of the NCUA's regulations specifies the schedule for filing an NWRP, and § 702.206(c) of the NCUA's regulations outlines the contents of an NWRP.[28]

[26] The Board notes that 12 U.S.C. 1790d(e)(1) requires earnings retention. However, additional provisions in 12 CFR part 702, including those related to timing and the content of the application, supplement this statutory provision.

[27] 12 U.S.C. 1790d(a)(1).

[28] 12 CFR 702.206(c). Under the current regulation, an NWRP must—

- Specify—
  - A quarterly timetable of steps the credit union will take to increase its net worth ratio so that it becomes ''adequately capitalized'' by the end of the term of the NWRP, and to remain so for four (4) consecutive calendar quarters. If ''complex,'' the credit union is subject to a risk-based net worth requirement that may require a net worth ratio higher than six percent (6%) to become ''adequately capitalized'';
  - The projected amount of earnings to be transferred to the regular reserve account in each quarter of the term of the NWRP as required under § 702.201(a), or as permitted under § 702.201(b);
  - How the credit union will comply with the mandatory and any discretionary supervisory actions imposed on it by the NCUA Board under the subpart;
  - The types and levels of activities in which the credit union will engage; and
  - If reclassified to a lower category under § 702.102(b), the steps the credit union will take to correct the unsafe or unsound practice(s) or condition(s);

Continued

The Board has determined that it is appropriate to waive the NWRP content requirements for FICUs that become classified as undercapitalized (those that have a net worth ratio of 4 percent to 5.99 percent) predominantly as a result of share growth. In these cases, a FICU may submit a significantly simpler NWRP to the applicable Regional Director noting that the FICU became undercapitalized as a result of share growth. Specifically, a FICU would be required to attest that its reduction in capital was caused by share growth and that such share growth is a temporary condition due to the COVID–19 pandemic and congressional actions to provide stimulus through direct payments to taxpayers. Federally insured, state-chartered credit unions must comply with applicable state requirements when submitting NWRPs for state supervisory authority approval.

When reviewing an NWRP submitted under this authority, the Regional Director will determine if the decrease in the net worth ratio was predominantly a result of share growth. To assess the reason for the decrease, the Regional Director will analyze the numerator and denominator of the net worth ratio—no change, or an increase in the numerator and an increase in the denominator, would indicate that the decrease in the net worth ratio was due to share growth. If there is an increase in the denominator and a decrease in the numerator, the Regional Director will analyze whether the decrease in the numerator would have caused the credit union to fall to a lower net worth classification if there were no change in the denominator. If so, the credit union's net worth decline would not be predominantly due to share growth and the credit union would not be eligible to submit a streamlined NWRP.

The Board has determined it is appropriate to modify the regulation addressing NWRPs given the continued economic disruption caused by the COVID–19 pandemic. The ongoing disruption has led to unprecedented expansionary monetary and fiscal policies, combined with precautionary savings, placing a strain on FICU net worth. Accordingly, an increased number of credit unions are experiencing PCA reclassification to lower categories due to growth in savings. Given the current levels of volatility of share balances, loan demand, and loan losses in the credit union industry, the detail contained in traditional NWRPs may not be as meaningful. Accordingly, the streamlined NWRP described in this interim final rule will provide sufficient information to account for current economic conditions.

Based on December 31, 2020, Call Report data, 48 credit unions would require an NWRP to be in place or be submitted for approval based on their PCA classification. This is an increase of 30 percent from the 37 credit unions required to have an NWRP in place or submitted for approval when compared to PCA classifications based on December 31, 2019 Call Report data, illustrating an upward trend.

The streamlined NWRP described in the proposed rule will provide sufficient information, based on current economic conditions, to allow a Regional Director to determine if a credit union is prepared to manage the volatility associated with the COVID–19 pandemic and the impact on a credit union's financial and operational position.

As it concluded in the May 2020 interim final rule, the Board continues to believe it will be able to fulfill its statutory duty to evaluate an NWRP even if the plan is more concise and streamlined than plans submitted prior to the COVID–19 pandemic. Such a streamlined approach is acceptable because the more extensive information required under the current requirements may not be practicable or useful under the current situation. Further, the current requirement addresses methods for the Board to evaluate an NWRP. The Board believes it can determine if an NWRP is acceptable even if it lacks some of the detailed submissions that the current regulation specifies. The Board further notes that if a FICU falls below being adequately capitalized because of temporary share growth, the risk is limited.

A credit union's eligibility to submit a streamlined NWRP to the NCUA will be determined based on the effective date of the credit union's PCA classification, as defined in part 702 of the NCUA's regulations.[29] The streamlined NWRP will apply, on a case-by-case basis, to credit unions that become classified as undercapitalized (those that have a net worth ratio of 4 percent to 5.99 percent) predominantly as a result of share growth. A credit union that has a PCA classification which has declined prior to the implementation of this rule will not be able to submit a streamlined NWRP. To further clarify, a credit union that has a PCA classification which has declined, requiring a NWRP prior to the expiration of this interim final rule, will be permitted to submit a streamlined NWRP as reflected in the following table.

Call Report effective date	PCA classification date	Streamlined NWRP permissible
December 31, 2020	January 30, 2021	No.
March 31, 2021	April 30, 2021	Yes.
June 30, 2021	July 30, 2021	Yes.
September 30, 2021	October 31, 2021	Yes.
December 31, 2021	January 30, 2022	Yes.

IV. Regulatory Procedures

A. Administrative Procedure Act

The Board is issuing the interim final rule without prior notice and the opportunity for public comment and the delayed effective date ordinarily prescribed by the Administrative Procedure Act (APA).[30] Pursuant to the APA, general notice and the opportunity for public comment are not required with respect to a rulemaking when an ''agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' [31]

The Board believes the public interest is best served by implementing the interim final rule immediately upon publication in the **Federal Register**. The Board notes that the COVID–19 pandemic is unprecedented. It remains an evolving situation, making it difficult

• Include pro forma financial statements, including any off-balance sheet items, covering a minimum of the next two years; and

• Contain such other information as the NCUA Board has required.

[29] 12 CFR part 702.

[30] 5 U.S.C. 553.

[31] 5 U.S.C. 553(b)(3).

to anticipate how disruptions caused by the pandemic will manifest themselves in the financial system. In particular, an individual FICU may face an emergency situation, including a downgraded capital classification and the corresponding implications, unless it can invoke the regulatory relief afforded by this interim final rule. Because the unprecedented expansionary monetary and fiscal policies, combined with precautionary savings, are placing a strain on FICU net worth, the Board believes it has good cause to determine that ordinary notice and public procedure are impracticable and that moving expeditiously in the form of an interim final rule is in the best of interests of the public and the FICUs that serve that public. The temporary regulatory changes are necessary steps designed to alleviate potential liquidity and resource strains including stress on capital adequacy and are undertaken with expedience to ensure the maximum intended effects are in place at the earliest opportunity.

Further, as an independent basis for good cause with respect to forgoing comments before issuing the interim final rule, the Board received comments on the May 2020 interim final rule, which addressed identical issues as this interim final rule. All commenters supported the proposed changes to alleviate burden on credit unions and the agency, which largely addressed issues related to waiving certain PCA procedures rather than substantive concerns. Accordingly, further delay for additional comments is inconsistent with the public interest because it would unnecessarily delay the needed relief for credit unions.

Notwithstanding the issuance of an interim final rule without the opportunity for advance comments, the Board values public input in its rulemakings and believes that providing the opportunity for comment enhances its regulations. Accordingly, the Board is soliciting comments on this rulemaking even though this rule is being issued on an interim-final basis. The amendments made by the interim final rule will automatically expire on March 31, 2022 and are limited in number and scope. For these reasons, the Board finds there is good cause consistent with the public interest to issue the rule without advance notice and comment.

The APA also typically requires a 30-day delayed effective date, except for (1) substantive rules which grant or recognize an exemption or relieve a restriction; (2) interpretative rules and statements of policy; or (3) as otherwise provided by the agency for good cause.[32] Because the rule relieves currently codified limitations and restrictions, the interim final rule is exempt from the APA's delayed effective date requirement. As an alternative basis to make the rule effective without the 30-day delayed effective date, the Board finds there is good cause to do so for the same reasons set forth above regarding advance notice and opportunity for comment.

B. Congressional Review Act.

For purposes of the Congressional Review Act,[33] the Office of Management and Budget (OMB) determines whether a final rule constitutes a ''major'' rule. If the OMB deems a rule to be a ''major rule,'' 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 ''major rule'' as any rule 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.[34]

For the same reasons set forth above, the Board is adopting the interim final rule without the delayed effective date generally prescribed under the Congressional Review Act. The delayed effective date required by the Congressional Review Act does not apply to any rule for which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.[35] In light of current market uncertainty, the Board believes that delaying the effective date of the rule would be contrary to the public interest for the same reasons discussed above.

As required by the Congressional Review Act, the Board will submit the final rule and other appropriate reports to Congress and the Government Accountability Office for review.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*) requires that OMB approve all collections of information by a Federal agency from the public before they can be implemented. Respondents are not required to respond to any collection of information unless it displays a valid OMB control number. The information collection requirements prescribed by the May 2020 interim final rule under PCA remains in effect and are cleared under OMB control number 3133–0154.

D. Executive Order 13132

Executive Order 13132 [36] encourages independent regulatory agencies to consider the impact of their actions on state and local interests. The NCUA, an independent regulatory agency (as defined in 44 U.S.C. 3502(5)), voluntarily complies with the Executive order to adhere to fundamental federalism principles. The interim final rule 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. The Board has therefore determined that this rule does not constitute a policy that has federalism implications for purposes of the Executive order.

E. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this interim final rule will not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act, 1999.[37]

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires that when an agency issues a proposed rule or a final rule pursuant to the APA [38] or another law, the agency must prepare a regulatory flexibility analysis that meets the requirements of the RFA and publish such analysis in the **Federal Register**.[39] Specifically, the RFA normally requires agencies to describe the impact of a rulemaking on small entities by providing a regulatory impact analysis. For purposes of the RFA, the Board

[32] 5 U.S.C. 553(d).

[33] 5 U.S.C. 801–808.

[34] 5 U.S.C. 804(2).

[35] 5 U.S.C. 808.

[36] Executive Order 13132 on Federalism, was signed by former President Clinton on August 4, 1999, and subsequently published in the **Federal Register** on August 10, 1999 (64 FR 43255).

[37] Public Law 105–277, 112 Stat. 2681 (1998).

[38] 5 U.S.C. 553(b).

[39] 5 U.S.C. 603, 604.

considers FICUs with assets less than $100 million to be small entities.[40]

As discussed previously, consistent with the APA,[41] the Board has determined for good cause that general notice and opportunity for public comment is unnecessary, and therefore the Board is not issuing a notice of proposed rulemaking. Rules that are exempt from notice and comment procedures are also exempt from the RFA requirements, including conducting a regulatory flexibility analysis, when among other things the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. Accordingly, the Board has concluded that the RFA's requirements relating to initial and final regulatory flexibility analysis do not apply.

Nevertheless, the Board seeks comment on whether, and the extent to which, the interim final rule would affect a significant number of small entities.

List of Subjects in 12 CFR Part 702

Credit unions, Reporting and recordkeeping requirements.

By the NCUA Board.

Melane Conyers-Ausbrooks,

Secretary of the Board.

For the reasons set forth in the preamble, the Board amends 12 CFR part 702 as follows:

PART 702—CAPITAL ADEQUACY

■ 1. The authority citation for part 702 continues to read as follows:

Authority: 12 U.S.C. 1766(a), 1790d.

■ 2. In § 702.201, revise and republish the introductory text of paragraph (b)(2) to read as follows:

§ 702.201 Prompt corrective action for ''adequately capitalized'' credit unions.

* * * * *

(b) * * *

(2) Notwithstanding paragraph (a) of this section, starting on April 19, 2021 and ending on March 31, 2022, for a credit union that is adequately capitalized:

* * * * *

■ 3. In § 702.206, revise and republish paragraph (c)(4) to read as follows:

§ 702.206 Net worth restoration plans.

* * * * *

(c) * * *

(4) Notwithstanding paragraphs (c)(1), (2), and (3) of this section, the Board may permit a credit union that is undercapitalized to submit to the Regional Director a streamlined NWRP plan attesting that its reduction in capital was caused by share growth and that such share growth is a temporary condition due to the COVID–19 pandemic. A streamlined NWRP plan is permitted between April 19, 2021 and March 31, 2022.

* * * * *

[FR Doc. 2021–08027 Filed 4–16–21; 8:45 am]

BILLING CODE 7535–01–P

[40] NCUA IRPS 15–1. 80 FR 57512 (Sept. 24, 2015).

[41] 5 U.S.C. 553(b)(3)(B).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 29

[Docket No. FAA–2021–0241; Special Conditions No. 29–053–SC]

Special Conditions: Airbus Helicopters Model H160B Helicopter; Use of 30-Minute All Engines Operating Power Rating

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

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Airbus Helicopters (Airbus) Model H160B helicopter. This model helicopter will have a novel or unusual design feature associated with a 30-minute all engines operating (AEO) power rating. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES:

Effective date: The effective date of these special conditions is May 4, 2021.

Comment due date: The FAA must receive your comments by May 19, 2021.

ADDRESSES: Send comments identified by docket number FAA–2021–0241 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 1.35, the FAA will post all comments it receives, without change, to *http://regulations.gov,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

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 these special conditions contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these special conditions, 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 these special conditions. Submissions containing CBI should be sent to Rao Edupuganti, Dynamic System Section, AIR–627, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5110; email *Rao.Edupuganti@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket, or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington,

DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Rao Edupuganti, Dynamic System Section, AIR–627, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5110; email *Rao.Edupuganti@faa.gov.*

SUPPLEMENTARY INFORMATION:

Reason for No Prior Notice and Comment Before Adoption

The FAA has determined, in accordance with 5 U.S.C. 553(b)(3)(B) and 553(d)(3), that notice and opportunity for prior public comment hereon are unnecessary because substantially identical special conditions have been previously subject to the public comment process in several prior instances, such that the FAA is satisfied that new comments are unlikely. For the same reason, the FAA finds that good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment.

Special conditions No.	Company and helicopter model
No. 29–049–SC [1].	Leonardo S.p.A., Model AW169.
No. 29–037–SC [2].	Airbus Helicopters Deutschland GmbH Model MBB–BK117 D–2.
No. 29–034–SC [3].	AgustaWestland Model AW189.
No. 29–011–SC [4].	Sikorsky Aircraft Corporation Model S–92A.
No. 29–004–SC [5].	Sikorsky Model S76C.

[1] 85 FR 34493, June 5, 2020.
[2] 79 FR 78694, December 31, 2014.
[3] 79 FR 54889, September 15, 2014.
[4] 67 FR 65871, October 29, 2002.
[5] 63 FR 32972, June 17, 1998.

Comments Invited

While the FAA did not precede these special conditions with a notice of proposed special conditions, the FAA invites you to send any written relevant data, views, or arguments about this final special condition. Send your comments to an address listed under **ADDRESSES.** Include ''Docket No. FAA–2021–0241; Special Conditions No. 29–053–SC'' at the beginning of your comments. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

Background

On November 7, 2014, Airbus applied for FAA type certification validation of the Model H160B helicopter. Airbus applied for an extension on November 1, 2016, which is also the date of the updated type certification basis.

The Airbus Model H160B is a 14 CFR part 29 transport category, twin turboshaft engine helicopter. The Airbus Model H160B helicopter has a maximum takeoff weight of 13,436 lbs. It can hold a maximum of 12 passengers and 2 crew on board. The Airbus Model H160B helicopter is a new part 29 helicopter characterized by the integration of composite materials in its airframe construction, five main rotor blades (*i.e.,* blue edge technology), a Fenestron tail rotor, and a Helionix flight deck.

Airbus proposes that the Model H160B helicopter include the use of a novel and unusual design feature, which is a 30-minute AEO power rating. The 30-minute AEO power rating is generally intended to be used for hovering at increased power for search and rescue missions. Title 14 CFR 1.1 defines ''rated takeoff power'' as limited in use to no more than 5 minutes for takeoff operation. The use of takeoff power for 30 minutes will require special airworthiness standards, known as special conditions, to address the use of this 30-minute AEO rating and its effects on the rotorcraft. These special conditions will add requirements to the existing airworthiness standards in 14 CFR 29.1049 (Hovering cooling test procedures), 29.1305 (Powerplant instruments), and 29.1521 (Powerplant limitations).

Type Certification Basis

Under the provisions of 14 CFR 21.17, Airbus must show that the Model H160B helicopter meets applicable provisions of the regulations as listed below. The Airbus Model H160B type certification basis date is November 1, 2016.

1. 14 CFR part 29, Amendments 29–1 through 29–55, dated January 31, 2012.

2. Equivalent Safety Findings:

(a) Sections 29.1305, 29.1309, 29.1549, Engine Training Mode.

(b) Sections 29.1305, 29.1321(a), 29.135l(d)(l), and 29.1435, Part Time Display of Vehicle Parameters.

(c) Sections 29.1301, 29.1305, 29.1309, 29.1321, 29.1549, Substitution of Power Index Indicator for required powerplant instruments.

(d) Sections 29.l545(b)(4), 29.l549(b), Airspeed and Powerplant indication green marking.

(e) Section 29.1555(c)(l), Usable fuel capacity marking.

(f) Section 29.807(c), Passenger emergency exits—other than side of fuselage.

In addition, the certification basis includes certain equivalent safety findings that are not relevant to these proposed special conditions.

In addition to the applicable airworthiness regulations and special conditions, the Airbus Model H160B helicopter must comply with the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy under section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

Regulatory Basis for Special Conditions

The Administrator has determined that the applicable airworthiness regulations (that is, 14 CFR part 29) do not contain adequate or appropriate safety standards for the Airbus Model H160B helicopter because of a novel or unusual design feature. Therefore, special conditions are prescribed under the provisions of § 21.16.

The FAA issues special conditions, as defined in § 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

Novel or Unusual Design Features

The Airbus Model H160B helicopter will incorporate the following novel or unusual design feature:

A 30-minute AEO power rating.

Discussion

The following is a summary of the final special conditions:

(a) In addition to the requirements of § 29.1049, the aircraft cooling effects due to the use of the 30-minute AEO power rating versus the Takeoff (five-minute) rating must be accounted for in the testing.

(b) In addition to the requirements of § 29.1305, since this new 30-minute AEO power rating has a time limit associated with its use, the pilot must have the means to identify:

(1) When the rated engine power level is achieved,

(2) when the event begins,

(3) when the time interval expires, and

(4) when the cumulative time in one flight is reached.

(c) In addition to the requirements of § 29.1521, this new 30-minute AEO power rating must be limited to not more than 30 minutes per use and not more than a 50 minute cumulative time per flight. This new rating will allow the use of power above maximum continuous power (MCP) up to 30 minutes.

(d) Furthermore, the rotorcraft flight manual for the Airbus Model H160B helicopter must include limitations on the use of the 30-minute AEO power rating, which state that continuous use above MCP up to take-off power is limited to 30 minutes.

Applicability

As discussed above, these special conditions are applicable to the Airbus Model H160B helicopter. Should Airbus apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on the Airbus Model H160B helicopter. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 29

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Airbus Helicopters Model H160B helicopter. Unless stated otherwise, all requirements in §§ 29.1049, 29.1305, and 29.1521 remain unchanged.

1. *Section 29.1049, Hovering cooling test procedures.* In addition to the requirements of this section, for rotorcraft with a 30-minute all engines operating (AEO) power rating, the hovering cooling provisions at the 30-minute AEO power rating must be shown—

a. At maximum weight or at the greatest weight at which the rotorcraft can hover (if less), at sea level, with the power required to hover but not more than the 30-minute power, in the ground effect in still air, until at least five minutes after the occurrence of the highest temperature recorded, or until the continuous time limit of the 30-minute AEO power rating if the highest temperature recorded is not stabilized before.

b. At maximum weight and at the altitude resulting in zero rate of climb for this configuration, until at least five minutes after the occurrence of the highest temperature recorded, or until the continuous time limit of the 30-minute AEO power rating if the highest temperature recorded is not stabilized before.

2. *Section 29.1305 Powerplant instruments, at Amendment 29–40.* In addition to the requirements of this section, for rotorcraft with a 30-minute AEO power rating, a means must be provided to alert the pilot when the engine is at the 30-minute power level, when the event begins, when the time interval expires, and when the cumulative time in one flight is reached.

3. *Section 29.1521 Powerplant limitations, at Amendment 29–41.* In addition to the requirements of this section, the use of the 30-minute AEO power rating must be limited to not more than 30 minutes per use and not more than a 50 minute cumulative time per flight. The use of the 30-minute power must also be limited by:

a. The maximum rotational speed which may not be greater than—

(1) The maximum value determined by the rotor design; or

(2) The maximum value shown during the type tests;

b. The maximum allowable turbine inlet or turbine outlet gas temperature.

c. The maximum allowable power or torque for each engine, considering the power input limitations of the transmission with all engines operating;

d. The time limit for the use of the power corresponding to the limitations established in this section, sub-paragraphs a. through c. of this section; and

e. The maximum allowable engine and transmission oil temperatures.

Issued in Kansas City, Missouri on April 14, 2021.

Patrick R. Mullen,

Manager, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2021–07978 Filed 4–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0313; Project Identifier MCAI–2021–00348–T; Amendment 39–21516; AD 2021–09–03]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This AD was prompted by reports of the failure of emergency locator transmitter (ELT) antennas. This AD requires repetitive replacements of the ELT antenna and repetitive inspections for damage of the exterior fuselage skin around the ELT antenna attachment area, as specified in a Transport Canada Civil Aviation (TCCA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective May 4, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 4, 2021.

The FAA must receive comments on this AD by June 3, 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 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material incorporated by reference (IBR) in this AD, contact TCCA, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *AD-*

CN@tc.gc.ca; internet *https://tc.canada.ca/en/aviation*. You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0313.

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–2021–0313; 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, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Deep Gaurav, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

TCCA, which is the aviation authority for Canada, has issued TCCA AD CF–2021–10, dated March 18, 2021 (TCCA AD CF–2021–10) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes.

This AD was prompted by reports of the failure of ELT antennas, including one case where the antenna departed the airplane. The FAA has determined that these ELT antenna failures were caused by vibration loads induced by air vortices shed by the Gogo 2Ku antenna radome installed on the airplane. The FAA is issuing this AD to address ELT antenna failure, which can lead to the loss of the ELT antenna and the development of fuselage cracks that can result in an inability to maintain cabin pressure. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

TCCA AD CF–2021–10 describes procedures for repetitive replacements of the ELT antenna with a new ELT antenna and repetitive inspections of the exterior fuselage skin around the ELT antenna attachment area for damage (including cracking). 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.

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is issuing this AD because the FAA evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Requirements of This AD

This AD requires accomplishing the actions specified in TCCA AD CF–2021–10 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and the European Union Aviation Safety Agency (EASA) to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, TCCA AD CF–2021–10 is incorporated by reference in this final rule. This AD, therefore, requires compliance with TCCA AD CF–2021–10 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Service information specified in TCCA AD CF–2021–10 that is required for compliance with TCCA AD CF–2021–10 is available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0313.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because ELT antenna failure can lead to the possible loss of the ELT antenna and the development of fuselage cracks that can result in an inability to maintain cabin pressure. In addition, the compliance time for the required action is shorter than the time necessary for the public to comment and for publication of the final rule. Therefore, the FAA finds good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reasons stated above, the FAA finds that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0313; Project Identifier MCAI–2021–00348–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, 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 this final rule 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 received about this final rule.

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 AD 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 AD, 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 AD. Submissions containing CBI should be sent to Deep Gaurav,

Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov*. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act (RFA)

The requirements of the RFA do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects 49 airplanes 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
4 work-hours × $85 per hour = $340	$4,230	$4,570	$223,930

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 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, and

(2) Will not affect intrastate aviation in Alaska.

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:

2021–09–03 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Amendment 39–21516; Docket No. FAA–2021–0313; Project Identifier MCAI–2021–00348–T.

(a) Effective Date

This airworthiness directive (AD) becomes effective May 4, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (type certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, as identified in Transport Canada Civil Aviation (TCCA) AD CF–2021–10, dated March 18, 2021 (TCCA AD CF–2021–10).

(d) Subject

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

(e) Reason

This AD was prompted by reports of the failure of emergency locator transmitter (ELT) antennas. The FAA is issuing this AD to address ELT antenna failure, which can lead to the loss of the ELT antenna and the development of fuselage cracks that can result in an inability to maintain cabin pressure.

(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, TCCA AD CF–2021–10.

(h) Exception to TCCA AD CF–2021–10

(1) Where TCCA AD CF–2020–10 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where TCCA AD CF–2020–10 refers to hours air time, this AD requires using flight hours.

(3) If any damage is found as a result of the inspections required by this AD, repairs must be done before further flight.

(i) Special Flight Permit

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

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York 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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch,

FAA; or TCCA; or Airbus Canada Limited Partnership's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

For more information about this AD, contact Deep Gaurav, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531; email *9-avs-nyaco-cos@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) Transport Canada Civil Aviation (TCCA) AD CF–2021–10, dated March 18, 2021.

(ii) [Reserved]

(3) For TCCA AD CF–2021–10, contact TCCA, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *AD-CN@tc.gc.ca*; internet *https://tc.canada.ca/en/aviation*.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. 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–2021–0313.

(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 April 14, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–08052 Filed 4–15–21; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–1097; Airspace Docket No. 20–ANM–24]

RIN 2120–AA66

Amendment of Class E Airspace; Kremmling, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class E airspace extending upward from 700 feet above the surface at Mc Elroy Airfield Airport, Kremmling, CO. Modification of this airspace is necessary to properly contain instrument flight rules (IFR) aircraft departing and arriving at the airport. Additionally, this action implements administrative updates to the airport's name and geographic coordinates.

DATES: Effective 0901 UTC, June 17, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov//air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html*.

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

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 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 modifies Class E airspace at Mc Elroy Airfield Airport, Kremmling, CO, to ensure the safety and management of IFR operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 85568; December 29. 2020) for Docket No. FAA–2020–1097 to modify the Class E airspace at Mc Elroy Airfield Airport, Kremmling, CO. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E5 airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71 modifies the Class E airspace extending upward from 700 feet above the surface at Mc Elroy Airfield Airport, Kremmling, CO. This airspace is designed to contain IFR departures to 1,200 feet above the surface and IFR arrivals descending below 1,500 feet above the surface. The circular radius of the airport is larger than required and is reduced from 10.1 miles to 4.6 miles. An area is also added east of the airport to contain IFR aircraft departing toward/over rising terrain and IFR aircraft arriving via the RNAV Runway 27 approach. A second area is also added southwest of the airport to contain IFR aircraft arriving via the VOR/DME–A and the RNAV (GPS)–B approaches. A third area is added west of the airport to contain IFR aircraft departing toward/over rising terrain.

This action also implements administrative updates to the airport's name and geographic coordinates. To match the FAA database, ''Kremmling'' has been removed from the second line of the text header and the airport name is updated to Mc Elroy Airfield Airport. Further, to match the FAA database, the airport's geographic coordinates are updated to lat. 40°03′12″ N, long. 106°22′08″ W.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

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, is non-controversial, and unlikely to result in adverse or negative comments. It, therefore: (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, would 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 qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 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.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM CO E5 Kremmling, CO [Amended]

Mc Elroy Airfield Airport, CO
(Lat. 40°03′12″ N, long. 106°22′08″ W)

That airspace extending upward from 700 feet above the surface within a 4.6-mile radius of the airport, and within 2 miles each side of the 103° bearing from the airport, extending from the 4.6-mile radius to 16 miles east of the airport, and within 3.4 miles north and 4.2 miles south of the 239° bearing from the airport, extending from the 4.6-mile radius to 12.5 miles southwest of the airport, and within 1.8 miles each side of the 283° bearing from the airport, extending from the 4.6-mile radius to 19 miles west of Mc Elroy Airfield Airport.

Issued in Seattle, Washington, on April 9, 2021.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2021–07962 Filed 4–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–1098; Airspace Docket No. 20–ANM–25]

RIN 2120–AA66

Amendment of Class E Airspace; Meeker, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class E airspace extending upward from 700 feet above the surface at Meeker Coulter Field Airport, Meeker, CO, by reducing the dimensions of the airspace area. Additionally, this action implements an administrative update to the airport's name.

DATES: Effective 0901 UTC, June 17, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov//air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html*.

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

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 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 modifies Class E airspace at Meeker Coulter Field Airport, Meeker, CO, to ensure the safety and management of IFR operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 85564; December 29, 2020) for Docket No. FAA–2020–1098 to modify the Class E airspace at Meeker Coulter Field Airport, Meeker, CO. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to the publication of the NPRM, the FAA determined that the proposed description of the airspace created a small gap between the circular radius of the airport and the airspace on either side of the 220° bearing from the airport. The final rule removes the small gap by adjusting the 220° bearing to the 221° bearing from the airport, and changes the distance on either side of the 221° bearing from 1.0 mile to 1.1 miles. This adjustment will not impact

the external boundaries of the airspace. Further, the final rule removes excess verbiage from the airspace's description. The corrected airspace description reads: That airspace extending upward from 700 feet above the surface within a 3.5-mile radius of the airport, and within 1.1 miles each side of the 221° bearing from the airport, extending from the 3.5-mile radius to 9 mile southwest of the airport, and within 4 miles north and 8 miles south of the 292° bearing from the airport, extending from 2.1 miles west of the airport to 18.1 miles west of Meeker Coulter Field Airport.

Class E5 airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71 modifies the Class E airspace extending upward from 700 feet above the surface at Meeker Coulter Field Airport, Meeker, CO. This airspace is designed to contain IFR departures to 1,200 feet above the surface and IFR arrivals descending below 1,500 feet above the surface. The airspace area was larger than required and has been reduced to properly contain IFR aircraft departing and arriving at the airport.

Additionally, this action implements an administrative update to the airport's name. To match the FAA database, the airport name is updated to Meeker Coulter Field Airport.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

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, is non-controversial, and unlikely to result in adverse or negative comments. It, therefore: (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, would 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 qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 9 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM CO E5 Meeker, CO [Amended]

Meeker Coulter Field Airport, CO
(Lat. 40°02′56″ N, long. 107°53′09″ W)

That airspace extending upward from 700 feet above the surface within a 3.5-mile radius of the airport, and within 1.1 miles each side of the 221° bearing from the airport, extending from the 3.5-mile radius to 9 mile southwest of the airport, and within 4 miles north and 8 miles south of the 292° bearing from the airport, extending from 2.1 miles west of the airport to 18.1 miles west of Meeker Coulter Field Airport.

Issued in Seattle, Washington, on April 9, 2021.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2021–07961 Filed 4–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31365; Amdt. No. 3952]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 19, 2021. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 19, 2021.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey

Avenue SE, West Bldg., Ground Floor, Washington, DC, 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29 Room 104, Oklahoma City, OK 73169. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

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 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on April 2, 2021.

Wade Terrell,

Aviation Safety, Manager, Flight Procedures & Airspace Group, Flight Technologies and Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, CFR part 97, (is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
20–May–21 ..	MN ..	Bigfork	Bigfork Muni	1/0064	3/25/21	NDB RWY 15, Orig-
20–May–21 ..	OH ..	Hillsboro	Highland County	1/0251	3/11/21	RNAV (GPS) RWY 23, Orig-A
20–May–21 ..	TX ...	Bonham	Jones Fld	1/0270	3/10/21	RNAV (GPS) RWY 35, Amdt 1A
20–May–21 ..	TX ...	Bonham	Jones Fld	1/0271	3/10/21	RNAV (GPS) RWY 17, Amdt 2A

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
20–May–21 ..	TX ...	Bonham	Jones Fld	1/0272	3/10/21	VOR/DME RWY 17, Amdt 1A
20–May–21 ..	MN ..	Ely	Ely Muni	1/0350	3/25/21	RNAV (GPS) RWY 12, Amdt 1B
20–May–21 ..	MN ..	Ely	Ely Muni	1/0351	3/25/21	RNAV (GPS) RWY 30, Amdt 1B
20–May–21 ..	KS ...	Salina	Salina Rgnl	1/0361	3/10/21	ILS OR LOC RWY 35, Amdt 19B
20–May–21 ..	KS ...	Salina	Salina Rgnl	1/0365	3/10/21	RNAV (GPS) RWY 12. Orig
20–May–21 ..	KS ...	Salina	Salina Rgnl	1/0367	3/10/21	RNAV (GPS) RWY 30, Orig
20–May–21 ..	KS ...	Salina	Salina Rgnl	1/0368	3/10/21	RNAV (GPS) RWY 35, Orig
20–May–21 ..	KS ...	Salina	Salina Rgnl	1/0369	3/10/21	RNAV (GPS) RWY 17, Orig
20–May–21 ..	LA ...	Bunkie	Bunkie Muni	1/0370	3/12/21	RNAV (GPS) RWY 36, Orig
20–May–21 ..	WI ...	Monroe	Monroe Muni	1/0404	3/29/21	RNAV (GPS) RWY 12, Orig-A
20–May–21 ..	WI ...	Monroe	Monroe Muni	1/0405	3/29/21	RNAV (GPS) RWY 30, Orig-A
20–May–21 ..	WI ...	Monroe	Monroe Muni	1/0406	3/29/21	VOR/DME RWY 30, Amdt 8A
20–May–21 ..	TX ...	George West	Live Oak County	1/0408	3/12/21	VOR/DME–A, Amdt 2A
20–May–21 ..	TX ...	George West	Live Oak County	1/0409	3/12/21	RNAV (GPS) RWY 13, Orig-A
20–May–21 ..	LA ...	Thibodaux	Thibodaux Muni	1/0427	3/12/21	VOR OR GPS–A, Amdt 1B
20–May–21 ..	TX ...	Hebbronville	Jim Hogg County	1/0435	3/12/21	RNAV (GPS) RWY 13, Orig
20–May–21 ..	MN ..	Cloquet	Cloquet Carlton County	1/0458	2/19/21	RNAV (GPS) RWY 36, Amdt 1B
20–May–21 ..	MN ..	Cloquet	Cloquet Carlton County	1/0459	2/19/21	RNAV (GPS) RWY 18, Orig-B
20–May–21 ..	TX ...	Seymour	Seymour Muni	1/0569	3/29/21	RNAV (GPS) RWY 17, Orig-B
20–May–21 ..	PA ...	Shamokin	Northumberland County	1/0571	3/29/21	RNAV (GPS) RWY 8, Orig-D
20–May–21 ..	PA ...	Shamokin	Northumberland County	1/0572	3/29/21	RNAV (GPS) RWY 26, Orig-C
20–May–21 ..	MI	Gaylord	Gaylord Rgnl	1/0580	2/19/21	VOR RWY 27, Amdt 2B
20–May–21 ..	MI	Gaylord	Gaylord Rgnl	1/0582	2/19/21	RNAV (GPS) RWY 27, Orig-B
20–May–21 ..	MI	Gaylord	Gaylord Rgnl	1/0603	2/19/21	RNAV (GPS) RWY 9, Orig-B
20–May–21 ..	MI	Gaylord	Gaylord Rgnl	1/0605	2/19/21	ILS OR LOC RWY 9, Amdt 1A
20–May–21 ..	PA ...	Coatesville	Chester County G O Carlson	1/0613	2/22/21	ILS OR LOC RWY 29, Amdt 7A
20–May–21 ..	PA ...	Coatesville	Chester County G O Carlson	1/0614	2/22/21	RNAV (GPS) RWY 11, Orig-A
20–May–21 ..	PA ...	Coatesville	Chester County G O Carlson	1/0615	2/22/21	RNAV (GPS) RWY 29, Orig-A
20–May–21 ..	KS ...	Meade	Meade Muni	1/0623	2/19/21	RNAV (GPS) RWY 17, Orig-B
20–May–21 ..	KS ...	Meade	Meade Muni	1/0624	2/19/21	RNAV (GPS) RWY 35, Orig-C
20–May–21 ..	KS ...	Salina	Salina Rgnl	1/0658	3/29/21	VOR RWY 17, Amdt 2
20–May–21 ..	IA	Fort Dodge	Fort Dodge Rgnl	1/0726	3/29/21	ILS OR LOC RWY 6, Amdt 7C
20–May–21 ..	IA	Fort Dodge	Fort Dodge Rgnl	1/0729	3/29/21	RNAV (GPS) RWY 6, Amdt 1A
20–May–21 ..	IA	Fort Dodge	Fort Dodge Rgnl	1/0733	3/29/21	RNAV (GPS) RWY 12, Amdt 1A
20–May–21 ..	IA	Fort Dodge	Fort Dodge Rgnl	1/0734	3/29/21	RNAV (GPS) RWY 24, Amdt 1B
20–May–21 ..	IA	Fort Dodge	Fort Dodge Rgnl	1/0779	3/29/21	RNAV (GPS) RWY 30, Amdt 1A
20–May–21 ..	IA	Fort Dodge	Fort Dodge Rgnl	1/0781	3/29/21	VOR RWY 12, Amdt 15
20–May–21 ..	IA	Fort Dodge	Fort Dodge Rgnl	1/0783	3/29/21	VOR/DME RWY 30, Amdt 11A
20–May–21 ..	IN	Goshen	Goshen Muni	1/0941	3/11/21	ILS OR LOC RWY 27, Amdt 1A
20–May–21 ..	IN	Goshen	Goshen Muni	1/0942	3/11/21	RNAV (GPS) RWY 27, Orig-A
20–May–21 ..	IN	Goshen	Goshen Muni	1/0943	3/11/21	RNAV (GPS) RWY 9, Orig-A
20–May–21 ..	IN	Goshen	Goshen Muni	1/0944	3/11/21	VOR RWY 9, Amdt 12C
20–May–21 ..	OR ..	Burns	Burns Muni	1/1040	3/11/21	RNAV (GPS) RWY 30, Orig-B
20–May–21 ..	KS ...	Scott City	Scott City Muni	1/1198	3/12/21	RNAV (GPS) RWY 17, Orig-A
20–May–21 ..	KS ...	Scott City	Scott City Muni	1/1199	3/12/21	RNAV (GPS) RWY 35, Orig-A
20–May–21 ..	TX ...	Plainview	Hale County	1/1225	3/12/21	RNAV (GPS) RWY 4, Orig-B
20–May–21 ..	TX ...	Plainview	Hale County	1/1226	3/12/21	RNAV (GPS) RWY 22, Orig
20–May–21 ..	TX ...	Plainview	Hale County	1/1227	3/12/21	VOR RWY 4, Amdt 9C
20–May–21 ..	GA ..	Thomaston	Thomaston-Upson County	1/1245	2/23/21	ILS OR LOC RWY 30, Amdt 2B
20–May–21 ..	GA ..	Thomaston	Thomaston-Upson County	1/1246	2/23/21	NDB RWY 30, Amdt 2
20–May–21 ..	GA ..	Thomaston	Thomaston-Upson County	1/1247	2/23/21	RNAV (GPS) RWY 12, Orig
20–May–21 ..	GA ..	Thomaston	Thomaston-Upson County	1/1248	2/23/21	RNAV (GPS) RWY 30, Orig
20–May–21 ..	MN ..	Willmar	Willmar Muni-John L Rice Fld	1/1522	3/10/21	ILS OR LOC RWY 13, Orig-A
20–May–21 ..	MN ..	Willmar	Willmar Muni-John L Rice Fld	1/1523	3/10/21	VOR RWY 31, Orig-B
20–May–21 ..	MN ..	Willmar	Willmar Muni-John L Rice Fld	1/1524	3/10/21	RNAV (GPS) RWY 13, Orig-B
20–May–21 ..	OK ..	Oklahoma City	Clarence E Page Muni	1/1580	3/11/21	RNAV (GPS) RWY 35L, Amdt 2A
20–May–21 ..	OK ..	Oklahoma City	Clarence E Page Muni	1/1581	3/11/21	RNAV (GPS) RWY 17R, Amdt 2A
20–May–21 ..	LA ...	Bastrop	Morehouse Meml	1/1588	3/11/21	RNAV (GPS) RWY 34, Orig-A
20–May–21 ..	LA ...	Bastrop	Morehouse Meml	1/1589	3/11/21	VOR/DME–A, Amdt 9B
20–May–21 ..	LA ...	Bastrop	Morehouse Meml	1/1590	3/11/21	RNAV (GPS) RWY 16, Amdt 1A
20–May–21 ..	SC ...	Lake City	Lake City Muni CJ Evans Fld	1/1595	3/11/21	RNAV (GPS) RWY 1, Orig
20–May–21 ..	SC ...	Lake City	Lake City Muni CJ Evans Fld	1/1596	3/11/21	RNAV (GPS) RWY 19, Orig-A
20–May–21 ..	NC ..	Winston Salem	Smith Reynolds	1/1603	3/11/21	RNAV (GPS) RWY 33, Orig-C
20–May–21 ..	NC ..	Winston Salem	Smith Reynolds	1/1604	3/11/21	RNAV (GPS) RWY 15, Amdt 1C
20–May–21 ..	NC ..	Winston Salem	Smith Reynolds	1/1605	3/11/21	ILS OR LOC RWY 33, Amdt 29D
20–May–21 ..	OH ..	Jackson	James A Rhodes	1/1608	3/12/21	RNAV (GPS) RWY 19, Amdt 1D
20–May–21 ..	OH ..	Jackson	James A Rhodes	1/1609	3/12/21	RNAV (GPS) RWY 1, Amdt 1E
20–May–21 ..	OH ..	Jackson	James A Rhodes	1/1610	3/12/21	VOR/DME–A, Amdt 2C
20–May–21 ..	WA ..	Moses Lake	Grant County Intl	1/1711	3/30/21	ILS OR LOC RWY 32R, Amdt 20D
20–May–21 ..	WA ..	Moses Lake	Grant County Intl	1/1712	3/30/21	NDB RWY 32R, Amdt 17A
20–May–21 ..	WA ..	Moses Lake	Grant County Intl	1/1713	3/30/21	RNAV (GPS) Y RWY 4, Amdt 1B
20–May–21 ..	WA ..	Moses Lake	Grant County Intl	1/1714	3/30/21	RNAV (GPS) Y RWY 22, Amdt 1B

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
20–May–21 ..	WA ..	Moses Lake	Grant County Intl	1/1715	3/30/21	RNAV (GPS) Y RWY 32R, Amdt 3B
20–May–21 ..	WA ..	Moses Lake	Grant County Intl	1/1716	3/30/21	VOR RWY 4, Amdt 6B
20–May–21 ..	WA ..	Moses Lake	Grant County Intl	1/1717	3/30/21	VOR RWY 22, Amdt 5C
20–May–21 ..	WA ..	Moses Lake	Grant County Intl	1/1718	3/30/21	VOR RWY 32R, Amdt 20B
20–May–21 ..	WA ..	Moses Lake	Grant County Intl	1/1719	3/30/21	VOR 3 RWY 14L, Amdt 1B
20–May–21 ..	TN ...	Winchester	Winchester Muni	1/1747	3/30/21	RNAV (GPS) RWY 36, Orig-B
20–May–21 ..	TN ...	Winchester	Winchester Muni	1/1749	3/30/21	RNAV (GPS) Y RWY 18, Orig-C
20–May–21 ..	AR ...	Fort Smith	Fort Smith Rgnl	1/1821	3/29/21	RADAR–1, Amdt 8D
20–May–21 ..	AR ...	Fort Smith	Fort Smith Rgnl	1/1849	3/29/21	VOR/DME OR TACAN RWY 7, Amdt 11D
20–May–21 ..	AR ...	Fort Smith	Fort Smith Rgnl	1/1850	3/29/21	RNAV (GPS) RWY 25, Amdt 1A
20–May–21 ..	AR ...	Fort Smith	Fort Smith Rgnl	1/1855	3/29/21	RNAV (GPS) RWY 7, Amdt 1A
20–May–21 ..	AR ...	Fort Smith	Fort Smith Rgnl	1/1858	3/29/21	VOR OR TACAN RWY 25, Amdt 20I
20–May–21 ..	AR ...	Fort Smith	Fort Smith Rgnl	1/1860	3/29/21	RNAV (GPS) RWY 1, Amdt 2A
20–May–21 ..	CA ...	Hayward	Hayward Exec	1/1930	2/19/21	LOC/DME RWY 28L, Amdt 3C
20–May–21 ..	CA ...	Hayward	Hayward Exec	1/1933	2/19/21	RNAV (GPS) RWY 28L, Amdt 1C
20–May–21 ..	CA ...	Lincoln	Lincoln Rgnl/Karl Harder Fld	1/1942	2/23/21	RNAV (GPS) RWY 15, Orig-A
20–May–21 ..	CA ...	Lincoln	Lincoln Rgnl/Karl Harder Fld	1/1943	2/23/21	ILS OR LOC RWY 15, Amdt 1A
20–May–21 ..	SC ...	Camden	Woodward Fld	1/2139	3/30/21	VOR/DME–A, Amdt 4
20–May–21 ..	SC ...	Camden	Woodward Fld	1/2146	3/30/21	RNAV (GPS) RWY 24, Orig
20–May–21 ..	SC ...	Camden	Woodward Fld	1/2153	3/30/21	RNAV (GPS) RWY 6, Orig
20–May–21 ..	NC ..	Franklin	Macon County	1/2257	3/10/21	RNAV (GPS)-A, Orig
20–May–21 ..	TX ...	Alice	Alice Intl	1/2272	3/10/21	VOR RWY 31, Amdt 13E
20–May–21 ..	TX ...	Alice	Alice Intl	1/2273	3/10/21	RNAV (GPS) RWY 31, Amdt 1E
20–May–21 ..	TX ...	Alice	Alice Intl	1/2298	3/10/21	LOC/DME RWY 31, Orig-D
20–May–21 ..	SC ...	North Myrtle Beach	Grand Strand	1/2320	3/10/21	VOR RWY 23, Amdt 20
20–May–21 ..	SC ...	North Myrtle Beach	Grand Strand	1/2321	3/10/21	RNAV (GPS) RWY 5, Orig
20–May–21 ..	SC ...	North Myrtle Beach	Grand Strand	1/2323	3/10/21	VOR RWY 5, Amdt 22
20–May–21 ..	SC ...	North Myrtle Beach	Grand Strand	1/2325	3/10/21	RNAV (GPS) RWY 23, Amdt 1A
20–May–21 ..	NC ..	Plymouth	Plymouth Muni	1/2377	3/11/21	RNAV (GPS) RWY 21, Orig-A
20–May–21 ..	NC ..	Plymouth	Plymouth Muni	1/2378	3/11/21	RNAV (GPS) RWY 3, Orig-A
20–May–21 ..	MD ..	Westminster	Carroll County Rgnl/Jack B Poage Fld	1/2381	3/12/21	VOR RWY 34, Amdt 4B
20–May–21 ..	MD ..	Westminster	Carroll County Rgnl/Jack B Poage Fld	1/2382	3/12/21	RNAV (GPS) RWY 34, Amdt 1B
20–May–21 ..	MD ..	Westminster	Carroll County Rgnl/Jack B Poage Fld	1/2383	3/12/21	RNAV (GPS) RWY 16, Amdt 2A
20–May–21 ..	OR ..	John Day	Grant County Rgnl/Ogilvie Fld	1/2388	3/11/21	RNAV (GPS) Y RWY 9, Orig-D
20–May–21 ..	NV ...	Tonopah	Tonopah	1/2749	3/11/21	VOR OR GPS–A, Amdt 3B
20–May–21 ..	NE ...	Holdrege	Brewster Fld	1/2868	3/12/21	RNAV (GPS) RWY 18, Orig
20–May–21 ..	NE ...	Holdrege	Brewster Fld	1/2869	3/12/21	RNAV (GPS) RWY 36, Orig
20–May–21 ..	GA ..	Winder	Barrow County	1/2938	3/11/21	ILS OR LOC RWY 31, Orig-E
20–May–21 ..	GA ..	Winder	Barrow County	1/2939	3/11/21	NDB RWY 31, Amdt 9D
20–May–21 ..	GA ..	Winder	Barrow County	1/2940	3/11/21	RNAV (GPS) RWY 13, Amdt 1B
20–May–21 ..	GA ..	Winder	Barrow County	1/2941	3/11/21	RNAV (GPS) RWY 23, Orig-C
20–May–21 ..	GA ..	Winder	Barrow County	1/2942	3/11/21	RNAV (GPS) RWY 31, Amdt 1D
20–May–21 ..	MT ..	Scobey	Scobey	1/2944	3/10/21	RNAV (GPS) RWY 12, Orig-C
20–May–21 ..	VA ...	Culpeper	Culpeper Rgnl	1/3060	2/11/21	LOC RWY 4, Orig
20–May–21 ..	VA ...	Culpeper	Culpeper Rgnl	1/3061	2/11/21	NDB RWY 4, Orig
20–May–21 ..	VA ...	Culpeper	Culpeper Rgnl	1/3064	2/11/21	VOR–A, Amdt 5
20–May–21 ..	WI ...	Park Falls	Park Falls Muni	1/3065	2/11/21	RNAV (GPS) RWY 36, Orig-C
20–May–21 ..	WI ...	Park Falls	Park Falls Muni	1/3068	2/11/21	RNAV (GPS) RWY 18, Orig-B
20–May–21 ..	SC ...	Mount Pleasant	Mt Pleasant Rgnl-Faison Fld	1/3212	2/18/21	RNAV (GPS) RWY 17, Orig-D
20–May–21 ..	SC ...	Mount Pleasant	Mt Pleasant Rgnl-Faison Fld	1/3213	2/18/21	RNAV (GPS) RWY 35, Orig-E
20–May–21 ..	SC ...	Mount Pleasant	Mt Pleasant Rgnl-Faison Fld	1/3214	2/18/21	VOR/DME–A, Amdt 1B
20–May–21 ..	WI ...	Sturgeon Bay	Door County Cherryland	1/3343	3/12/21	RNAV (GPS) RWY 20, Amdt 1B
20–May–21 ..	WI ...	Sturgeon Bay	Door County Cherryland	1/3348	3/12/21	RNAV (GPS) RWY 2, Amdt 1C
20–May–21 ..	AL ...	Andalusia	South Alabama Rgnl At Bill Benton Fld.	1/3351	3/10/21	RNAV (GPS) RWY 11, Amdt 2B
20–May–21 ..	MN ..	Pine River	Pine River Rgnl	1/3352	3/18/21	RNAV (GPS) RWY 34, Orig
20–May–21 ..	AL ...	Andalusia	South Alabama Rgnl At Bill Benton Fld.	1/3353	3/10/21	RNAV (GPS) RWY 29, Amdt 2B
20–May–21 ..	MN ..	Glenwood	Glenwood Muni	1/3355	3/25/21	RNAV (GPS) RWY 15, Orig-B
20–May–21 ..	MN ..	Glenwood	Glenwood Muni	1/3356	3/25/21	RNAV (GPS) RWY 33, Amdt 1B
20–May–21 ..	MN ..	Glenwood	Glenwood Muni	1/3357	3/25/21	VOR RWY 33, Amdt 2C
20–May–21 ..	NY ...	Massena	Massena Intl-Richards Fld	1/3364	3/18/21	ILS OR LOC RWY 5, Amdt 3B
20–May–21 ..	NY ...	Massena	Massena Intl-Richards Fld	1/3365	3/18/21	RNAV (GPS) RWY 5, Amdt 2B
20–May–21 ..	TX ...	Amarillo	Tradewind	1/3382	3/12/21	RNAV (GPS) RWY 35, Orig-A
20–May–21 ..	FL ...	Gainesville	Gainesville Rgnl	1/3386	3/23/21	RNAV (GPS) RWY 11, Amdt 1B
20–May–21 ..	FL ...	Gainesville	Gainesville Rgnl	1/3387	3/23/21	RNAV (GPS) RWY 25, Amdt 1B
20–May–21 ..	FL ...	Gainesville	Gainesville Rgnl	1/3388	3/23/21	RNAV (GPS) RWY 29, Amdt 1B
20–May–21 ..	FL ...	Gainesville	Gainesville Rgnl	1/3389	3/23/21	RNAV (GPS) RWY 7, Amdt 1A
20–May–21 ..	AZ ...	Chandler	Chandler Muni	1/3445	3/25/21	RNAV (GPS) RWY 4R, Orig-A
20–May–21 ..	AZ ...	Chandler	Chandler Muni	1/3446	3/25/21	VOR RWY 4R, Orig-A

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
20–May–21 ..	AL ...	Russellville	Bill Pugh Fld	1/3511	3/25/21	RNAV (GPS) RWY 2, Orig-C
20–May–21 ..	AL ...	Russellville	Bill Pugh Fld	1/3513	3/25/21	RNAV (GPS) RWY 20, Orig-B
20–May–21 ..	WA ..	Moses Lake	Grant County Intl	1/3537	3/30/21	RNAV (GPS) Y RWY 14L, Amdt 1B
20–May–21 ..	WA ..	Moses Lake	Grant County Intl	1/3546	3/25/21	VOR 1 RWY 14L, Amdt 1B
20–May–21 ..	WV ..	Huntington	Tri-State/Milton J Ferguson Fld	1/3598	3/18/21	RNAV (GPS) RWY 12, Amdt 3B
20–May–21 ..	MN ..	Bigfork	Bigfork Muni	1/3742	3/25/21	RNAV (GPS) RWY 15, Orig-C
20–May–21 ..	MN ..	Bigfork	Bigfork Muni	1/3743	3/25/21	RNAV (GPS) RWY 33, Orig-E
20–May–21 ..	AR ...	Ozark	Ozark-Franklin County	1/3980	3/12/21	RNAV (GPS) RWY 4, Orig-A
20–May–21 ..	PA ...	Reading	Reading Rgnl/Carl A Spaatz Fld	1/4000	2/23/21	ILS OR LOC RWY 36, Amdt 30C
20–May–21 ..	PA ...	Reading	Reading Rgnl/Carl A Spaatz Fld	1/4001	2/23/21	RNAV (GPS) RWY 13, Orig-A
20–May–21 ..	PA ...	Reading	Reading Rgnl/Carl A Spaatz Fld	1/4002	2/23/21	RNAV (GPS) RWY 18, Orig-A
20–May–21 ..	PA ...	Reading	Reading Rgnl/Carl A Spaatz Fld	1/4003	2/23/21	RNAV (GPS) RWY 36, Orig-B
20–May–21 ..	NC ..	Reidsville	Rockingham County NC Shiloh	1/4037	2/17/21	RNAV (GPS) RWY 13, Orig-A
20–May–21 ..	NC ..	Reidsville	Rockingham County NC Shiloh	1/4039	2/17/21	VOR/DME–A, Amdt 9B
20–May–21 ..	NE ...	Hartington	Hartington Muni/Bud Becker Fld	1/4179	3/12/21	VOR/DME RWY 31, Orig-C
20–May–21 ..	AL ...	Florala	Florala Muni	1/4193	1/21/21	RNAV (GPS) RWY 22, Amdt 1A
20–May–21 ..	MN ..	Fergus Falls	Fergus Falls Muni-Einar Mickelson Fld.	1/4359	3/18/21	ILS OR LOC RWY 31, Amdt 2
20–May–21 ..	MN ..	Fergus Falls	Fergus Falls Muni-Einar Mickelson Fld.	1/4362	3/18/21	RNAV (GPS) RWY 35, Orig
20–May–21 ..	PA ...	Gettysburg	Gettysburg Rgnl	1/4437	3/12/21	RNAV (GPS)–A, Orig
20–May–21 ..	NC ..	Reidsville	Rockingham County NC Shiloh	1/4504	2/17/21	RNAV (GPS) RWY 31, Orig-B
20–May–21 ..	NC ..	Reidsville	Rockingham County NC Shiloh	1/4507	2/17/21	NDB RWY 31, Amdt 5B
20–May–21 ..	MN ..	Fergus Falls	Fergus Falls Muni-Einar Mickelson Fld.	1/4510	3/18/21	RNAV (GPS) RWY 13, Orig-A
20–May–21 ..	MN ..	Fergus Falls	Fergus Falls Muni-Einar Mickelson Fld.	1/4512	3/18/21	RNAV (GPS) RWY 31, Orig-A
20–May–21 ..	MN ..	Fergus Falls	Fergus Falls Muni-Einar Mickelson Fld.	1/4514	3/18/21	VOR RWY 13, Amdt 1
20–May–21 ..	AR ...	El Dorado	South Arkansas Rgnl At Goodwin Fld	1/4668	3/17/21	ILS OR LOC RWY 22, Amdt 2E
20–May–21 ..	AR ...	El Dorado	South Arkansas Rgnl At Goodwin Fld	1/4669	3/17/21	VOR/DME RWY 4, Amdt 10C
20–May–21 ..	AR ...	El Dorado	South Arkansas Rgnl At Goodwin Fld	1/4670	3/17/21	RNAV (GPS) RWY 22, Orig-C
20–May–21 ..	AR ...	El Dorado	South Arkansas Rgnl At Goodwin Fld	1/4671	3/17/21	RNAV (GPS) RWY 4, Orig-C
20–May–21 ..	SD ...	Gregory	Gregory Muni—Flynn Fld	1/5046	3/19/21	RNAV (GPS) RWY 31, Orig-A
20–May–21 ..	GA ..	Cairo	Cairo-Grady County	1/5324	1/22/21	RNAV (GPS) RWY 31, Amdt 1A
20–May–21 ..	GA ..	Cairo	Cairo-Grady County	1/5325	1/22/21	RNAV (GPS) RWY 13, Amdt 1B
20–May–21 ..	SC ...	Chester	Chester Catawba Rgnl	1/5337	1/22/21	NDB RWY 35, Amdt 2
20–May–21 ..	SC ...	Chester	Chester Catawba Rgnl	1/5338	1/22/21	RNAV (GPS) RWY 17, Amdt 1
20–May–21 ..	SC ...	Chester	Chester Catawba Rgnl	1/5339	1/22/21	RNAV (GPS) RWY 35, Amdt 1
20–May–21 ..	KY ...	Henderson	Henderson City-County	1/5360	3/17/21	VOR–A, Amdt 10
20–May–21 ..	AZ ...	Kingman	Kingman	1/5676	3/19/21	VOR/DME RWY 21, Amdt 7C
20–May–21 ..	AZ ...	Kingman	Kingman	1/5677	3/19/21	RNAV (GPS) RWY 3, Orig-B
20–May–21 ..	AZ ...	Kingman	Kingman	1/5678	3/19/21	RNAV (GPS) Y RWY 21, Orig-B
20–May–21 ..	AL ...	Fairhope	H L Sonny Callahan	1/5679	3/19/21	VOR/DME–A, Amdt 7
20–May–21 ..	AL ...	Fairhope	H L Sonny Callahan	1/5680	3/19/21	RNAV (GPS) RWY 19, Amdt 2A
20–May–21 ..	AL ...	Fairhope	H L Sonny Callahan	1/5684	3/19/21	RNAV (GPS) RWY 1, Amdt 2A
20–May–21 ..	WI ...	Janesville	Southern Wisconsin Rgnl	1/5685	3/19/21	RNAV (GPS) RWY 14, Amdt 1A
20–May–21 ..	WI ...	Janesville	Southern Wisconsin Rgnl	1/5686	3/19/21	RNAV (GPS) RWY 4, Amdt 1
20–May–21 ..	WI ...	Janesville	Southern Wisconsin Rgnl	1/5687	3/19/21	ILS OR LOC RWY 32, Amdt 1A
20–May–21 ..	WI ...	Janesville	Southern Wisconsin Rgnl	1/5688	3/19/21	RNAV (GPS) RWY 32, Orig-B
20–May–21 ..	WI ...	Janesville	Southern Wisconsin Rgnl	1/5694	3/19/21	RNAV (GPS) RWY 22, Amdt 1
20–May–21 ..	WI ...	Janesville	Southern Wisconsin Rgnl	1/5695	3/19/21	ILS OR LOC RWY 4, Amdt 12A
20–May–21 ..	OK ..	Henryetta	Henryetta Muni	1/5717	3/19/21	RNAV (GPS) RWY 36, Orig-C
20–May–21 ..	TX ...	Paris	Cox Fld	1/6150	3/19/21	VOR RWY 35, Amdt 2A
20–May–21 ..	TX ...	Paris	Cox Fld	1/6151	3/19/21	RNAV (GPS) RWY 35, Orig
20–May–21 ..	TX ...	Paris	Cox Fld	1/6152	3/19/21	RNAV (GPS) RWY 17, Orig
20–May–21 ..	KS ...	Emporia	Emporia Muni	1/6203	3/18/21	RNAV (GPS) RWY 1, Orig-A
20–May–21 ..	KS ...	Emporia	Emporia Muni	1/6205	3/18/21	RNAV (GPS) RWY 19, Orig-A
20–May–21 ..	KS ...	Emporia	Emporia Muni	1/6206	3/18/21	VOR–A, Amdt 14A
20–May–21 ..	NC ..	Edenton	Northeastern Rgnl	1/6488	3/26/21	RNAV (GPS) RWY 19, Amdt 2B
20–May–21 ..	NC ..	Edenton	Northeastern Rgnl	1/6489	3/26/21	ILS OR LOC RWY 19, Orig-C
20–May–21 ..	NY ...	Dansville	Dansville Muni	1/6738	2/22/21	RNAV (GPS) RWY 14, Orig-B
20–May–21 ..	NY ...	Dansville	Dansville Muni	1/6739	2/22/21	RNAV (GPS)-A, Orig
20–May–21 ..	PR ...	Mayaguez	Eugenio Maria De Hostos	1/6848	3/30/21	VOR RWY 9, Amdt 10A
20–May–21 ..	PR ...	Mayaguez	Eugenio Maria De Hostos	1/6855	3/30/21	RNAV (GPS) RWY 9, Orig-B
20–May–21 ..	NC ..	Lexington	Davidson County	1/7305	3/19/21	ILS OR LOC RWY 6, Amdt 1C
20–May–21 ..	NC ..	Lexington	Davidson County	1/7306	3/19/21	RNAV (GPS) RWY 24, Orig-A
20–May–21 ..	NC ..	Lexington	Davidson County	1/7307	3/19/21	RNAV (GPS) RWY 6, Orig-A
20–May–21 ..	NC ..	Currituck	Currituck County Rgnl	1/7407	3/26/21	VOR/DME–A, Amdt 1
20–May–21 ..	NC ..	Currituck	Currituck County Rgnl	1/7409	3/26/21	RNAV (GPS) RWY 23, Orig-B
20–May–21 ..	NC ..	Currituck	Currituck County Rgnl	1/7413	3/26/21	RNAV (GPS) RWY 5, Orig
20–May–21 ..	MS ..	Tunica	Tunica Muni	1/7503	3/10/21	RNAV (GPS) RWY 35, Amdt 2A
20–May–21 ..	MS ..	Tunica	Tunica Muni	1/7504	3/10/21	RNAV (GPS) RWY 17, Amdt 3A

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
20–May–21 ..	MS ..	Tunica	Tunica Muni	1/7505	3/10/21	ILS OR LOC RWY 35, Amdt 1
20–May–21 ..	TN ...	Dyersburg	Dyersburg Rgnl	1/7753	2/22/21	RNAV (GPS) RWY 4, Amdt 2C
20–May–21 ..	TN ...	Dyersburg	Dyersburg Rgnl	1/7754	2/22/21	VOR–A, Amdt 18A
20–May–21 ..	TN ...	Dyersburg	Dyersburg Rgnl	1/7755	2/22/21	RNAV (GPS) RWY 22, Amdt 1B
20–May–21 ..	MN ..	Alexandria	Chandler Fld	1/7812	2/19/21	RNAV (GPS) RWY 31, Amdt 1
20–May–21 ..	MN ..	Alexandria	Chandler Fld	1/7813	2/19/21	VOR RWY 22, Amdt 15A
20–May–21 ..	MN ..	Alexandria	Chandler Fld	1/7814	2/19/21	ILS OR LOC RWY 31, Orig-D
20–May–21 ..	TX ...	Stephenville	Stephenville Clark Rgnl	1/7893	3/25/21	RNAV (GPS) RWY 14, Orig-A
20–May–21 ..	TX ...	Stephenville	Stephenville Clark Rgnl	1/7894	3/25/21	RNAV (GPS) RWY 32, Orig-A
20–May–21 ..	MI	Dowagiac	Dowagiac Muni	1/8248	3/11/21	RNAV (GPS) RWY 9, Orig
20–May–21 ..	MI	Dowagiac	Dowagiac Muni	1/8249	3/11/21	RNAV (GPS) RWY 27, Orig
20–May–21 ..	WY ..	Worland	Worland Muni	1/8477	3/23/21	RNAV (GPS) RWY 16, Orig-B
20–May–21 ..	WY ..	Worland	Worland Muni	1/8478	3/23/21	RNAV (GPS) RWY 34, Orig-B
20–May–21 ..	WY ..	Worland	Worland Muni	1/8479	3/23/21	VOR RWY 16, Amdt 6B
20–May–21 ..	MT ..	Glendive	Dawson Community	1/8553	1/29/21	RNAV (GPS) RWY 12, Orig-B
20–May–21 ..	MT ..	Glendive	Dawson Community	1/8554	1/29/21	RNAV (GPS) RWY 30, Orig-B
20–May–21 ..	GA ..	Bainbridge	Decatur County Industrial Air Park	1/8590	2/22/21	ILS OR LOC RWY 27, Orig-A
20–May–21 ..	GA ..	Bainbridge	Decatur County Industrial Air Park	1/8595	2/22/21	VOR–A, Amdt 4
20–May–21 ..	GA ..	Bainbridge	Decatur County Industrial Air Park	1/8596	2/22/21	RNAV (GPS) RWY 27, Amdt 1
20–May–21 ..	GA ..	Bainbridge	Decatur County Industrial Air Park	1/8597	2/22/21	RNAV (GPS) RWY 9, Amdt 1
20–May–21 ..	KS ...	Salina	Salina Rgnl	1/9485	3/3/21	NDB RWY 35, Amdt 17B
20–May–21 ..	NC ..	Clinton	Clinton-Sampson County	1/9814	3/25/21	RNAV (GPS) RWY 6, Amdt 2B
20–May–21 ..	NC ..	Clinton	Clinton-Sampson County	1/9815	3/25/21	RNAV (GPS) Y RWY 24, Amdt 1B
20–May–21 ..	NC ..	Clinton	Clinton-Sampson County	1/9816	3/25/21	LOC RWY 6, Amdt 3B
20–May–21 ..	NC ..	Clinton	Clinton-Sampson County	1/9817	3/25/21	VOR/DME–A, Amdt 6A

[FR Doc. 2021–07849 Filed 4–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31364; Amdt. No. 3951]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPS) and associated Takeoff Minimums and Obstacle Departure procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 19, 2021. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 19, 2021.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops–M30. 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC, 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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*.

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg 29 Room 104, Oklahoma City, OK 73169. Telephone (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, 8260–15B, when required by an entry on 8260–15A, and 8260–15C.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers or aeronautical materials. Thus, the advantages of

incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the typed of SIAPS, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

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 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on April 2, 2021.

Wade Terrell,

Aviation Safety, Manager, Flight Procedures & Airspace Group, Flight Technologies and Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CRF part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 17 June 2021

Fairbanks, AK, Fairbanks Intl, Takeoff Minimums and Obstacle DP, Amdt 6B
Fort Smith, AR, KFSM, ILS OR LOC RWY 7, Amdt 1A
St Johns, AZ, KSJN, VOR–A, Amdt 3
Mammoth Lakes, CA, Mammoth Yosemite, NIKOL TWO Graphic DP
San Jose, CA, KSJC, RNAV (RNP) Z RWY 30L, Amdt 3
San Jose, CA, KSJC, RNAV (RNP) Z RWY 30R, Amdt 2
Naples, FL, KAPF, RNAV (GPS) RWY 5, Amdt 2C
Naples, FL, KAPF, RNAV (GPS) RWY 23, Amdt 1C
Tampa, FL, KTPA, LOC RWY 1R, Amdt 4B
Venice, FL, Venice Muni, Takeoff Minimums and Obstacle DP, Amdt 4
Atlanta, GA, Atlanta Speedway, Takeoff Minimums and Obstacle DP, Amdt 2B
Hilo, HI, PHTO, ILS OR LOC RWY 26, Amdt 14A
Honolulu, HI, PHNL, RNAV (GPS) RWY 8R, Amdt 1
Carbondale/Murphysboro, IL, KMDH, ILS OR LOC RWY 18L, Amdt 13B
Carbondale/Murphysboro, IL, KMDH, NDB RWY 18L, Amdt 13B
Chicago, IL, KMDW, RNAV (GPS) Z RWY 4R, Amdt 4
Chicago, IL, KMDW, RNAV (RNP) Y RWY 4R, Amdt 1
Marion, IL, KMWA, ILS OR LOC RWY 20, Amdt 12C
Marion, IL, KMWA, RNAV (GPS) RWY 2, Amdt 1D
Marion, IL, KMWA, RNAV (GPS) RWY 20, Amdt 1D
Marion, IL, KMWA, VOR RWY 2, Amdt 13E, CANCELLED
Beverly, MA, KBVY, RNAV (GPS) RWY 16, Amdt 2
Boston, MA, KBOS, ILS OR LOC RWY 33L, ILS RWY 33L (SA CAT I), ILS RWY 33L (CAT II), ILS RWY 33L (CAT III), Amdt 5F
Ocean City, MD, KOXB, LOC RWY 14, Amdt 2B, CANCELLED
Ocean City, MD, KOXB, LOC RWY 32, Orig
Greenville, ME, Greenville Muni, Takeoff Minimums and Obstacle DP, Amdt 3
Presque Isle, ME, KPQI, ILS OR LOC RWY 1, Amdt 7A
Eveleth, MN, KEVM, VOR RWY 27, Amdt 1B, CANCELLED
Preston, MN, KFKA, RNAV (GPS) RWY 29, Amdt 1E
St Paul, MN, KSTP, RNAV (GPS) RWY 32, Amdt 1A
Cuba, MO, KUBX, RNAV (GPS) RWY 36, Amdt 1
Grain Valley, MO, 3GV, RNAV (GPS) RWY 9, Orig-A
Potosi, MO, 8WC, RNAV (GPS) RWY 2, Amdt 2D
Salem, MO, K33, VOR–A, Orig-A, CANCELLED
Billings, MT, KBIL, ILS OR LOC RWY 28R, Amdt 3A
Billings, MT, KBIL, RNAV (GPS) RWY 7, Amdt 2A
Billings, MT, KBIL, RNAV (GPS) RWY 10L, Amdt 4A
Billings, MT, KBIL, RNAV (GPS) RWY 25, Amdt 2A
Billings, MT, KBIL, RNAV (GPS) Y RWY 28R, Amdt 4A
Billings, MT, KBIL, RNAV (RNP) Z RWY 28R, Amdt 1A
Williston, ND, KXWA, RNAV (GPS) RWY 4, Orig
Williston, ND, KXWA, RNAV (GPS) RWY 22, Orig
Williston, ND, Williston Basin Intl, Takeoff Minimums and Obstacle DP, Amdt 1
Williston, ND, KXWA, VOR RWY 22, Orig
Concord, NH, KCON, ILS OR LOC RWY 35, Amdt 2
Concord, NH, KCON, RNAV (GPS) RWY 12, Amdt 1
Concord, NH, KCON, RNAV (GPS) RWY 17, Amdt 1
Concord, NH, KCON, RNAV (GPS) RWY 35, Amdt 1
Concord, NH, KCON, VOR–A, Amdt 1
Lebanon, NH, Lebanon Muni, Takeoff Minimums and Obstacle DP, Amdt 3

Manchester, NH, KMHT, RNAV (GPS) Y RWY 17, Amdt 1D
Pittstown, NJ, Alexandria, Takeoff Minimums and Obstacle DP, Amdt 3
Owyhee, NV, 10U, RNAV (GPS) RWY 5, Orig
Owyhee, NV, Owyhee, Takeoff Minimums and Obstacle DP, Orig
New York, NY, KLGA, COPTER ILS OR LOC RWY 13, Amdt 1
Saranac Lake, NY, KSLK, ILS OR LOC RWY 23, Amdt 11
Saranac Lake, NY, KSLK, RNAV (GPS) RWY 23, Amdt 1
Athens/Albany, OH, KUNI, NDB RWY 25, Amdt 9D
Dayton, OH, 3I7, RNAV (GPS)-A, Orig
Dayton, OH, 3I7, VOR OR GPS RWY 21, Amdt 3B, CANCELLED
Gallipolis, OH, KGAS, RNAV (GPS) RWY 23, Amdt 1
Springfield, OH, KSGH, NDB RWY 24, Amdt 17, CANCELLED
Wilmington, OH, KILN, ILS OR LOC RWY 4L, Amdt 4E
Wilmington, OH, KILN, ILS OR LOC RWY 4R, Orig-D
Wilmington, OH, KILN, ILS OR LOC RWY 22L, ILS RWY 22L (SA CAT I), ILS RWY 22L (CAT II), Orig-D
Wilmington, OH, KILN, ILS OR LOC RWY 22R, ILS RWY 22R (SA CAT I), ILS RWY 22R (CAT II), ILS RWY 22R (CAT III), Amdt 6A
Wilmington, OH, KILN, RNAV (GPS) RWY 4L, Orig-D
Hinton, OK, 2O8, RNAV (GPS) RWY 18, Amdt 1C
Hinton, OK, 2O8, RNAV (GPS) RWY 36, Amdt 1C
Hinton, OK, Hinton Muni, Takeoff Minimums and Obstacle DP, Orig-A
Abilene, TX, KABI, RNAV (GPS) RWY 22, Orig-B. CANCELLED
Abilene, TX, Abilene Rgnl, Takeoff Minimums and Obstacle DP, Amdt 4A
Austin, TX, KEDC, RNAV (GPS) RWY 31, Amdt 1A
Barre/Montpelier, VT, KMPV, RNAV (GPS) RWY 35, Amdt 2
Seattle, WA, KSEA, ILS OR LOC RWY 16L, ILS RWY 16L (SA CAT I), ILS RWY 16L (CAT II), ILS RWY 16L (CAT III), Amdt 8A
Green Bay, WI, KGRB, RNAV (GPS) RWY 6, Amdt 2B
Green Bay, WI, KGRB, RNAV (GPS) RWY 18, Amdt 1C
Green Bay, WI, KGRB, RNAV (GPS) RWY 36, Amdt 3B
Ravenswood, WV, I18, RNAV (GPS) RWY 4, Orig-B
Sheridan, WY, KSHR, RNAV (GPS) RWY 33, Amdt 1A

RESCINDED: On March 24, 2021 (86 FR 15583), the FAA published an Amendment in Docket No. 31359 Amdt No. 3947, to Part 97 of the Federal Aviation Regulations under section 97.23 and 97.25. The following entries for Beverly, MA, effective April 22, 2021, are hereby rescinded in their entirety:
Beverly, MA, KBVY, LOC RWY 16, Amdt 8
Beverly, MA, Beverly Rgnl, VOR RWY 16, Amdt 5E, CANCELLED

[FR Doc. 2021–07853 Filed 4–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 862, 866, 880, 884 and 892

[Docket No. FDA–2018–N–1440]

RIN 0910–AH67

Medical Devices; Medical Device Classification Regulations To Conform to Medical Software Provisions in the 21st Century Cures Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is amending certain classification regulations to reflect changes to the Federal Food, Drug, and Cosmetic Act (FD&C Act) made by the 21st Century Cures Act (the Cures Act). The Cures Act amended the definition of a device in the FD&C Act to exclude certain software functions. FDA is taking this action so that its regulations conform to the medical software provisions in the Cures Act.

DATES: This rule is effective on April 19, 2021.

FOR FURTHER INFORMATION CONTACT: Bakul Patel, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5528, Silver Spring, MD 20993, 301–796–5528, email: *Bakul.Patel@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

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I. Executive Summary

A. Purpose of the Final Rule

On December 13, 2016, the Cures Act was enacted (Pub. L. 114–255). The Cures Act amended the FD&C Act to include descriptions of software functions that are excluded from the definition of device in the FD&C Act. The Cures Act amended the FD&C Act to state that the term device does not include the software functions excluded pursuant to section 520(o)(1) of the FD&C Act.

Among the software functions excluded from the definition of device by this provision, most relevant to this rule are the software functions intended to transfer, store, convert formats, or display clinical laboratory test or other device data, results, and findings and that do not interpret or analyze such clinical laboratory test or other device data, results, and findings. Because the provision only excludes certain software functions from the device definition, the regulatory status of device hardware remains unchanged. With this final rule, FDA is amending the ''identification'' description of eight classification regulations so that the regulations no longer include software functions that the Cures Act excluded from the device definition in the FD&C Act. In other words, in this action, FDA is amending eight classification regulations so that the regulations conform to the medical software provisions of the Cures Act and reflect FDA's current statutory authority.

B. Summary of the Major Provisions of the Final Rule

This rule updates eight classification regulations by amending these regulations to exclude software functions that no longer fall within the device definition under 201(h) of the FD&C Act. Specifically, FDA is amending the following classification regulations:

- Amend the calculator/data processing module for clinical use ''identification'' description to remove non-device software functions that maintain and retrieve laboratory data;
- amend the continuous glucose monitor (CGM) secondary display ''identification'' description to remove receive and display software functions, and amend the title of the CGM secondary display regulation to

''Continuous Glucose Monitor (CGM) Secondary Alarm System;''

- amend the automated indirect immunofluorescence microscope and software-assisted system device ''identification'' description by replacing the first use of the word ''software'' with ''device'' because both hardware and software functions that use fluorescent signal acquisition and processing software, data storage, and transferring mechanisms, or assay specific algorithms to interpret or analyze results, are devices;
- amend the medical device data systems (MDDS) ''identification'' description to remove non-device software functions intended for transferring, storing, converting formats, or displaying clinical laboratory test or other device data and results;
- amend the home uterine activity monitor (HUAM) ''identification'' description to remove non-device software functions intended for transmitting, receiving, and displaying data;
- amend medical image storage device ''identification'' description to remove non-device software functions intended for storing and retrieving so that a medical image storage device is a hardware device that provides electronic storage and retrieval functions for medical images;
- amend medical image communications device ''identification'' description to include software functions intended for medical image processing and manipulation; and
- amend picture archiving and communications system ''identification'' description to remove non-device software functions intended for storing and displaying medical images, revise the ''identification'' description to clarify that the regulation includes software and hardware functions intended for medical image management and processing, and revise the title of the classification regulation to ''Medical Image Management and Processing System.''

This final rule does not change the classification of the device types for which FDA is amending the title and/or identification statements. This rule will ensure that the specific classification regulations conform to changes the Cures Act made to the FD&C Act and reflect current FDA statutory authority.

C. Legal Authority

This final rule is being issued under sections 201(h), 520(o), and 701 of the FD&C Act (21 U.S.C. 321, 360j, and 371) and the device and general administrative provisions of the FD&C Act sections 501, 510, 513, 515, 520, 522, and 701 (21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l,* and 371).

II. Table of Abbreviations and Acronyms Commonly Used in This Document

Abbreviation or acronym	What it means
510(k)	Premarket Notification.
APA	Administrative Procedure Act.
CFR	Code of Federal Regulations.
CGM	Continuous Glucose Monitor.
Cures Act	21st Century Cures Act.
E.O	Executive Order.
FDA or the Agency	Food and Drug Administration.
FD&C Act	Federal Food, Drug, and Cosmetic Act.
HUAM	Home Uterine Activity Monitor.
IMACS	Image Management and Communications Systems.
MDDS	Medical Device Data System.
PACS	Picture Archiving and Communications System.
U.S.C	United States Code.

III. Background

On December 13, 2016, the Cures Act was enacted. The Cures Act amended, among other things, FDA's authority to regulate medical software, including certain clinical decision support software. The provision of the Cures Act entitled ''Clarifying Medical Software Regulation,'' amended section 520 of the FD&C Act by adding subsection (o), which describes specific software functions that are excluded from the definition of device in the FD&C Act (section 201(h) of FD&C Act).

Section 520(o)(1) of the FD&C Act excludes from the definition of device software functions that are intended for:

1. Administrative support of a healthcare facility (section 520(o)(1)(A));
2. Maintaining or encouraging a healthy lifestyle and unrelated to the diagnosis, cure, mitigation, prevention, or treatment of a disease or condition (section 520(o)(1)(B));
3. Serving as electronic patient records, including patient-provided information, to the extent that such records are intended to transfer, store, convert formats, or display the equivalent of a paper medical chart, so long as such records were created, stored, transferred, or reviewed by healthcare professionals or by individuals working under supervision of such professionals; such records are part of health information technology that is certified under section 3001(c)(5) of the Public Health Service Act (42 U.S.C. 300jj–11(c)(5)); and such function is not intended to interpret or analyze patient records, including medical image data, for the purpose of diagnosis, cure, mitigation, prevention, or treatment of a disease or condition (section 520(o)(1)(C)); or
4. Transferring, storing, converting formats, or displaying clinical laboratory test or other device data and results, findings by a healthcare professional with respect to such data and results, unless such function is intended to interpret or analyze clinical laboratory test or other device data, results, or findings (section 520(o)(1)(D)); or
5. Unless the function is intended to acquire, process, or analyze a medical image or a signal from an in vitro diagnostic device or a pattern or signal from a signal acquisition system, for the purpose of—(section 520(o)(1)(E));

a. Displaying, analyzing, or printing medical information about a patient or other medical information (such as peer-reviewed clinical studies and clinical practice guidelines) (section 520(o)(1)(E)(i));

b. Supporting or providing recommendations to a healthcare professional about prevention, diagnosis, or treatment of a disease or condition (section 520(o)(1)(E)(ii)); and

c. Enabling such healthcare professional to independently review the basis for such recommendations that such software presents so that it is not the intent that such healthcare professional rely primarily on any of

such recommendations to make a clinical diagnosis or treatment decision regarding an individual patient (section 520(o)(1)(E)(iii)).

The Cures Act also provides that a software function described in section 520(o)(1)(C), (D), or (E) of the FD&C Act will not be excluded from the device definition under section 201(h) of the FD&C Act if FDA makes a finding that the software function would be reasonably likely to have serious adverse health consequences and certain substantive and procedural criteria are met (section 520(o)(3) of the FD&C Act). Also, nothing in section 520(o)(1) should exclude regulated software used in the manufacture and transfusion of blood and blood components to assist in the prevention of disease in humans (section 520(o)(4) of the FD&C Act).

A device, as defined in section 201(h) of the FD&C Act, may be comprised of one or more functions that are subject to FDA oversight. FDA defines the term ''function'' as a distinct purpose of a product, which could be the intended use or a subset of the intended use of the product and is not synonymous with the term ''device.'' For example, a device with an intended use to analyze data has one function: Analysis. A device with an intended use to store, transfer, and analyze data has three functions: (1) Storage, (2) transfer, and (3) analysis. Devices with ''multiple functions'' may contain functions that are software functions excluded from the device definition as described in section 520(o) of the FD&C Act.

FDA is issuing this final rule because the FD&C Act was amended by the Cures Act to remove certain software functions from the device definition, including software functions that are solely intended to transfer, store, convert formats, or display medical device data and results, including medical images or other clinical information, unless such functions are intended to interpret or analyze clinical laboratory test or other device data, results, and findings (sections 201(h) and 520(o)(1)(D) of the FD&C Act).

FDA is making its regulations consistent with the FD&C Act as amended by the Cures Act by amending the ''identification'' descriptions in eight regulations so that the descriptions do not include software functions that no longer fall within the definition of a device. The Agency has conducted a detailed review of all device classification regulations to determine whether the classification regulations contain software functions identified under section 520(o)(1)(A)–(E) of the FD&C Act (see 21 CFR parts 862–892), and therefore should be amended to reflect changes the Cures Act made to FDA's device statutory authority. As a result of this review, FDA identified eight classification regulations to amend (see Table 1 below).

Because of changes made to the FD&C Act by the Cures Act, the ''identification'' description of certain classification regulations that predated the Cures Act are no longer consistent with the FD&C Act. FDA finds good cause for issuing this amendment as a final rule without notice and comment because this rule only updates the ''identification'' description of those classification regulations so they reflect changes made to the FD&C Act by the Cures Act (see section 520(o)(1) of the FD&C Act) (5 U.S.C. 553(b)(3)(B)). In addition, FDA also finds good cause for this amendment to become effective on the date of publication of this action. The Administrative Procedure Act (APA) allows an effective date less than 30 days after publication as ''provided by the agency for good cause found and published with the rule'' (5 U.S.C. 553(d)(3)). A delayed effective date is unnecessary in this case because these amendments reflect the state of the law in section 520(o)(1) of the FD&C Act as amended by section 3060 of the Cures Act. This rule does not impose any new regulatory requirements on affected parties. As a result, affected parties do not need time to prepare before the rule takes effect. Therefore, FDA finds good cause for these amendments to become effective on the date of publication of this action.

IV. Legal Authority

This final rule is being issued under sections 201(h), 520(o), and 701 of the FD&C Act and the device and general administrative provisions of the FD&C Act sections 501, 510, 513, 515, 520, 522, and 701.

V. Description of the Final Rule

A. Scope

FDA is amending the ''identification'' description in eight classification regulations, so that they no longer include software functions that are excluded from the device definition by section 520(o)(1) of the FD&C Act and thus are not subject to FDA's device statutory authority. Among the software functions excluded from the definition of device in the FD&C Act, most relevant to this rule are the software functions excluded by section 520(o)(1)(D) of the FD&C Act. This provision excludes software functions that are solely intended to transfer, store, convert formats, or display, unless such functions are intended to interpret or analyze clinical laboratory test or other device data, results, and findings. This includes functions that are intended for data retrieval, receipt, or transmission because these are forms of information ''transfer,'' and functions that are intended for data maintenance, which is a form of ''storage'' (section 520(o)(1)(D) of the FD&C Act; see also FDA guidance ''Changes to Existing Medical Software Policies Resulting from Section 3060 of the 21st Century Cures Act'' (Ref. 1)). However, software functions that analyze or interpret medical device data in addition to transferring, storing, converting formats, or displaying clinical laboratory test or other device data and results remain subject to FDA's regulatory oversight, unless they fall within section 520(o)(1)(E) of the FD&C Act, which excludes certain clinical decision support software functions from the device definition.

Section 520(o)(1) of the FD&C Act describes software functions, not hardware functions, that are excluded from the definition of a device. Therefore, device hardware that is specifically intended to transfer, store, convert formats, and display medical device data and results (such as electrical hardware, magnetic and optical discs, physical communications medium, etc.) remains a device.

In Table 1, we list the regulations that FDA is amending to conform the ''identification'' description with the device definition under the FD&C Act. The amendments to the ''identification'' description of these regulations do not affect the classification of the devices in this final rule (*i.e.,* the device types remain class I, class II, etc.).

TABLE 1—CLASSIFICATION REGULATIONS AMENDMENTS

Classification regulation (21 CFR)	Device type (existing product code(s))
862.2100	Calculator/Data Processing Module for Clinical Use (JQP, NVV).

TABLE 1—CLASSIFICATION REGULATIONS AMENDMENTS—Continued

Classification regulation (21 CFR)	Device type (existing product code(s))
862.1350	Continuous Glucose Monitor Secondary Display (PJT, PKU).
866.4750	Automated Indirect Immunofluorescence Microscope and Software-Assisted System (PIV).
880.6310	Medical Device Data System (OUG).
884.2730	Home Uterine Activity Monitor (LQK, MOH).
892.2010	Medical Image Storage Device (LMB, NFF).
892.2020	Medical Image Communications Device (NFG, LMD).
892.2050	Picture Archiving and Communications System (QIH, OMJ, NWE, PGY, OEB, QKB, PZO, NFJ, LLZ).

B. Calculator/Data Processing Module for Clinical Use

A calculator/data processing module for clinical use is an electronic device intended to store, retrieve, and process laboratory data (21 CFR 862.2100). Because ''storing and retrieving data'' are software functions that no longer fall within the definition of a device, FDA is amending the classification regulation to remove the language ''store, retrieve, and'' so that the regulation will state: ''a calculator/data processing module for clinical use is an electronic device intended to process laboratory data.''

C. Continuous Glucose Monitor Secondary Display

A CGM secondary display is identified as a device intended to be used for passive real-time monitoring of continuous glucose monitoring data § 862.1350 (21 CFR 862.1350). The identification further describes that the primary display device, which is not a part of the CGM secondary display, directly receives the glucose data (for example, it communicates directly with transmitter) from the continuous glucose meter, which is not a part of the continuous glucose monitor secondary display, and is the primary means of viewing the continuous glucose monitor data and alerting the patient to a low or high glucose value. A continuous glucose monitor secondary display can be used by caregivers of people with diabetes to monitor a person's continuous glucose monitoring data.

The intended use of the device, as explained in FDA's 2015 Dexcom Share Direct Secondary Displays (DEN140038) order, includes the functions to receive and display medical device data (*i.e.,* real-time glucose values and glucose trend information), in addition to functions to receive and deliver notifications and alarms. Because of changes made to the FD&C Act by the Cures Act, receiving and displaying device data software functions are no longer device functions. To make this regulation consistent with the FD&C Act, therefore, FDA is amending the title of the classification in § 862.1350 to ''continuous glucose monitor secondary alarm system'' and is amending the ''identification'' description to state that ''a continuous glucose monitor (CGM) secondary alarm system is identified as a device intended to be used as a secondary alarm for a CGM to enable immediate awareness for potential clinical intervention to help assure patient safety.'' With these amendments, the regulation no longer includes software functions excluded by the Cures Act, *i.e.,* functions to receive and display medical device data.

D. Automated Indirect Immunofluorescence Microscope and Software-Assisted System

An automated indirect immunofluorescence microscope and software-assisted system is a device that acquires, analyzes, stores, and displays digital images of indirect immunofluorescent slides (21 CFR 866.4750). FDA is replacing the first occurrence of the word ''software'' with ''device'' in the identification section, so that the identification will state that the device may use fluorescent signal acquisition and processing software, data storage and transferring mechanisms, or assay specific algorithms to suggest results. Because some of the software functions included in the regulation remain within the device definition (*e.g.,* assay specific algorithms to suggest results), the ''identification'' description will not be limited to hardware functions only. Instead, FDA is using the term ''device,'' which includes software functions that continue to fall within the device definition and hardware functions.

E. Medical Device Data System

An MDDS is intended to provide one or more of the following uses, without controlling or altering the functions or parameters of any connected medical devices: (1) The electronic transfer of medical device data; (2) the electronic storage of medical device data; (3) the electronic conversion of medical device data from one format to another format in accordance with a preset specification; or (4) the electronic display of medical device data (§ 880.6310 (21 CFR 880.6310)). An MDDS may include software, electronic or electrical hardware such as a physical communications medium (including wireless hardware), modems, interfaces, and a communications protocol. Each MDDS function ((1)–(4)) describes a software function that is excluded from the device definition under section 520(o)(1)(D) of the FD&C Act. Thus, FDA is amending the regulation to state that only hardware that performs these functions remain within the definition of devices by adding the term ''hardware'' to the ''identification'' description so that the regulation (§ 880.6310(a)(1)) states that an MDDS is a ''hardware device that is intended to provide one or more of the following uses . . .''.

In addition, FDA is amending § 880.6310(a)(2) to remove the term ''software,'' because the software functions described in the identification of § 880.6310(a)(2) no longer fall within the definition of a device. Further, FDA is removing the phrase ''a communications protocol'' from § 880.6310(a)(2), because the term ''communications protocol'' refers to software functions associated with the transfer of data, and this function does not fall within the definition of a device. FDA is also amending the identification of § 880.6310(a)(2) to include the term ''hardware,'' such that the ''identification'' description states that MDDS ''does not include hardware devices intended to be used in connection with active patient monitoring.'' FDA is revising this identification because hardware devices for active patient monitoring are classified under other regulations for software- and hardware-based devices, and are not included in this regulation. The identification of § 880.6310(a)(2) will be amended to include the following: ''Hardware devices for active patient monitoring are classified under other regulations and are not included in this regulation.''

F. Home Uterine Activity Monitor

A HUAM is an electronic system for at home antepartum measurement of uterine contractions, data transmission by telephone to a clinical setting, and for receipt and display of the uterine contraction data at the clinic (21 CFR 884.2730). The HUAM system comprises a tocotransducer, an at-home recorder, a modem, and a computer and monitor that receive, process, and display data. This device is intended for use in women with a previous preterm delivery to aid in the detection of preterm labor. The identification in the classification regulation for this device includes software functions intended to transmit, receive, and display data, which no longer fall within the statutory definition of a device. Therefore, FDA is removing these software functions from the ''identification'' description in this classification regulation.

G. Medical Image Storage Device

A medical image storage device is a device that provides electronic storage and retrieval functions for medical images and may employ software, electronic, or electrical hardware such as magnetic and optical discs, magnetic tape, and digital memory (§ 892.2010 (21 CFR 892.2010)). Medical image storage includes software functions, specifically storage and retrieval functions, which are excluded from the device definition by section 520(o)(1)(D) of the FD&C Act. Thus, FDA is amending the regulation to state that only hardware that performs these functions remains within the device definition so that the regulation (§ 892.2010(a)(1)) states that a medical image storage device is a ''hardware device that is intended to provide for the electronic storage and retrieval functions for medical images.''

H. Medical Image Communications Device

A medical image communications device provides electronic transfer of medical image data between medical devices (21 CFR 892.2020). The device may include a physical communications medium, modems, or interfaces. In reviewing this classification regulation, FDA has determined that products with specific software functions for medical image processing and manipulation should be mentioned in the ''identification'' description of the classification regulation because such functions have always been included in the regulation and are not excluded under section 520(o)(1)(D) of the FD&C Act. Therefore, FDA is amending this regulation to include the following clarifying language to the ''identification'' description: ''It may provide simple image review software functionality for medical image processing and manipulation, such as grayscale window and level, zoom and pan, user delineated geometric measurements, compression, or user added image annotations. The device does not perform advanced image processing or complex quantitative functions. This does not include electronic transfer of medical image software functions.''

I. Picture Archiving and Communications System

The Picture Archiving and Communications Systems (PACS) device includes both software and hardware image storage and display functions and software image processing functions (21 CFR 892.2050). FDA has determined that software functions in the PACS classification regulation for storage and display of medical images no longer fall within the definition of a device under section 520(o)(1)(D) of the FD&C Act. However, FDA recognizes that some software functions in the PACS regulation, which are for complex image processing, including those for image manipulation, enhancement, or quantification, remain device functions. Therefore, FDA is amending this regulation to change the title of the classification regulation from ''Picture Archiving and Communications Systems'' to ''Medical Image Management and Processing System'' and is amending the ''identification'' description to exclude software functions for the ''storage and display'' of medical images. In addition, the amendment to the PACS classification regulation clarifies specific functions and the device's intended use with examples in the ''identification'' description.

VI. Effective Date

This final rule is effective on the date of publication in the **Federal Register**.

VII. Economic Analysis of Impacts

We have examined the impacts of the final rule under E.O. 12866, E.O. 13563, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). E.O.s 12866 and 13563 direct us to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Because this final rule merely amends certain classification regulations to remove provisions that are now obsolete in order to conform to the medical software provisions in the Cures Act, it does not impose any additional regulatory burdens. Therefore, we believe that this final rule is not economically significant and not a significant regulatory action as defined by E.O. 12866.

The Regulatory Flexibility Act requires us to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because this regulation does not change requirements, and amends certain classification regulations to conform to the medical software provisions in the Cures Act, we certify that the final rule will not have a significant economic impact on a substantial number of small entities.

The Unfunded Mandates Reform Act of 1995 (section 202(a)) requires us to prepare a written statement, which includes an assessment of anticipated costs and benefits, before issuing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $158 million, using the most current (2020) Implicit Price Deflator for the Gross Domestic Product. This final rule would not result in an expenditure in any year that meets or exceeds this amount.

Because this direct final rule does not impose any additional regulatory burdens, this regulation is not anticipated to result in any compliance costs.

VIII. Analysis of Environmental Impact

We have determined under 21 CFR 25.30(i) and 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IX. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

X. Federalism

We have analyzed this rule in accordance with the principles set forth in E.O. 13132. We have determined that this rule does not contain policies that

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. Accordingly, we conclude that the rule does not contain policies that have federalism implications as defined in the E.O. and, consequently, a federalism summary impact statement is not required.

XI. Consultation and Coordination With Indian Tribal Governments

We have analyzed this rule in accordance with the principles set forth in E.O. 13175. We have determined that the rule does not contain policies that have substantial direct effects 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. Accordingly, we conclude that the rule does not contain policies that have tribal implications as defined in the E.O. and, consequently, a tribal summary impact statement is not required.

XII. Reference

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

1. FDA Guidance, Changes to Existing Medical Software Policies Resulting from Section 3060 of the 21st Century Cures Act, available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/changes-existing-medical-software-policies-resulting-section-3060-21st-century-cures-act.*

List of Subjects

21 CFR Part 862

Medical devices.

21 CFR Part 866

Biologics, Laboratories, Medical devices.

21 CFR Part 880

Medical devices.

21 CFR Part 884

Medical devices.

21 CFR Part 892

Medical devices, Radiation protection, and X-rays.

Therefore, under the Federal Food, Drug, and Cosmetic Act, 21 CFR parts 862, 866, 880, 884, and 892 are amended as follows:

PART 862—CLINICAL CHEMISTRY AND CLINICAL TOXICOLOGY DEVICES

■ 1. The authority citation for part 862 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l,* 371.

■ 2. Amend § 862.1350 by revising the section heading and paragraph (a) to read as follows:

§ 862.1350 Continuous glucose monitor secondary alarm system.

(a) *Identification.* A continuous glucose monitor (CGM) secondary alarm system is identified as a device intended to be used as a secondary alarm for a CGM to enable immediate awareness for potential clinical intervention to help assure patient safety.

* * * * *

■ 3. Amend § 862.2100 by revising paragraph (a) to read as follows:

§ 862.2100 Calculator/data processing module for clinical use.

(a) *Identification.* A calculator/data processing module for clinical use is an electronic device intended to process laboratory data.

* * * * *

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 4. The authority citation for part 866 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l,* 371.

■ 5. Amend § 866.4750 by revising paragraph (a) to read as follows:

§ 866.4750 Automated indirect immunofluorescence microscope and software-assisted system.

(a) *Identification.* An automated indirect immunofluorescence microscope and software assisted system is a device that acquires, analyzes, stores, and displays digital images of indirect immunofluorescent slides. It is intended to be used as an aid in the determination of antibody status in clinical samples. The device may include a fluorescence microscope with light source, a motorized microscope stage, dedicated instrument controls, a camera, a computer, a sample processor, or other hardware components. The device may use fluorescent signal acquisition and processing software, data storage and transferring mechanisms, or assay specific algorithms to suggest results. A trained operator must confirm results generated with the device.

* * * * *

PART 880—GENERAL HOSPITAL AND PERSONAL USE DEVICES

■ 6. The authority citation for part 880 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l,* 371.

■ 7. Amend § 880.6310 by revising paragraph (a) to read as follows:

§ 880.6310 Medical device data system.

(a) *Identification.* (1) A medical device data system (MDDS) is a hardware device that is intended to provide one or more of the following uses, without controlling or altering the functions or parameters of any connected medical devices:

(i) The electronic transfer of medical device data;

(ii) The electronic storage of medical device data;

(iii) The electronic conversion of medical device data from one format to another format in accordance with a preset specification; or

(iv) The electronic display of medical device data.

(2) An MDDS may include electronic or electrical hardware such as a physical communications medium (including wireless hardware), modems, and interfaces. This identification does not include hardware devices intended to be used in connection with active patient monitoring. Hardware devices for active patient monitoring are classified under other regulations and are not included in this regulation.

* * * * *

PART 884—OBSTETRICAL AND GYNECOLOGICAL DEVICES

■ 8. The authority citation for part 884 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l,* 371.

■ 9. Amend § 884.2730 by revising paragraph (a) to read as follows:

§ 884.2730 Home uterine activity monitor.

(a) *Identification.* A home uterine activity monitor (HUAM) is an electronic system for at home antepartum measurement of uterine contractions. The HUAM system comprises a tocotransducer and an at-home recorder. This device is intended for use in women with a previous preterm delivery to aid in the detection of preterm labor.

* * * * *

PART 892—RADIOLOGY DEVICES

■ 10. The authority citation for part 892 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l,* 371.

■ 11. Amend § 892.2010 by revising paragraph (a) to read as follows:

§ 892.2010 Medical image storage device.

(a) *Identification:* A medical image storage device is a hardware device that provides electronic storage and retrieval functions for medical images. Examples include electronic hardware devices employing magnetic and optical discs, magnetic tapes, and digital memory.

* * * * *

■ 12. Amend § 892.2020 by revising paragraph (a) to read as follows:

§ 892.2020 Medical image communications device.

(a) *Identification.* A medical image communications device provides electronic transfer of medical image data between medical devices. It may include a physical communications medium, modems, and interfaces. It may provide simple image review software functionality for medical image processing and manipulation, such as grayscale window and level, zoom and pan, user delineated geometric measurements, compression, or user added image annotations. The device does not perform advanced image processing or complex quantitative functions. This does not include electronic transfer of medical image software functions.

* * * * *

■ 13. Amend § 892.2050 by revising the section heading and paragraph (a) to read as follows:

§ 892.2050 Medical image management and processing system.

(a) *Identification.* A medical image management and processing system is a device that provides one or more capabilities relating to the review and digital processing of medical images for the purposes of interpretation by a trained practitioner of disease detection, diagnosis, or patient management. The software components may provide advanced or complex image processing functions for image manipulation, enhancement, or quantification that are intended for use in the interpretation and analysis of medical images. Advanced image manipulation functions may include image segmentation, multimodality image registration, or 3D visualization. Complex quantitative functions may include semi-automated measurements or time-series measurements.

* * * * *

Dated: April 8, 2021.

Janet Woodcock,

Acting Commissioner of Food and Drugs.

Dated: April 13, 2021.

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2021–07860 Filed 4–16–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–665]

Schedules of Controlled Substances: Removal of Samidorphan From Control

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: With the issuance of this final rule, the Acting Administrator of the Drug Enforcement Administration removes samidorphan (3-carboxamido-4-hydroxy naltrexone) and its salts from the schedules of the Controlled Substances Act. This scheduling action is pursuant to the Controlled Substances Act which requires that such actions be made on the record after opportunity for a hearing through formal rulemaking. Prior to the effective date of this rule, samidorphan was a schedule II controlled substance because it can be derived from opium alkaloids. This action removes the regulatory controls and administrative, civil, and criminal sanctions applicable to controlled substances, including those specific to schedule II controlled substances, on persons who handle (manufacture, distribute, reverse distribute, dispense, conduct research, import, export, or conduct chemical analysis) or propose to handle samidorphan.

DATES: Effective April 19, 2021.

FOR FURTHER INFORMATION CONTACT: Terrence L. Boos, Drug & Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3261.

SUPPLEMENTARY INFORMATION:

Legal Authority

Under the Controlled Substances Act (CSA), each controlled substance is classified into one of five schedules based upon its potential for abuse, its currently accepted medical use in treatment in the United States, and the degree of dependence the drug or other substance may cause. 21 U.S.C. 812. The initial schedules of controlled substances established by Congress are found at 21 U.S.C. 812(c) and the current list of scheduled substances is published at 21 CFR part 1308.

Pursuant to 21 U.S.C. 811(a)(2), the Attorney General may, by rule, ''remove any drug or other substance from the schedules if he finds that the drug or other substance does not meet the requirements for inclusion in any schedule.'' The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Acting Administrator of the Drug Enforcement Administration (DEA). 28 CFR 0.100.

The CSA provides that proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance may be initiated by the Attorney General on the petition of any interested party. 21 U.S.C. 811(a)(3). This action was initiated by one petition to remove samidorphan from the list of scheduled controlled substances of the CSA, and is supported by, *inter alia,* a recommendation from the Assistant Secretary of the HHS and an evaluation of all relevant data by DEA. This action removes the regulatory controls and administrative, civil, and criminal sanctions applicable to controlled substances, including those specific to schedule II controlled substances, on persons who handle or propose to handle samidorphan.

Background

Samidorphan (3-carboxamido-4-hydroxy naltrexone), is a chemical entity that is structurally similar to naltrexone, a mu (μ)-opioid receptor antagonist. Samidorphan (other developmental code names: RDC–0313 or ALKS 33) is a mu-opioid receptor antagonist with a weak partial agonist activity at the kappa- and delta-opioid receptors. According to HHS, products containing samidorphan are currently being developed for medical use. Samidorphan is currently controlled in schedule II of the CSA, as defined in 21 CFR 1308.12(b)(l), because it can be derived from opium alkaloids. On April 14, 2014, DEA received a petition to initiate proceedings to amend 21 CFR 1308.12(b)(1) so as to decontrol samidorphan from schedule II of the CSA. The petition complied with the requirements of 21 CFR 1308.43(b) and was accepted for filing. The petitioner contended that samidorphan has been characterized as an opioid receptor

antagonist, a class of drugs with no abuse potential.

DEA and HHS Eight Factor Analyses

Pursuant to 21 U.S.C. 811(b), DEA gathered the necessary data on samidorphan and forwarded the data, the sponsor's petition, and a request for scheduling recommendation on samidorphan to HHS on April 24, 2015.

On January 9, 2020, DEA received from HHS a scientific and medical evaluation (dated December 19, 2019) conducted by the Food and Drug Administration (FDA) [1] entitled ''Basis for the Recommendation to Remove Samidorphan (3-Carboxamido-4-Hydroxy Naltrexone) and its Salts from All Schedules of Control Under the Controlled Substances Act'' and a scheduling recommendation. Following consideration of the eight factors and findings related to the substance's abuse potential, legitimate medical use, and dependence liability, HHS recommended that samidorphan and its salts be removed from all schedules of control of the CSA. In response, DEA conducted its own eight factor analysis of samidorphan pursuant to 21 U.S.C. 811(c). Both DEA and HHS analyses are available in their entirety in the public docket of this rule (Docket Number DEA–665) at *http://www.regulations.gov* under ''Supporting and Related Material.''

Determination To Decontrol Samidorphan

After a review of the available data, including the scientific and medical evaluation and the recommendation to decontrol samidorphan from HHS, the Acting Administrator of DEA published in the **Federal Register** a notice of proposed rulemaking (NPRM) entitled ''Schedules of Controlled Substances: Removal of Samidorphan from Control'' which proposed removal of samidorphan and its salts from the schedules of the CSA. 85 FR 79450, December 10, 2020. The proposed rule provided an opportunity for interested persons to file a request for a hearing in accordance with DEA regulations by January 11, 2021. No requests for such a hearing were received by DEA. The NPRM also provided an opportunity for interested persons to submit written comments on the proposal on or before January 11, 2021.

Comments Received

DEA received two comments on the proposed rule to remove samidorphan from control. Both commenters supported decontrol of samidorphan.

Support

One commenter, a psychiatrist, clinical investigator and pain management expert, who participated as a principal investigator in clinical trials that examined the safety and efficacy of samidorphan and olanzapine combination product, stated that samidorphan counters weight gain associated with clinical use of olanzapine as antipsychotic medication and this combination product offers significant advancement relative to olanzapine alone, and thus supported this scheduling action.

Another commenter, on behalf of the sponsor of a samidorphan and olanzapine combination drug product currently under review by FDA for marketing approval, stated that samidorphan when combined with olanzapine has the potential to improve the safety profile of olanzapine by mitigating the weight gain associated with olanzapine treatment without altering its antipsychotic efficacy. This commenter agreed with DEA's conclusion that samidorphan lacks abuse or dependence potential and stated that samidorphan and its salts should be removed from the CSA schedules. This commenter further mentioned that the samidorphan and olanzapine combination product, which is currently under review by FDA for marketing approval, is an important new therapeutic option for patients and any delay in its availability for therapeutic use would negatively affect stakeholders, and therefore this final rule should be made effective immediately.

DEA Response: DEA appreciates the comments in support of this rulemaking.

Scheduling Conclusion

Based on the consideration of all comments, the scientific and medical evaluation and accompanying recommendation of HHS, and based on DEA's consideration of its own eight-factor analysis, the Acting Administrator finds that these facts and all relevant data demonstrate that samidorphan does not meet the requirements for inclusion in any schedule, and will be removed from control under the CSA.

Regulatory Analyses

Executive Orders 12866 and 13563

In accordance with 21 U.S.C. 811(a), this scheduling action is subject to formal rulemaking procedures done ''on the record after opportunity for a hearing,'' which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of Management and Budget (OMB) pursuant to section 3(d)(1) of Executive Order (E.O.) 12866 and the principles reaffirmed in E.O. 13563.

Executive Order 12988

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 Civil Justice Reform to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132

This rulemaking does not have federalism implications warranting the application of E.O. 13132. The rule does not have substantial direct effects on the States, on the relationship between the Federal government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175

This rule does not have tribal implications warranting the application of E.O. 13175. This rule does not have substantial direct effects 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.

Regulatory Flexibility Act

The Acting Administrator, in accordance with the Regulatory Flexibility Act (5 U.S.C. 601–612) (RFA), has reviewed this rule and by approving it certifies that it will not have a significant economic impact on a substantial number of small entities. The purpose of this rule is to remove samidorphan from the list of schedules of the CSA. This action removes regulatory controls and administrative, civil, and criminal sanctions applicable to controlled substances for handlers and proposed handlers of samidorphan. Accordingly, it has the potential for some economic impact in the form of cost savings.

This rule will affect all persons who would handle, or propose to handle,

[1] As discussed in a memorandum of understanding entered into by the Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), the FDA acts as the lead agency within the HHS in carrying out the Secretary's scheduling responsibilities under the CSA, with the concurrence of NIDA. 50 FR 9518, Mar. 8, 1985. The Secretary of the HHS has delegated to the Assistant Secretary for Health of the HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460, July 1, 1993.

samidorphan. Samidorphan is not currently available or marketed in any country. Due to the wide variety of unidentifiable and unquantifiable variables that potentially could influence the distribution and dispensing rates, if any, of samidorphan, DEA is unable to determine the number of entities and small entities which might handle samidorphan. In some instances where a controlled pharmaceutical drug is removed from the schedules of the CSA, DEA is able to quantify the estimated number of affected entities and small entities because the handling of the drug is expected to be limited to DEA registrants even after removal from the schedules. In such instances, DEA's knowledge of its registrant population forms the basis for estimating the number of affected entities and small entities. However, DEA does not have a basis to estimate whether samidorphan is expected to be handled by persons who hold DEA registrations, by persons who are not currently registered with DEA to handle controlled substances, or both. Therefore, DEA is unable to estimate the number of entities and small entities who plan to handle samidorphan.

Although DEA does not have a reliable basis to estimate the number of affected entities and quantify the economic impact of this final rule, a qualitative analysis indicates that this rule is likely to result in some cost savings. Any person planning to handle samidorphan will realize cost savings in the form of saved DEA registration fees, and the elimination of physical security, recordkeeping, and reporting requirements. Because of these factors, DEA projects that this rule will not result in a significant economic impact on a substantial number of small entities.

Administrative Procedure Act

DEA finds that good cause exists for adopting this rule as a final rule with an immediate effective date under 5 U.S.C. 553(d) because this final rule relieves a restriction.

Unfunded Mandates Reform Act of 1995

On the basis of information contained in the RFA section above, DEA has determined and certifies pursuant to the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1501 *et seq.,* that this action would not result in any federal mandate that may result ''in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted for inflation) in any one year. . . .'' Therefore, neither a Small Government Agency Plan nor any other action is required under provisions of UMRA.

Paperwork Reduction Act

This action does not impose a new collection of information requirement under the Paperwork Reduction Act, 44 U.S.C. 3501–3521. This action would not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. 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.

Congressional Review Act

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act (CRA)). This rule will not result in: an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets. However, pursuant to the CRA, DEA is submitting a copy of this final rule to both Houses of Congress and to the Comptroller General.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, 21 CFR part 1308 is amended to read as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b) unless otherwise noted.

■ 2. In § 1308.12, revise paragraph (b)(1) introductory text to read as follows:

§ 1308.12 Schedule II.

* * * * *

(b) * * *

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, naldemedine, nalmefene, naloxegol, naloxone, 6β-naltrexol, naltrexone, and samidorphan, and their respective salts, but including the following:

* * * * *

D. Christopher Evans,

Acting Administrator.

[FR Doc. 2021–07884 Filed 4–16–21; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF STATE

22 CFR Part 62

[Public Notice: 10818]

RIN 1400–AF03

Change to Certification Authority for the Alien Physician Category of the Exchange Visitor Program

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State (Department) is changing the certification authority for alien physicians from the American Board of Medical Specialties (ABMS) to the Accreditation Council for Graduate Medical Education (ACGME).

DATES: This rule is effective May 19, 2021.

FOR FURTHER INFORMATION CONTACT: G. Kevin Saba, Director, Office of Policy and Program Support, Office of Private Sector Exchange, Bureau of Educational and Cultural Affairs, U.S. Department of State, SA–4E, 2201 C Street NW, Washington, DC 20522; email at *JExchanges@state.gov*; or, (202) 634–4710.

SUPPLEMENTARY INFORMATION: In 22 CFR 62.27(e)(1) and (e)(4)(i), there is a reference to the ''American Board of Medical Specialties'' (ABMS). These provisions, last amended in 1993, state that ABMS will perform certain certification functions for the Secretary of State.

ABMS no longer produces the publication, *Marquis Who's Who,* referenced in 22 CFR part 62. Furthermore, ABMS has confirmed that it is also no longer the appropriate organization to comment on programs of graduate medical education. The Department has confirmed that the Accreditation Council for Graduate Medical Education (ACGME) has responsibility to accredit and recognize institutions offering programs of graduate medical education, and is replacing the reference to the ABMS with the ACGME in § 62.27.

Regulatory Analyses

The Department of State is publishing this rulemaking as a final rule, pursuant to 5 U.S.C. 553(b). This rulemaking is a rule of agency organization, procedure, or practice. The effective date of the rule is 30 days after publication, as provided in the Administrative Procedure Act.

The Department further finds that this is not a major rule; is not subject to the Unfunded Mandates Reform Act of 1995; will not have tribal implications as defined by Executive Order 13175; and will not have an impact on a substantial number of small entities under the Regulatory Flexibility Act. This rule is not an economically significant rule under Executive Order 12866, and the Department certifies that the benefits of this rulemaking outweigh any costs, which are minimal for the public. The Office of Information and Regulatory Affairs designated this rule as ''non-significant,'' as defined by Executive Order 12866.

The Department of State has reviewed this rule in light of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden. This rule will not have substantial direct effect on the states, on the relationships between the National Government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement.

This rulemaking does not create or modify any collections of information subject to the Paperwork Reduction Act.

List of Subjects in 22 CFR Part 62

Cultural exchange programs, Reporting and recordkeeping requirements.

For the reasons set forth above, the Department of State amends part 62 of title 22 of the Code of Federal Regulations as follows:

PART 62—EXCHANGE VISITOR PROGRAM

■ 1. The authority citation for part 62 is revised to read as follows:

Authority: 8 U.S.C. 1101(a)(15)(J), 1182, 1184, 1258; 22 U.S.C. 1431 *et seq.;* 22 U.S.C. 2451 *et seq.;* 22 U.S.C. 2651a; 22 U.S.C. 6531–6553; Reorganization Plan No. 2 of 1977, 42 FR 62461, 3 CFR, 1977 Comp. p. 200; E.O. 12048, 43 FR 13361, 3 CFR, 1978 Comp., p. 168; 8 U.S.C. 1372; section 416 of Pub. L. 107–56, 115 Stat. 354 (8 U.S.C. 1372 note); and 8 U.S.C. 1761–1762.

■ 2. Section 62.27(e)(1) and (e)(4)(i) are revised to read as follows:

§ 62.27 Alien physicians.

* * * * *

(e) * * *

(1) The duration of an alien physician's participation in a program of graduate medical education or training as described in paragraph (b) of this section is limited to the time typically required to complete such program. Duration shall be determined by the Secretary of State at the time of the alien physician's entry into the United States. Such determination shall be based on criteria established in coordination with the Secretary of Health and Human Services and which take into consideration the requirements of the various medical specialty boards as set forth by the Accreditation Council for Graduate Medical Education (ACGME).

* * * * *

(4) * * *

(i) Alien physicians shall be permitted to undertake graduate medical education or training in a specialty or subspecialty program whose board and/or accreditation requirements are not published if the program requirements are certified to the Secretary of State by the ACGME in accordance with criteria established by the Educational Commission for Foreign Medical Graduates (ECFMG) and ACGME.

* * * * *

Zachary A. Parker,

Director, Office of Directives Management, Department of State.

[FR Doc. 2021–07537 Filed 4–16–21; 8:45 am]

BILLING CODE 4710–05–P

POSTAL SERVICE

39 CFR Part 113

Treatment of E-Cigarettes in the Mail

AGENCY: Postal Service™.

ACTION: Guidance.

SUMMARY: A forthcoming final rule will determine whether electronic nicotine delivery systems (''ENDS'') may continue to be mailed pursuant to certain statutory exceptions that are currently administered through an application process. To the extent that such exceptions may ultimately be made available for ENDS, this document provides mailers with guidance to assist in preparing exception applications for submission following the final rule. In addition, ENDS mailers are advised to review and comply with all other applicable mailing restrictions and requirements currently in effect for controlled substances, drug paraphernalia, and hazardous materials.

DATES: April 19, 2021.

FOR FURTHER INFORMATION CONTACT: Dale E. Kennedy, 202–268–6592.

SUPPLEMENTARY INFORMATION: On February 19, 2021 (86 FR 10218), the Postal Service published a notice of proposed rulemaking to amend Publication 52, *Hazardous, Restricted, and Perishable Mail,* which is incorporated by reference into 39 CFR part 113. The text of the proposed edits to Publication 52 is available at *https://pe.usps.com/FederalRegisterNotice/2021/E-Cigarettes%20Proposed%20Rule.pdf.* The proposed edits would implement the Preventing Online Sales of E-Cigarettes to Children Act (''Act''), Public Law 116–160, div. FF, title VI (2020), which adds ''electronic nicotine delivery systems'' (''ENDS'') to the definition of ''cigarettes'' subject to regulation under the Jenkins Act, 15 U.S.C. 375 *et seq.* Consequently, ENDS will also become subject to the mailability restrictions and exceptions in 18 U.S.C. 1716E (''PACT Act''), which rely on the Jenkins Act definition of ''cigarettes.'' 18 U.S.C. 1716E(a)(1).

Certain such exceptions currently require application to and approval by the Postal Service's Pricing and Classification Service Center. *See* Publication 52 sections 472.221 (business/regulatory purposes), 472.241 (consumer testing/public health). The Postal Service proposed to apply the business/regulatory purposes exception to ENDS, but not the consumer testing and public health exceptions, and invited comments on that proposed approach. Those comments will be considered in developing the final rule. The final rule will contain the Postal Service's determination as to whether any of those exceptions will be made available for nonmailable ENDS.

Until the final rule is issued, ENDS are not subject to the PACT Act, although they may be nonmailable for other reasons. *See, e.g.,* 18 U.S.C. 1716(a), (h) (poisonous, explosive, and other dangerous materials, and advertising, promotional, or sales matter relating to the same); 21 U.S.C. 843(b)–(c), 863 (controlled substances, drug paraphernalia, and advertisements relating to the same); 39 U.S.C. 3018 (hazardous materials); Publication 52 sections 31–349, 453 & appx. A, C. Regardless of the legal status of any products under state or local laws, violations of these Federal mailability laws can result in civil and/or criminal penalties.

The Postal Service has received numerous inquiries and comments about the possibility of submitting exception applications for ENDS products in advance of the final rule. Several commenters express the ENDS industry's concerns about the continuity of supply chains and regulatory compliance activities that rely on the mails, to the extent that such reliance may permissibly continue under the PACT Act. The Postal Service understands that those concerns are heightened by Congress's decision to make ENDS nonmailable immediately upon publication of the final rule, rather than applying the 30-day notice period that typically follows a final rule under the Administrative Procedure Act. Therefore, this document is intended to clarify the state of the exception application process in advance of the final rule and to provide guidance to mailers interested in availing themselves of any exceptions that may ultimately be made available.

Exception Application Process; Preparatory Guidance

The Postal Service cannot accept early applications for PACT Act exceptions relating to ENDS products at this time. The Postal Service has not yet determined whether and to what extent those exceptions will be extended to ENDS. Early acceptance of applications would pose significant administrative challenges for the very Postal Service personnel who are developing the final rule amid substantial public comment under a tight timeframe.

If any of the relevant exceptions are ultimately made available for ENDS, then, given the highly decentralized nature of the ENDS industry relative to the industries historically covered by the PACT Act, the Postal Service anticipates receiving ENDS-related exception applications at a rate several orders of magnitude above the historic norm. Moreover, those applications are expected to involve numbers of parties and products far greater than past PACT Act applications. These factors translate into a load on Postal Service resources that would massively outstrip historically allocated levels. The Postal Service is contemplating reforms to its application process to contend with this manifold near-term increase in complexity that would result from extending the exceptions to ENDS, as well as studying how to improve the process's efficiency and accessibility in the longer term.

Whether any ENDS mailers may ultimately be allowed to use the exceptions remains to be determined. The Postal Service is not in an administrative position to begin accepting ENDS-related exception applications at this time, and it may not be in such a position until issuance of the final rule. If, contrary to expectation, circumstances permit earlier acceptance of ENDS-related exception applications on a provisional basis, the Postal Service will issue further notice to that effect.

If the final rule does make the business/regulatory purposes and/or consumer testing/public health exceptions available for ENDS and applications are accepted through a reorganized process, applicants should expect review of their applications to require potentially substantial processing time, in light of the statutory requirements for Postal Service verification of mailers' and recipients' eligibility. 18 U.S.C. 1716E(b)(3)(B)(ii)(I)–(II), (b)(5)(C)(ii)(I). The duration of any review would be determined by the number and complexity of the applications that the Postal Service receives and the amount of engagement with applicants during processing.

The following guidance is aimed at facilitating Postal Service review and potentially reducing processing times for any potential exception applications relating to ENDS, should they be permitted under the final rule.

Documentation. With respect to the relevant exceptions, the PACT Act requires the Postal Service to verify mailers' and recipients' eligibility, which includes whether they are ''legally operating'', ''have all applicable State and Federal Government licenses or permits and are engaged in tobacco product manufacturing, distribution, wholesale, export, import, testing, investigation, or research.'' 18 U.S.C. 1716E(b)(3)(A)(i), (b)(3)(B)(ii)(I)–(II), (b)(5)(A), (b)(5)(C)(ii)(I). Applicants for the consumer testing exception must also be (or be legally authorized agents of) legally operating cigarette manufacturers with ''a permit, in good standing, issued under section 5713 of the Internal Revenue Code of 1986.'' *Id.* at (b)(5)(A)(i).

To the extent that the final rule may make any of these exceptions available for shipments of ENDS, prospective applicants may wish to prepare by compiling electronic copies of all relevant license and permit documentation for themselves and, with respect to the business/regulatory purposes exception, each addressee that they intend to identify in their exception application.

For intended business/regulatory purposes exception applications by organizations engaged in testing, investigation, or research and those listing such organizations as addressees, relevant documentation may include such materials that would demonstrate the organizations' authorization to engage in the relevant activities (*e.g.,* grant or contract approval documents showing the scope and duration of a relevant research project).

Indexing. Prospective applicants for the business/regulatory purposes exception should prepare a spreadsheet that contains the following data elements with respect to *each sender and recipient address* that they intend to identify in their exception application:

a. Business or governmental entity name.

b. Address.

c. The Postal Service retail or business mail acceptance office(s) where each intended sender would tender shipments.

d. The Postal Service retail office(s) where each intended recipient would retrieve shipments.

e. A description of the business or governmental entity (*e.g.,* battery manufacturer, retail store, wholesale distributor, testing laboratory).

f. For each permit or license, the issuing jurisdiction; the permit or license number; the expiration date (if any); and the activity covered by each current permit or license (*e.g.,* general business operations; sale or manufacture of tobacco products or ENDS).

g. For each sender or addressee engaged in testing, investigation, or research, the entities authorizing the conduct of such activities; the expiration date (if any) of such authorization; and a brief statement of the subject of each authorization (*e.g.,* health effects of flavor substances, medical effects of cannabidiol (''CBD''), battery safety testing).

h. The brand name and a description of each product intended to be shipped by each sender or to each addressee.

i. Whether any identified products or other intended shipments from each sender or to each addressee contain lithium batteries, nicotine, CBD, or tetrahydrocannabinol (''THC'').

j. For products containing nicotine or THC, the intended quantity of the product per shipment and the concentration of nicotine or THC.

k. For products containing CBD with a THC concentration not exceeding 0.3 percent, whether the CBD derives from hemp.

Mailability Beyond the PACT Act

ENDS implicate mailability statutes and regulations beyond the PACT Act. These statutes and regulations already

render certain substances and components nonmailable, and they will continue to do so with respect to any ENDS shipments that remain mailable pursuant to exceptions or exclusions under the impending final rule. ENDS that become nonmailable under the PACT Act can additionally violate other mailability statutes and regulations. These restrictions and requirements govern the use of the federal mail system, regardless of the legal status of any items under state or local law. Violations of these mailability laws can result in civil or criminal penalties. Therefore, all persons currently or prospectively engaged in the mailing of ENDS—including, in particular, those who intend to continue mailing ENDS under any potentially available PACT Act exceptions—are advised to review Publication 52 carefully. Certain pertinent issues are highlighted below, but this list is not necessarily exhaustive.

CBD products. For hemp-based products containing CBD with a THC concentration not exceeding 0.3 percent, mailers must retain, and prepare to make available upon request, records establishing compliance with all applicable federal, state, and local laws pertaining to hemp production, processing, distribution, and sales, including the Agricultural Act of 2014 and the Agricultural Improvement Act of 2018. Such records may include laboratory test results, licenses, and compliance reports. *See* Publication 52 section 453.37.

Controlled substances and drug paraphernalia. All other substances that contain THC are Schedule I controlled substances for purposes of federal law, 21 CFR 1308.11(d)(31), and are therefore nonmailable in most instances. 21 U.S.C. 843(b); Publication 52 section 453. Products used with such substances may qualify as nonmailable drug paraphernalia. *See* 21 U.S.C. 863; Publication 52 section 453. This federal mailing prohibition is unaffected by whether the mailing of THC-containing substances violates state or local law and by the restriction of Department of Justice appropriations relating to medical marijuana. *See* Public Law 116–260, div. B, title V, section 531 (2020).

Advertisements for controlled substances and drug paraphernalia. It is unlawful to mail advertisements for, or to advertise the mailing of, federally controlled substances or drug paraphernalia. 21 U.S.C. 843(b), (c)(1); *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (''DMM'') section 601.9.4.1.

Hazardous materials: Solutions. Toxic and flammable substances are nonmailable except subject to requirements designed to render them nonhazardous in the mails and/or in air transportation. 18 U.S.C. 1716(a)–(b); 39 U.S.C. 3018; Publication 52 sections 31–349, 711–728 & appx. A, C. Mailers of ENDS solutions should carefully review the chemical constituents of those products and ascertain the flashpoint of each constituent substance, its toxicological profile, and its concentration in the relevant solution. Nicotine is a toxic substance, for example. In addition, ENDS liquids—including non-nicotine-containing liquids—may contain acetals, acetoin (acetyl methyl carbinol), aldehydes, butanol, diacetyl (butanedione), propanol, and other compounds that qualify as flammable or toxic substances. *Compare* 49 CFR 172.101; Publication 52, appx. A, *with* Hanno C. Erythropel et al., *Formation of Flavorant-Propylene Glycol Adducts with Novel Toxicological Properties in Chemically Unstable E-Cigarette Liquids,* 21 Nicotine & Tobacco Research 1248 (2018); Joseph G. Allen et al., *Flavoring Chemicals in E-Cigarettes: Diacetyl, 2,3-Pentanedione, and Acetoin in a Sample of 51 Products, Including Fruit-, Candy-, and Cocktail-Flavored E-Cigarettes,* 124 Enviro. Health Perspectives 733 (2016).

Depending on a substance's flashpoint or lethal dose (LD_{50}) and its concentration in a solution, the substance may or may not be prohibited or subject to special Department of Transportation requirements as a hazardous material. *See generally* Publication 52 sections 343, 346 & appx. A, C. Such items may be prohibited from or restricted in air transportation and may not be eligible for shipping via Priority Mail Express, Priority Mail, First-Class Mail, or First-Class Package Service. *Id.* sections 327, 711–728. Even nonregulated toxic liquids and solids may be subject to quantity restrictions, packaging requirements, and restrictions on the availability of Postal Service shipping options. *See* Publication 52 sections 346.232.

Hazardous materials: Lithium batteries. Mailers of lithium metal or lithium-ion batteries should be aware of applicable restrictions and requirements, which may determine mailability, packaging, product design, shipping quantities, and the availability of relevant Postal Service products. *See* Publication 52 section 349.221–.222, 711–728.

Non-hazardous liquids. Mailers of liquids that are not regulated as hazardous materials (whether or not such liquids contain nicotine) should be aware of applicable packaging requirements. *See* Publication 52 section 451.3 and DMM section 601.3.4.

Hazardous and restricted materials: Advertising, promotional, or sales matter. To the extent that ENDS may be subject to special requirements as hazardous or otherwise restricted materials, then matter that solicits or induces the mailing of such items is mailable only if it contains all pertinent packaging instructions and any other mailing limitations. 18 U.S.C. 1716(h); DMM section 601.9.4.1.

Conclusion

Again, it is emphasized that the Postal Service has yet to determine whether and to what extent any PACT Act exceptions may be made available for ENDS. Nevertheless, mailers of ENDS products may find the preparatory information above useful in preparing for the potential availability of such exceptions following a final rule. In addition, all persons currently or prospectively engaged in the mailing of ENDS products should carefully review non-PACT-Act-related mailing prohibitions, restrictions, and other requirements that may apply to ENDS products, to ensure that their use of the mail system is safe and compliant with Federal law.

Joshua J. Hofer,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2021–07976 Filed 4–16–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2015–0189; FRL–10022–74–Region 6]

Air Plan Approval; Arkansas; Arkansas Regional Haze and Visibility Transport State Implementation Plan Revisions; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: The Environmental Protection Agency (EPA) is correcting a final rule that appeared in the **Federal Register** on March 22, 2021, and that will become effective on April 21, 2021. The EPA finalized approval of a revision to the Arkansas State Implementation Plan (SIP) submitted by the State of Arkansas through the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ). This document corrects an error in the regulatory text. This correction does not

change any final action taken by the EPA on March 22, 2021.

DATES: Effective on April 21, 2021.

ADDRESSES: The EPA has established a docket of all documents for this action at *https://www.regulations.gov* under Docket ID No. EPA–R06–OAR–2015–0189. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: James E. Grady, EPA Region 6 Office, Regional Haze and SO_2 Section, 1201 Elm Street, Suite 500, Dallas, TX 72570, 214–665–6745; *grady.james@epa.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office will be closed to the public to reduce the risk of transmitting COVID–19. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

SUPPLEMENTARY INFORMATION: On March 22, 2021 (86 FR 15104), EPA published a final rule action, ''Air Plan Approval; Arkansas; Arkansas Regional Haze and Visibility Transport State Implementation Plan Revisions.'' The final rule approved revisions to the State Implementation Plan (SIP) for the State of Arkansas concerning requirements of the Clean Air Act and the Regional Haze Rule for visibility protection in mandatory Class I Federal areas for the first implementation period and pertain specifically to the Domtar Ashdown Mill. The final rule also approved revisions concerning Arkansas' interstate visibility transport obligations for the following national ambient air quality standards (NAAQS): The 2006 24-hour fine particulate matter ($PM_{2.5}$) NAAQS; the 2012 annual $PM_{2.5}$ NAAQS; the 2008 and 2015 eight-hour ozone (O_3) NAAQS; the 2010 one-hour nitrogen dioxide (NO_2) NAAQS; and the 2010 one-hour SO_2 NAAQS. For more information, please see the EPA's rulemaking action at *https://www.regulations.gov* under Docket ID No. EPA–R06–OAR–2015–0189.

Need for Correction

As published, the regulatory text in the final rule contains an error that omits the amendatory instruction for adding two entries to the table entitled ''EPA-Approved Non-Regulatory Provisions and Quasi-Regulatory Measures in the Arkansas SIP'' in 40 CFR 52.170(e). The EPA finds that there is good cause to make this correction without providing for notice and comment because neither notice nor comment is necessary and would not be in the public interest due to the nature of the correction which is minor, technical and does not change the obligations already existing in the rule. While the ''Identification of Plan'' section of the regulatory text accurately includes the three new entries added to the ''EPA-Approved Non-Regulatory Provisions and Quasi-Regulatory Measures in the Arkansas SIP'' table, the amendatory instruction erroneously states that one entry rather than three are being added to the table. Therefore, the EPA finds that the corrections are merely correcting the amendatory instruction without changing any final action taken by the EPA on March 22, 2021.

Federal Register Correction

■ In FR Doc. 2021–05362 at 86 FR 15104 in the issue of Monday, March 22, 2021, the following corrections are made:

§ 52.170 [Corrected]

■ 1. On page 15131, in the third column, in amendment 2.b. the instruction ''In paragraph (e), the third table titled ''EPA-Approved Non-Regulatory Provisions and Quasi-Regulatory Measures in the Arkansas SIP'' is amended by adding an entry for ''Arkansas Regional Haze Phase III SIP Revision'' at the end of the table.'' is corrected to read ''In paragraph (e), the third table titled ''EPA-Approved Non-Regulatory Provisions and Quasi-Regulatory Measures in the Arkansas SIP'' is amended by adding entries for ''Arkansas Regional Haze Phase III SIP Revision,'' ''Arkansas 2015 O_3 NAAQS Interstate Transport SIP Revision,'' and ''Arkansas Regional Haze SO_2 and PM SIP Revision'' at the end of the table.''

Dated: April 14, 2021.

David Gray,

Acting Regional Administrator, Region 6.

[FR Doc. 2021–08004 Filed 4–16–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2019–0385; FRL–10018–60]

Metaflumizone; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of the insecticide metaflumizone in or on multiple commodities which are identified and discussed later in this document. BASF Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective April 19, 2021. Objections and requests for hearings must be received on or before June 18, 2021, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2019–0385, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

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, Acting Director, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

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. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Publishing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl*.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2019–0385 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before June 18, 2021. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2019–0385, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html*.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets*.

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of August 30, 2019 (84 FR 45702) (FRL–9998–15), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 8E8707) by BASF Corporation, P.O. Box 13528, Research Triangle Park, NC 27709. That document stated that BASF's petition (summarized by BASF Corporation in docket ID EPA–HQ–OPP–2019–0385) requested that 40 CFR 180.657 be amended by establishing tolerances for residues of the insecticide metaflumizone (2-[2-(4-cyanophenyl)-1-[3-(trifluoromethyl)phenyl]ethylidene]-*N*-[4-(trifluoromethoxy)phenyl] hydrazinecarboxamide; E and Z isomers), in or on apple at 1.0 parts per million (ppm), apple, wet pomace at 3.0 ppm, coffee at 0.15 ppm, fruit, small, vine climbing, except fuzzy kiwi fruit, subgroup 13–07F at 5.0 ppm, grape, raisin at 10 ppm, lemon/lime subgroup 10–10B at 3.0 ppm, lemon/lime subgroup 10–10B, oil at 42 ppm, melon subgroup 9A at 1.0 ppm, orange subgroup 10–10A at 3.0 ppm, orange subgroup 10–10A, oil at 42 ppm, cattle, fat at 0.05 ppm, goat, fat at 0.05 ppm, horse, fat at 0.05 ppm, sheep, fat at 0.05 ppm, and milk, fat at 0.1 ppm. Although the petition summary did not request a tolerance on apple, wet pomace, the petition itself requested a tolerance on apple, wet pomace, so EPA included that commodity in the document published in the **Federal Register**. There were no substantive comments received in response to the notice of filing for this pesticide petition.

Based upon review of the data supporting the referenced petition, and in accordance with its authority under FFDCA section 408(d)(4)(A)(i), EPA has revised the tolerance levels and commodity definitions for several of the proposed commodities, established additional necessary tolerances, and deleted a number of established tolerances superseded by the newly established import tolerances. The reasons for these changes are explained in full detail in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for metaflumizone including exposure resulting from the tolerances established by this action. A summary of EPA's assessment of exposures and risks associated with metaflumizone follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published for tolerance rulemakings of the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings and republishing the same sections is unnecessary; EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published a number of tolerance rulemakings for metaflumizone, in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to metaflumizone and established tolerances for residues of that chemical. EPA is incorporating previously published sections from those rulemakings as described further in this rulemaking, as they remain unchanged.

Toxicological Profile. For a discussion of the Toxicological Profile of metaflumizone, see Unit III.A. of the

October 30, 2015 rulemaking (80 FR 66795) (FRL–9934–88).

Toxicological Points of Departure/Levels of Concern. For a summary of the Toxicological Points of Departure/Levels of Concern used for the safety assessment, see Unit III.B. of the October 30, 2015 rulemaking.

Exposure Assessment. Much of the exposure assessment remains unchanged from the previous rulemaking, although some updates have occurred to accommodate exposures from the petitioned-for tolerances. The updates are discussed in this section; for a description of the rest of the EPA approach to and assumptions for the exposure assessment, see Unit III.C. of the October 30, 2015 rulemaking.

EPA's exposure assessments have been updated to include the additional exposure from imported apple, coffee, melon subgroup 9A, orange subgroup 10–10A, lemon/lime subgroup 10–10B, small vine climbing fruit subgroup 13–07F (except fuzzy kiwifruit), milk fat, and ruminant fat for the combined residues of metaflumizone (E–Z isomer ratio of >9:1). The acute and chronic dietary analyses for metaflumizone for this action assumed tolerance-level residues, 100% crop treated, and 2018 default processing factors when necessary, except for citrus juice, which used empirical processing factor for citrus juice. The modeled estimates of drinking water concentrations and the Agency's assessment of residential, or non-occupational exposure remain the same as in the October 30, 2015 rulemaking, as the residues on imported commodities do not impact the drinking water exposures or residential exposures. The Agency's position regarding cumulative risk also remains the same.

Safety Factor for Infants and Children. EPA continues to retain the Food Quality Protection Act (FQPA) safety factor of 10× for inhalation exposure scenarios, while continuing to conclude that there is reliable data showing that the safety of infants and children would be adequately protected if the FQPA SF were reduced from 10× to 3× for all oral exposure scenarios and reduced to 1× for dermal exposures. The reasons for that decision are articulated in Unit III.D. of the October 30, 2015 rulemaking.

Aggregate Risks and Determination of Safety. EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists. For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure.

The acute and chronic dietary estimates for metaflumizone were found not to be of concern for the U.S. general population and all population subgroups and are below the Agency's level of concern (LOC) (<100% of the acute population adjusted dose (aPAD) and chronic population adjusted dose (cPAD), respectively). An acute endpoint of concern was not identified in the toxicological database for the general U.S. population including infants and children. Acute dietary risks for metaflumizone are below the Agency's LOC: 5.3% of the aPAD at the 95th percentile for females 13–49 years of age, the population group with the highest exposure; and chronic risks are below the Agency's LOC: 65% of the cPAD for children 1–2 years old, the most highly exposed population subgroup. Metaflumizone is classified as ''Not Likely to be Carcinogenic to Humans.'' Therefore, EPA does not expect exposure to metaflumizone to pose a cancer risk.

Since metaflumizone is registered for uses that could result in short-term residential exposure, EPA evaluated the potential for short-term risk by aggregating chronic exposure through food and water with short-term residential exposures to metaflumizone. Since the LOC for the various routes of exposure differ, the aggregate risk estimates were calculated using the Aggregate Risk Index (ARI) approach (LOC for ARI <1). The short-term aggregate assessment combined food + drinking water exposure with the highest potential residential post-application exposure (high-contact activity on turf). The aggregate ARIs are greater than 1; therefore, EPA concludes there is no short-term risk of concern. Although only short-term residential exposure is anticipated, the short-term assessment is protective of intermediate-term exposure since the short- and intermediate-term PODs/LOCs are identical.

Determination of Safety. Based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the U.S. general population, or to infants and children, from aggregate exposure to metaflumizone residues. More detailed information on the subject action can be found at *http://www.regulations.gov* in the documents entitled ''Metaflumizone: Human Health Risk Assessment in Support of Section 3 Registrations for Application of Metaflumizone to Pome Fruit (crop group (CG) 11–10) and Stone Fruit (CG 12–12); Updating the CG Designation for Citrus to 10–10 and Tree Nuts to 14–12; and Permitting Aerial Application to Citrus Fruits, Grapes, Tree Nuts, and Nurseries Containing Field-/Container-Grown Nonbearing Stone and Pome Fruit Trees,'' dated September 29, 2015 (docket ID EPA–HQ–OPP–2014–0607), and ''Metaflumizone: Human Health Risk Assessment in Support of Tolerances Without a U.S. Registration in/on Apple, Coffee, Melon Subgroup 9A, Orange Subgroup 10–10A, Lemon/Lime Subgroup 10–10B, Grape, Milk Fat, and Ruminant Fat,'' dated December 7, 2020 (docket ID EPA–HQ–OPP–2019–0385).

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A. of the October 30, 2015 rulemaking.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). Codex is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. Although EPA may establish a tolerance that is different from a Codex MRL, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

While Codex has not yet established MRLs on the commodities mentioned in this document, it has proposed MRLs in/on most of the relevant commodities. EPA notes that the U.S. and Codex residue definitions differ in that the U.S. tolerance expression includes metaflumizone (E- and Z-isomers) and M320I04 while Codex includes only metaflumizone (E- and Z-isomers). EPA is harmonizing its U.S. tolerances with most of the proposed Codex MRLs for apple, coffee, grape, melon subgroup 9A, orange subgroup 10–10A, orange oil, raisin, milk fat, and fat (cattle, goat, horse, and sheep). EPA is not

harmonizing the U.S. tolerance on lemon/lime subgroup 10–10B with the Codex MRL since the Codex MRL is less than that calculated by EPA using the submitted residue data and the OECD tolerance calculation procedure.

C. Revisions to Petitioned-For Tolerances

Based upon review of data and supporting materials for this petition, EPA is establishing tolerances for the following commodities requested using the Agency's preferred commodity terminology: Instead of establishing a tolerance for coffee, as requested, the Agency is establishing a tolerance for coffee, green bean. In addition, based upon supporting data and harmonization with proposed Codex MRLs, the Agency is establishing a tolerance level lower than requested for Apple at 0.9 ppm, and tolerance levels higher than requested for grape, raisin at 13 ppm; lemon/lime subgroup 10–10B, oil at 100 ppm; and orange subgroup 10–10A, oil at 100 ppm. Further, since importation of ruminant commodities is also a probability and based on the livestock dietary burdens, EPA is also establishing tolerances for milk fat and ruminant fat tolerances in or on cattle, fat at 0.15 ppm; goat, fat at 0.15 ppm; horse, fat at 0.15 ppm; sheep, fat at 0.15 ppm; and milk, fat at 0.6 ppm.

V. Conclusion

Therefore, tolerances are established for residues of the insecticide metaflumizone (2-[2-(4-cyanophenyl)-1-[3-(trifluoromethyl)phenyl]ethylidene]-*N*-[4-(trifluoromethoxy)phenyl] hydrazinecarboxamide; E and Z isomers), in or on apple at 0.9 parts per million (ppm); apple, wet pomace at 3 ppm; coffee, green bean at 0.15 ppm; grape, raisin at 13 ppm; grapefruit subgroup 10–10C at 0.04 ppm; lemon/lime subgroup 10–10B at 3 ppm; lemon/lime subgroup 10–10B, oil at 100 ppm; melon subgroup 9A at 1 ppm; orange subgroup 10–10A at 3 ppm; orange subgroup 10–10A, oil at 100 ppm; cattle, fat at 0.15 ppm; goat, fat at 0.15 ppm; horse, fat at 0.15 ppm; milk, fat at 0.6 ppm; and sheep, fat at 0.15 ppm. In addition, the existing tolerance for ''fruit, pome, group 11–10,'' is amended to clarify that that entry now excludes apple, due to the establishment of a separate apple tolerance in this rulemaking and the existing tolerance for grape is amended to raise the tolerance level from 0.04 ppm to 5 ppm. Finally, EPA is removing the tolerance for ''fruit, citrus, group 10–10'' because it is superseded by the newly established tolerances for each of the fruit, citrus, group 10–10 subgroups.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) or Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the National Government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 8, 2021.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.657:

■ a. Designate paragraph (a) introductory text as paragraph (a)(1) and revise newly designated paragraph (a)(1) introductory text;

■ b. In the table in newly designated paragraph (a)(1):

■ i. Add a heading for the table;

■ ii. Add entries for ''Apple,'' ''Apple, wet pomace,'' and ''Coffee, green bean'' in alphabetical order;

■ iii. Remove the entries for ''Fruit, citrus, group 10–10,'' ''Fruit, pome, group 11–10,'' and ''Fruit, stone, group 12–12'';

■ iv. Add the entry ''Fruit, pome, group 11–10, except apple'' in alphabetical order;

■ v. Revise the entry for ''Grape'';

■ vi. Add entries for ''Grape, raisin,'' ''Grapefruit subgroup 10–10C,'' ''Lemon/lime subgroup 10–10B,''

''Lemon/lime subgroup 10–10B, oil,'' ''Melon subgroup 9A,'' ''Orange subgroup 10–10A,'' and ''Orange subgroup 10–10A, oil'' in alphabetical order; and

■ vii. Revise footnote 1; and

■ c. Add paragraph (a)(2).

The additions and revisions read as follows:

§ 180.657 Metaflumizone; tolerances for residues.

(a) *General.* (1) Tolerances are established for residues of the insecticide metaflumizone, including its metabolites and degradates, in or on the commodities listed in table 1 to this paragraph (a)(1). Compliance with the tolerance levels specified in this paragraph (a)(1) is to be determined by measuring only the sum of metaflumizone (E and Z isomers; 2-[2-(4-cyanophenyl)-1-[3-(trifluoromethyl) phenyl]ethylidene]-*N*-[4-(trifluoromethoxy)phenyl] hydrazinecarboxamide) and its metabolite 4-{2-oxo-2-[3-(trifluoromethyl) phenyl]ethyl}-benzonitrile, calculated as the stoichiometric equivalent of metaflumizone, in or on the following commodities:

TABLE 1 TO PARAGRAPH (a)(1)

Commodity	Parts per million
* * * * *	
Apple	0.9
Apple, wet pomace	3
Coffee, green bean [1]	0.15
* * * * *	
Fruit, pome, group 11–10, except apple	0.04
Grape	5
Grape, raisin	13
Grapefruit subgroup 10–10C	0.04
Lemon/lime subgroup 10–10B	3
Lemon/lime subgroup 10–10B, oil	100
Melon subgroup 9A [1]	1
* * * * *	
Orange subgroup 10–10A	3
Orange subgroup 10–10A, oil	100
* * * * *	

[1] There are no U.S. registrations for this commodity as of April 19, 2021.

(2) Tolerances are established for residues of the insecticide metaflumizone, including its metabolites and degradates, in or on the commodities listed in table 2 to this paragraph (a)(2). Compliance with the tolerance levels specified in this paragraph (a)(2) is to be determined by measuring only metaflumizone (E and Z isomers; 2-[2-(4-cyanophenyl)-1-[3-(trifluoromethyl) phenyl]ethylidene]-*N*-[4-(trifluoromethoxy)phenyl] hydrazinecarboxamide) in or on the following animal commodities:

TABLE 2 TO PARAGRAPH (a)(2)

Commodity	Parts per million
Cattle, fat	0.15
Goat, fat	0.15
Horse, fat	0.15
Milk, fat	0.6
Sheep, fat	0.15

* * * * *

[FR Doc. 2021–07951 Filed 4–16–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 73

[AU Docket No. 21–39; DA 21–361; FR ID 21109]

Auction of AM and FM Broadcast Construction Permits Scheduled for July 27, 2021; Notice of Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 109

AGENCY: Federal Communications Commission.

ACTION: Final action; requirements and procedures.

SUMMARY: This document summarizes the procedures, deadlines, and upfront payment and minimum opening bid amounts for the upcoming auction of certain AM and FM broadcast construction permits. The *Auction 109 Procedures Public Notice* summarized here is intended to familiarize potential applicants with details of the procedures, terms, and conditions governing participation in Auction 109.

DATES: Applications to participate in Auction 109 must be submitted before 6:00 p.m. Eastern Time (ET) on May 11, 2021. Upfront payments for Auction 109 must be received by 6:00 p.m. ET on June 16, 2021. Bidding in Auction 109 is scheduled to start on July 27, 2021.

FOR FURTHER INFORMATION CONTACT:

General Auction 109 Information: FCC Auctions Hotline at 888–225–5322, option two; or 717–338–2868.

Auction 109 Legal Information: Lynne Milne or Lyndsey Grunewald at 202–418–0660.

Licensing Information: Lisa Scanlan or Tom Nessinger or James Bradshaw at (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a summary of the *Auction 109 Procedures Public Notice,* released on April 1, 2021. The complete text of the *Auction 109 Procedures Public Notice,* including attachments and any related document, are available on the Commission's website at *www.fcc.gov/auction/109* or by using the search function for AU Docket No. 21–39, DA 21–361, on the Commission's Electronic Comment Filing System (ECFS) web page at *www.fcc.gov/ecfs.* Alternative formats are available to persons with disabilities by sending an email to *FCC504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

I. General Information

1. *Introduction.* By the *Auction 109 Procedures Public Notice,* the Office of Economics and Analytics (OEA), in conjunction with the Media Bureau (MB), establishes the procedures and minimum opening bid amounts for the upcoming auction of certain AM and FM broadcast construction permits.

2. On February 8, 2021, OEA, in conjunction with MB, released a public notice seeking comment on competitive bidding procedures and minimum opening bid amounts to be used in Auction 109. Three parties submitted comments in response to the *Auction 109 Comment Public Notice,* 86 FR 12556, March 4, 2021.

3. *Construction Permits Offered in Auction 109.* Auction 109 will offer four AM construction permits and 136 FM construction permits. The construction permits to be auctioned are listed in Attachment A to the *Auction 109 Procedures Public Notice.*

4. *AM Construction Permits.* Auction 109 will offer four construction permits in the AM broadcast service. Attachment A to the *Auction 109 Procedures Public Notice* lists the community of license, channel, class, and coordinates for each AM permit being offered.

5. The construction permits to be auctioned are for four previously licensed AM stations: KFTK(AM), East St. Louis, IL, former Facility ID No. 72815; WQQW(AM), Highland, IL, former Facility ID No. 90598; KZQZ(AM), St. Louis, MO, former Facility ID No. 72391; and KQQZ(AM), Fairview Heights, IL, former Facility ID No. 5281. The license renewals of each of these former AM stations were dismissed with prejudice in a hearing before the Commission's Administrative Law Judge and the call signs deleted.

6. To facilitate the auction of the four AM permits, the four AM facilities will

be treated as existing allotments, using the coordinates, AM station frequency and class, and community of license of the respective AM facility as listed in Attachment A to the *Auction 109 Procedures Public Notice.* The Media Bureau has protected these four AM stations by freezing the filing of any minor modification applications that would be mutually exclusive with the facilities of the four AM stations. Pursuant to that freeze, any AM minor change application that conflicts with the most recently licensed facilities of these four AM stations may not be filed during a period that started on March 20, 2020, and ends the day after the filing deadline for long-form applications by Auction 109 winning bidders. Because protections only extend to the previously licensed facility parameters, any winning bidder or permittee will be limited in its opportunities to modify these AM permits. Due to the existence of these technical limitations, preferred site coordinates cannot be specified for any of these AM construction permits.

7. *FM Construction Permits.* Auction 109 will also offer 136 construction permits in the FM broadcast service. The construction permits to be auctioned include all of the 130 FM permits that had previously been listed in the inventory for Auction 106, as well as six additional permits. The FM construction permits offered in Auction 109 include 34 construction permits that were offered but not sold or were defaulted upon in prior auctions.

8. Attachment A to the *Auction 109 Procedures Public Notice* lists the specific vacant FM allotments for which the Commission will offer construction permits in this auction, along with the reference coordinates for each vacant FM allotment. These construction permits are for vacant FM allotments reflecting FM channels added to the Table of FM Allotments, 47 CFR 73.202(b), pursuant to the Commission's established rulemaking procedures, and assigned at the indicated communities.

9. Each applicant in the FM service may submit a set of preferred site coordinates on its short-form application (FCC Form 175) as an alternative to the reference coordinates for the vacant FM allotment upon which the applicant intends to bid. In order to avoid potential conflicts between, on the one hand, FM commercial and noncommercial educational (NCE) minor change applications, which can typically be filed on a first-come first-served basis, and, on the other hand, any alternative reference coordinates submitted on an applicant's short form application, MB will not accept any FM commercial or NCE minor change application during the Auction 109 short-form application filing window from April 28, 2021, to May 11, 2021. FM commercial and NCE minor change applications filed during the Auction 109 short-form application filing window will be dismissed. In addition, MB has announced that, in order to promote a more certain and speedy auction process, during a period that started on February 8, 2021 and ending the day after the filing deadline for post-Auction 109, long-form applications, it will not accept any application proposing to modify any FM allotments that will be offered in Auction 109; any petition or counterproposal that proposes a change in channel, class, community, or reference coordinates for any FM allotments that will be offered in Auction 109; nor any application, petition, or counterproposal that fails to fully protect any FM allotment that will be offered in Auction 109. Any such application filed between February 8, 2021 and the day after the filing deadline for post-auction 109, long-form applications will be dismissed.

10. OEA and MB declined to adopt commenters' suggestions to add certain AM facilities and FM allotments to the Auction 109 inventory.

11. An applicant may apply for any AM or FM construction permit listed in Attachment A to the *Auction 109 Procedures Public Notice.* Consistent with our approach in previous broadcast service auctions, when two or more short-form applications (FCC Form 175) are submitted specifying the same permit, mutual exclusivity exists for auction purposes, and that construction permit must be awarded by competitive bidding procedures. As explained in the *Auction 109 Comment Public Notice,* once mutual exclusivity exists for auction purposes, even if only one applicant is qualified to bid for a particular construction permit, that applicant is required to submit a bid in order to obtain the construction permit.

II. Applying To Participate in Auction 109

12. *Relevant Authority.* Auction 109 applicants must familiarize themselves thoroughly with the Commission's general competitive bidding rules, including Commission decisions in proceedings regarding competitive bidding procedures, application requirements, and obligations of Commission licensees. Broadcasters should also familiarize themselves with the Commission's AM and FM broadcast service and competitive bidding requirements contained in part 73 of the Commission's rules, as well as Commission orders concerning competitive bidding for broadcast construction permits. Applicants must also be thoroughly familiar with the procedures, terms, and conditions contained in the *Auction 109 Procedures Public Notice* and any future public notices that may be released in this proceeding or that relate to the construction permits being offered in Auction 109 or the AM and FM broadcast services.

13. The terms contained in the Commission's rules, relevant orders, and public notices are not negotiable. The Commission may amend or supplement the information contained in its public notices at any time, and will issue public notices to convey any new or supplemental information to applicants. It is the responsibility of all applicants to remain current with all Commission rules and with all public notices pertaining to this auction. Copies of most auctions-related Commission documents, including public notices, can be retrieved from the FCC Auctions internet site at *www.fcc.gov/auctions.*

14. An applicant should consult the Commission's rules to ensure that, in addition to the materials described below, all required information is included in its short-form application. To the extent the information in the *Auction 109 Procedures Public Notice* does not address a potential applicant's specific operating structure, or if the applicant needs additional information or guidance concerning the following disclosure requirements, the applicant should review the educational materials for Auction 109 and/or use the contact information provided in the *Auction 109 Procedures Public Notice* to consult with Commission staff to better understand the information it must submit in its short-form application.

15. *General Information Regarding Short-Form Applications.* An application to participate in Auction 109, referred to as a short-form application or FCC Form 175, provides information that the Commission uses to determine whether the applicant is legally, technically, and financially qualified to participate in Commission auctions for licenses or permits. The short-form application is the first part of the Commission's two-phased auction application process. In the first phase, parties desiring to participate in the auction must file a streamlined, short-form application in which they certify under penalty of perjury as to their qualifications. Eligibility to participate in bidding is based on the applicant's short-form application and

certifications, and on its upfront payment, as explained below.

16. A party seeking to participate in Auction 109 must file a short-form application electronically via the FCC's Auction Application System prior to 6:00 p.m. ET on May 11, 2021, following the FCC Form 175 Filing Instructions for this auction in Attachment B to the *Auction 109 Procedures Public Notice.* All those wishing to participate in Auction 109, regardless of whether they may have previously filed a short-form application for Auction 106, will be required to file a new application to participate in Auction 109.

17. An applicant bears full responsibility for submitting an accurate, complete, and timely short-form application. An applicant must certify on its short-form application under penalty of perjury that it is legally, technically, financially, and otherwise qualified to hold a license. Each applicant should read carefully the instructions set forth in Attachment B to the *Auction 109 Procedures Public Notice* and should consult the Commission's rules to ensure that, in addition to the materials described below, all the information required is included within its short-form application.

18. Submission of a short-form application (and any amendments thereto) constitutes a representation by the certifying official that he or she is an authorized representative of the applicant, that he or she has read the form's instructions and certifications, and that the contents of the application, its certifications, and any attachments are true and correct. Submission of a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution.

19. No individual or entity may file more than one short-form application or have a controlling interest in more than one short-form application. If a party submits multiple short-form applications for an auction, then only one application may be the basis for that party to become qualified to bid in that auction.

20. Consistent with the Commission's general prohibition of joint bidding agreements, a party is generally permitted to participate in a Commission auction only through a single bidding entity. Accordingly, the filing of applications in Auction 109 by multiple entities controlled by the same individual or set of individuals is not permitted. This restriction applies across all applications, without regard to the construction permits selected. Consistent with this requirement, a broadcaster interested in bidding on more than one construction permit cannot use two or more subsidiary entities to bid separately on construction permits in separate markets, regardless of whether each subsidiary were to select different construction permits on its short-form application. Likewise, if an entity, individual, or set of individuals hold controlling interests in multiple entities that are interested in participating in Auction 109, regardless of whether those entities have other, non-shared controlling or non-controlling interests, those entities must participate in the auction through a single bidding entity and only that bidding entity may file an auction application. In that regard, the bidding entity must disclose in its short-form application any joint ventures or other agreements or arrangements with any commonly controlled, non-applicant entities related to bidding in Auction 109. As noted by the Commission in adopting the prohibition of applications by commonly controlled entities, this rule, in conjunction with the prohibition against joint bidding agreements, protects the competitiveness of our auctions.

21. *Authorized Bidders.* An applicant must designate at least one authorized bidder, and no more than three, in its FCC Form 175. The Commission's rules prohibit an individual from serving as an authorized bidder for more than one auction applicant or being listed as an authorized bidder in more than one FCC Form 175 application.

22. *Permit Selection.* An applicant must select on its FCC Form 175 the construction permit or permits, from the list of available permits, on which it wants to bid. An applicant must carefully review and verify its construction permit selections before the deadline for submitting the FCC Form 175, because those selections cannot be changed after the initial auction application filing deadline. The FCC auction bidding system will not accept bids on construction permits that were not selected on the applicant's FCC Form 175.

23. *Disclosure of Agreements and Bidding Arrangements.* An applicant must provide in its FCC Form 175 a brief description of, and identify each party to, any partnership, joint venture, consortium, or agreement, arrangement, or understanding of any kind relating to the AM and FM construction permits being auctioned, including any agreement that addresses or communicates directly or indirectly bids (including specific prices), bidding strategies (including the specific construction permit(s) or license(s) on which to bid or not to bid), or the post-auction market structure, to which the applicant, or any party that controls or is controlled by the applicant, is a party. In connection with the agreement disclosure requirements, the applicant must certify under penalty of perjury in its FCC Form 175 that it has described, and identified each party to, any such agreement, arrangement, or understanding into which it has entered. An auction applicant that enters into any agreement during an auction that relates to the permits or licenses being auctioned is subject to the same disclosure obligations it would have for agreements existing at the FCC Form 175 filing deadline, and it must maintain the accuracy and completeness of the information in its pending auction application.

24. The Commission's rules generally prohibit joint bidding and other arrangements involving auction applicants (including any party that controls, or is controlled by, such applicants). For purposes of this prohibition, joint bidding arrangements include arrangements relating to the permits being auctioned that address or communicate, directly or indirectly, bidding at the auction, bidding strategies, including arrangements regarding price or the specific permits on which to bid, and any such arrangements relating to the post-auction market structure.

25. To implement the prohibition on joint bidding arrangements, the Commission's rules require each auction applicant to certify in its short-form application that it has disclosed any arrangements or understandings of any kind relating to the permits or licenses being auctioned to which it (or any party that controls or is controlled by it) is a party. The applicant must also certify that it (or any party that controls or is controlled by it) has not entered and will not enter into any arrangement or understanding of any kind relating directly or indirectly to bidding at auction with, among others, any other applicant.

26. Although the Commission's rules do not prohibit auction applicants from communicating about matters that are within the scope of an excepted agreement that has been disclosed in an FCC Form 175, the Commission reminds applicants that certain discussions or exchanges could nonetheless touch upon impermissible subject matters, and that compliance with the Commission's rules will not insulate a party from enforcement of the antitrust laws.

27. Applicants should bear in mind that a winning bidder will be required

to disclose in its long-form application following the close of the auction the specific terms, conditions, and parties involved in any agreement relating to the permits or licenses being auctioned into which it had entered prior to the time bidding closed. This applies to any joint venture, partnership, or other agreement, arrangement, or understanding of any kind entered into relating to the competitive bidding process, including any agreements relating to the permits being auctioned that address or communicate directly or indirectly bids (including specific prices), bidding strategies (including the specific permits on which to bid or not to bid), or the post-auction market structure, to which the applicant, or any party that controls or is controlled by the applicant, is a party.

28. *Ownership Disclosure Requirements.* Each applicant must comply with the ownership disclosure requirements and provide information required by §§ 1.2105 and 1.2112 and, where applicable, 1.2110 of the Commission's rules. Specifically, in completing the FCC Form 175, an applicant will be required to fully disclose information on the real party(ies)-in-interest and the ownership structure of the applicant, including both direct and indirect ownership interests of 10% or more, as prescribed in §§ 1.2105 and 1.2112 and, where applicable, 1.2110 of the Commission's rules. Each applicant is responsible for ensuring that information submitted in its short-form application is complete and accurate.

29. *Foreign Ownership Disclosure Requirements.* Section 310 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. 310, requires the Commission to review foreign investment in radio station licenses and imposes specific restrictions on who may hold certain types of radio licenses. In its FCC Form 175, an applicant must report citizenship or jurisdiction of formation for the applicant and for each disclosable interest holder (DIH). In completing the FCC Form 175, an applicant also will be required to certify that it is in compliance with the foreign ownership provisions contained in section 310 of the Act. Section 1.2105(a)(2)(vi) specifies that the Commission will accept an auction application certifying that a request for waiver or declaratory ruling from the requirements of section 310 is pending. If an applicant has foreign ownership interests in excess of the applicable limit or benchmark specified in section 310(b), it may seek to participate in Auction 109 if it has filed with the Media Bureau prior to the FCC Form 175 filing deadline a petition for declaratory ruling requesting Commission approval to exceed the applicable foreign ownership limit or benchmark in section 310(b) that is pending before, or has been granted by, the Commission.

30. *Prohibited Communication and Compliance with Antitrust Laws.* The rules prohibiting certain communications set forth in §§ 1.2105(c) and 73.5002(d) and (e) of the rules apply to each applicant that files an FCC Form 175 in Auction 109. Section 1.2105(c)(1) of the Commission's rules provides that, subject to specified exceptions, after the deadline for filing a short-form application all applicants are prohibited from cooperating or collaborating with respect to, communicating with or disclosing, to each other in any manner the substance of their own, or each other's, or any other applicant's bids or bidding strategies (including post-auction market structure), or discussing or negotiating settlement agreements, until after the down payment deadline.

31. *Entities Subject to § 1.2105(c).* An applicant for purposes of this rule includes the officers and directors of the applicant, all controlling interests in the entity submitting the FCC Form 175, as well as all holders of interests amounting to 10% or more of that entity. A party that submits an application becomes an applicant under the rule at the application filing deadline, and that status does not change based on later developments, including failure to become a qualified bidder.

32. *Scope of Prohibition on Communications; Prohibition on Joint Bidding Agreements.* Section 1.2105 of the Commission's rules prohibits certain communications between applicants for an auction, regardless of whether the applicants seek permits in the same geographic area or market. The Commission's rules also prohibit any joint bidding arrangement, including arrangements relating to the permits being auctioned, that address or communicate, directly or indirectly, bidding at the auction, bidding strategies, including arrangements regarding price or the specific permits on which to bid, and any such arrangements relating to the post-auction market structure. The rule provides limited exceptions for a communication within the scope of any arrangement consistent with the exclusion from the Commission's rule prohibiting joint bidding, provided such arrangement is disclosed on the applicant's auction application. An applicant may continue to communicate pursuant to any pre-existing agreements, arrangements, or understandings that are solely operational or that provide for transfer or assignment of licenses, provided that such agreements, arrangements, or understandings are disclosed on its application and do not both relate to the permits at auction and address or communicate bids (including amounts), bidding strategies, or the particular permits or licenses on which to bid or the post-auction market structure.

33. In addition to express statements of bids and bidding strategies, the prohibition against communicating in any manner includes public disclosures as well as private communications and indirect or implicit communications. Consequently, an applicant must take care to determine whether its auction-related communications may reach another applicant.

34. Parties subject to § 1.2105(c) should take special care in circumstances where their officers, directors, and employees may receive information directly or indirectly relating to any applicant's bids or bidding strategies. Such information may be deemed to have been received by the applicant under certain circumstances. For example, Commission staff have determined that, where an individual serves as an officer or director for two or more applicants, the bids and bidding strategies of one applicant are presumed conveyed to the other applicant through the shared officer or director, which creates an apparent violation of the rule.

35. Subject to the exception described above, § 1.2105(c)(1) prohibits applicants from communicating with specified other parties only with respect to their own, or each other's, or any other applicant's bids or bidding strategies. Moreover, a communication conveying bids or bidding strategies (including post-auction market structure) must also relate to the licenses being auctioned in order to be covered by the prohibition. Thus, the prohibition is limited in scope and does not apply to all communications between or among the specified parties. The Commission consistently has made clear that application of the rule prohibiting communications has never required total suspension of essential ongoing business. Entities subject to the prohibition may negotiate agreements during the prohibition period, provided that the communications involved do not relate both (1) to the licenses or permits being auctioned and (2) to bids or bidding strategies or post-auction market structure.

36. Accordingly, business discussions and negotiations that are unrelated to bidding in Auction 109 and that do not convey information about the bids or bidding strategies of an applicant, including the post-auction market structure, are not prohibited by the rule. While § 1.2105(c) does not prohibit business discussions and negotiations among auction applicants that are not auction related, each applicant must remain vigilant not to communicate, directly or indirectly, information that affects, or could affect, bids or bidding strategies. Certain discussions might touch upon subject matters that could convey price or geographic information related to bidding strategies. Such subject areas include, but are not limited to, management, sales, local marketing agreements, and other transactional agreements.

37. *Communicating with Third Parties.* Section 1.2105(c) does not prohibit an applicant from communicating bids or bidding strategies to a third-party, such as a consultant or consulting firm, counsel, or lender. The applicant should take appropriate steps, however, to ensure that any third party it employs for advice pertaining to its bids or bidding strategies does not become a conduit for prohibited communications to other specified parties, as that would violate the rule. For example, an applicant might require a third party, such as a lender, to sign a non-disclosure agreement before the applicant communicates any information regarding bids or bidding strategy to the third party. Within third-party firms, separate individual employees, such as attorneys or auction consultants, may advise individual applicants on bids or bidding strategies, so long as such firms implement firewalls and other compliance procedures that prevent such individuals from communicating the bids or bidding strategies of one applicant to other individuals representing separate applicants. Although firewalls and/or other procedures should be used, their existence is not an absolute defense to liability if a violation of the rule has occurred.

38. Applicants may discuss the short-form application or bids for specific permits with their counsel, consultant, or expert of their choice before the short-form application deadline. Furthermore, the same third-party individual could continue to give advice to multiple applicants regarding their applications after the short-form application deadline, provided that no information pertaining to bids or bidding strategies is conveyed to that individual from any of the applicants the individual advises. No person may serve as an authorized bidder for more than one applicant in Auction 109.

39. Applicants also should use caution in their dealings with other parties, such as members of the press, financial analysts, or others who might become conduits for the communication of prohibited bidding information. For example, even though communicating that it has applied to participate in this auction will not violate the rule, an applicant's statement to the press that it intends to stop bidding in an auction could give rise to a finding of a § 1.2105 violation. Similarly, an FCC Form 175 applicant's public statement of intent not to place bids during bidding in Auction 109 could also violate the rule.

40. *Section 1.2105(c) Certification.* By electronically submitting its FCC Form 175, each applicant in Auction 109 certifies its compliance with §§ 1.2105(c) and 73.5002(d) of the rules. However, the mere filing of a certifying statement as part of an application will not outweigh specific evidence that a prohibited communication has occurred, nor will it preclude the initiation of an investigation when warranted. Any applicant found to have violated these communication prohibitions may be subject to sanctions.

41. *Duty to Report Prohibited Communications.* Section 1.2105(c)(4) requires that any applicant that makes or receives a communication that appears to violate § 1.2105(c) must report such communication in writing to the Commission immediately, and in no case later than five business days after the communication occurs. Each applicant's obligation to report any such communication continues beyond the five-day period after the communication is made, even if the report is not made within the five-day period.

42. *Procedures for Reporting Prohibited Communications.* Section 1.2105(c) requires parties to file only a single report concerning a prohibited communication and to file that report with Commission personnel expressly charged with administering the Commission's auctions. This rule is designed to minimize the risk of inadvertent dissemination of information in such reports. Any reports required by § 1.2105(c) must be filed consistent with the instructions set forth in the *Auction 109 Procedures Public Notice.* For Auction 109, such reports must be filed with the Chief of the Auctions Division, OEA, by the most expeditious means available. Any such report should be submitted by email to the Auctions Division Chief at the following email address: *auction109@fcc.gov.* If you choose instead to submit a report in hard copy, contact Auctions Division staff for guidance at *auction109@fcc.gov* or (202) 418–0660.

43. A party reporting any communication pursuant to § 1.65 or § 1.2105(a)(2) or (c)(4) must take care to ensure that any report of a prohibited communication does not itself give rise to a violation of § 1.2105(c). For example, a party's report of a prohibited communication could violate the rule by communicating prohibited information to other applicants through the use of Commission filing procedures that would allow such materials to be made available for public inspection. A party seeking to report such a prohibited communication should consider submitting its report with a request that the report or portions of the submission be withheld from public inspection by following the procedures specified in 47 CFR 0.459. Such parties also are encouraged to coordinate with the Auctions Division staff about the procedures for submitting such reports.

44. *Winning Bidders Must Disclose Terms of Agreements.* Each applicant that is a winning bidder will be required to disclose in its long-form application the specific terms, conditions, and parties involved in any agreement relating to the competitive bidding process it has entered into. Such agreements must have been entered into prior to the filing deadline for short-form applications. This disclosure requirement applies to any bidding consortia, joint venture, partnership, or agreement, understanding, or other arrangement entered into relating to the competitive bidding process, including any agreement relating to the post-auction market structure. Failure to comply with the Commission's rules can result in enforcement action.

45. *Antitrust Laws.* Regardless of compliance with the Commission's rules, applicants remain subject to the antitrust laws, which are designed to prevent anticompetitive behavior in the marketplace. Compliance with the disclosure requirements of § 1.2105(c) will not insulate a party from enforcement of the antitrust laws. To the extent the Commission becomes aware of specific allegations that suggest that violations of the Federal antitrust laws may have occurred, the Commission may refer such allegations to the United States Department of Justice for investigation. If an applicant is found to have violated the antitrust laws or the Commission's rules in connection with its participation in the competitive bidding process, it may be subject to forfeiture of its upfront payment, down

payment, or full bid amount, and may be prohibited from participating in future auctions, among other sanctions.

46. *New Entrant Bidding Credits.* To promote the objectives of section 309(j) of the Act and further its long-standing commitment to the diversification of broadcast facility ownership, the Commission provides a tiered new entrant bidding credit for broadcast auction applicants with no, or very few, other media interests.

47. The *Auction 109 Procedures Public Notice* explains why OEA and MB are unable to establish for Auction 109 a bidding credit for a party that had successfully petitioned for a vacant FM channel to be added to the FM Table of Allotments, as suggested by a commenter.

48. Applicants that qualify for the new entrant bidding credit are eligible for a bidding credit in this auction that represents the amount by which a bidder's winning bid is discounted. The size of a new entrant bidding credit depends on the number of ownership interests in other media of mass communications that are attributable to the bidder-entity and its attributable interest-holders. A 35% bidding credit will be given to a winning bidder if it, and/or any individual or entity with an attributable interest in the winning bidder, has no attributable interest in any other media of mass communications, as defined in 47 CFR 73.5008. A 25% bidding credit will be given to a winning bidder if it, and/or any individual or entity with an attributable interest in the winning bidder, has an attributable interest in no more than three mass media facilities, as defined in 47 CFR 73.5008. No bidding credit will be given if any of the commonly owned mass media facilities serve the same area as the broadcast permit proposed in the auction, as defined in 47 CFR 73.5007(b), or if the winning bidder, and/or any individual or entity with an attributable interest in the winning bidder, has attributable interests in more than three mass media facilities. For purposes of determining whether a broadcast permit offered in this auction is in the same area as an applicant's existing mass media facilities, the coverage area of the to-be-auctioned facility is calculated using maximum class facilities at the AM construction permit coordinates or the FM allotment reference coordinates specified in Attachment A to the *Auction 109 Procedures Public Notice,* not, based on any applicant-specified preferred site coordinates for FM allotments.

49. Bidding credits are not cumulative; qualifying applicants receive either the 25% or the 35% bidding credit, but not both.

50. The interests of the applicant, and of any individuals or entities with an attributable interest in the applicant, in other media of mass communications are considered when determining an applicant's eligibility for the New Entrant Bidding Credit. Attributable interests are defined in 47 CFR 73.3555 and note 2 of that section. In Auction 109, the bidder's attributable interests, and thus, its maximum new entrant bidding credit eligibility, are determined as of the short-form application filing deadline. An applicant intending to divest a media interest or make any other ownership change, such as resignation of positional interests (officer or director) in order to avoid attribution for purposes of qualifying for the New Entrant Bidding Credit, must have consummated such divestment transactions or have completed such ownership changes by no later than the FCC Form 175 filing deadline. However, events occurring after the short-form application filing deadline, such as the acquisition of attributable interests in media of mass communications, may cause diminishment or loss of the bidding credit and, must be reported immediately.

51. Under broadcast attribution rules, those entities or individuals with an attributable interest in a bidder include: (1) All officers and directors of a corporate bidder; (2) any owner of 5% or more of the voting stock of a corporate bidder; (3) all general partners and limited partners of a partnership bidder, unless the limited partners are sufficiently insulated; and (4) all members of a limited liability company, unless sufficiently insulated.

52. In cases where an applicant's spouse or close family member holds other media interests, such interests are not automatically attributable to the bidder. The Commission decides attribution issues in this context based on certain factors traditionally considered relevant.

53. The eligibility standards for the New Entrant Bidding Credit include attribution of the media interests held by very substantial investors in, or creditors of, an applicant claiming new entrant status. Specifically, the attributable mass media interests held by an individual or entity with an equity and/or debt interest in an applicant shall be attributed to that bidder for purposes of determining its eligibility for the New Entrant Bidding Credit, if the equity and debt interests, in the aggregate, exceed 33% of the total asset value of the applicant, even if such an interest is non-voting.

54. Generally, media interests will be attributable for purposes of the New Entrant Bidding Credit to the same extent that such other media interests are considered attributable for purposes of the broadcast multiple ownership rules. However, attributable interests held by a winning bidder in existing low power television, television translator or FM translator facilities will not be counted among the applicant's other mass media interests in determining its eligibility for a New Entrant Bidding Credit. A medium of mass communications is defined in 47 CFR 73.5008(b). Full service noncommercial educational stations, on both reserved and non-reserved channels, are included among media of mass communications as defined in § 73.5008(b).

55. *Application Requirements.* If an applicant claims eligibility for a bidding credit, the information provided in its FCC Form 175 will be used to determine whether the applicant is eligible for the claimed bidding credit. In addition to the ownership information required pursuant to §§ 1.2105 and 1.2112, applicants seeking a New Entrant Bidding Credit are required to establish on their short-form applications that they satisfy the eligibility requirements to qualify for the bidding credit. In those cases, a certification under penalty of perjury must be provided in completing the short-form application. An applicant claiming that it qualifies for a 35% New Entrant Bidding Credit must certify that neither it nor any of its attributable interest holders has any attributable interests in any other media of mass communications. An applicant claiming that it qualifies for a 25% New Entrant Bidding Credit must certify that neither it nor any of its attributable interest holders has any attributable interests in more than three media of mass communications, and must identify and describe such media of mass communications.

56. *Unjust Enrichment.* Unjust enrichment provisions apply to a winning bidder that utilizes a bidding credit and subsequently seeks to assign or transfer control of its license or construction permit to an entity not qualifying for the same level of bidding credit.

57. *Former and Current Defaulters.* Pursuant to the rules governing competitive bidding, each applicant must make certifications regarding whether it is a current or former defaulter or delinquent. A current defaulter or delinquent is not eligible to participate in Auction 109. Accordingly,

each applicant must certify under penalty of perjury on its FCC Form 175 that, as of the filing deadline, the applicant, any of its affiliates, any of its controlling interests, and any of the affiliates of its controlling interests are not in default on any payment for a Commission construction permit or license (including down payments), and that they are not delinquent on any non-tax debt owed to any Federal agency.

58. An applicant is considered a former defaulter or a former delinquent when it or any of its controlling interests has defaulted on any Commission construction permit or license or has been delinquent on any non-tax debt owed to any Federal agency, but has since remedied all such defaults and cured all of the outstanding non-tax delinquencies, as of the FCC Form 175 filing deadline. A former defaulter or delinquent who has remedied all such defaults and cured all of the outstanding non-tax delinquencies prior to the FCC Form 175 filing deadline in this auction may participate so long as it is otherwise qualified, if the applicant makes an upfront payment that is 50% more than would otherwise be required. For this reason, an applicant must certify under penalty of perjury whether it (along with any of its controlling interests) has ever been in default on any payment for a Commission construction permit or license (including a down payment) or has ever been delinquent on any non-tax debt owed to any Federal agency, subject to the exclusions described in 47 CFR 1.2105(a)(2)(xii).

59. Applicants should review previous guidance provided on default and delinquency disclosure requirements in the context of the auction short-form application process. Applicants also may consult with Auctions Division staff if they have questions about delinquency or default disclosure requirements.

60. The Commission considers outstanding debts owed to the United States Government, in any amount, to be a serious matter. The Commission adopted rules, including a provision referred to as the red light rule, that implement its obligations under the Debt Collection Improvement Act of 1996, which governs the collection of debts owed to the United States. Under the red light rule, applications and other requests for benefits filed by parties that have outstanding debts owed to the Commission will not be processed. When adopting that rule, the Commission explicitly declared, however, that its competitive bidding rules are not affected by the red light rule. As a consequence, the Commission's adoption of the red light rule does not alter the applicability of any of its competitive bidding rules, including the provisions and certifications of §§ 1.2105 and 1.2106, with regard to current and former defaults or delinquencies.

61. The Commission's Red Light Display System, which provides information regarding debts currently owed to the Commission, may not be determinative of an auction applicant's ability to comply with the default and delinquency disclosure requirements of § 1.2105. Thus, while the red light rule ultimately may prevent the processing of long-form applications by auction winners, an auction applicant's lack of current red light status is not necessarily determinative of its eligibility to participate in an auction (or whether it may be subject to an increased upfront payment obligation). Moreover, any long-form applications filed after the close of bidding will be reviewed for compliance with the Commission's red light rule, and such review may result in the dismissal of a winning bidder's long-form application. Each applicant should carefully review all records and other available Federal agency databases and information sources to determine whether the applicant, or any of its affiliates, or any of its controlling interests, or any of the affiliates of its controlling interests, currently owes or was ever delinquent in the payment of non-tax debt owed to any Federal agency.

62. *Optional Applicant Status Identification.* An applicant owned by members of minority groups and/or women, as defined in § 1.2110(c)(3), or that is a rural telephone company, as defined in § 1.2110(c)(4), may identify itself as such in filling out its FCC Form 175. This applicant status information is optional and collected for statistical purposes only because it assists the Commission in monitoring the participation of various groups in its auctions.

63. *Noncommercial Educational Status Election.* If an FCC Form 175 filed during the Auction 109 filing window identifying the application's proposed station as noncommercial educational (NCE) is mutually exclusive with any application filed during that window for a commercial station, the NCE application will be returned as unacceptable for filing and the applicant will not be provided with any further opportunity to become eligible to bid in this auction. Short-form applications that do not identify the facilities proposed in the FCC Form 175 as NCE will be considered, as a matter of law, applications for commercial broadcast stations. For this reason, each prospective applicant in this auction should consider carefully whether it wishes to propose NCE operation for any AM or FM station acquired in this auction. This NCE election cannot be reversed after the initial application filing deadline.

64. *Only Minor Modifications to FCC Form 175 Allowed.* After the initial application filing deadline, an applicant will be permitted to make only minor modifications to its short-form application. Examples of minor changes include the deletion or addition of authorized bidders (to a maximum of three), revision of addresses and telephone numbers of the applicant, its responsible party, and its contact person, or change in the applicant's selected bidding option (electronic or telephonic). A major modification to an FCC Form 175 (*e.g.,* change of construction permit selection, change in the required certifications, change in control of the applicant such as any change in ownership or control that would constitute an assignment or transfer of control of the applicant) will not be permitted after the initial FCC Form 175 filing deadline. If an applicant makes a major amendment, as defined by § 1.2105(b)(2), the major amendment may result in the disqualification of the applicant from participating in bidding. Questions about FCC Form 175 amendments should be directed to the Auctions Division at (202) 418–0660.

65. *Duty to Maintain Accuracy and Completeness of FCC Form 175.* Each applicant has a continuing obligation to maintain the accuracy and completeness of information furnished in its pending application in a competitive bidding proceeding. An auction applicant must furnish additional or corrected information to the Commission within five days after a significant occurrence, or amend its FCC Form 175 no more than five days after the applicant becomes aware of the need for the amendment. In accordance with the Commission's rules, an applicant's obligation to make modifications to a pending auction application in order to provide additional or corrected information continues beyond the five-day period, even if the report is not made within the five-day period. An applicant is obligated to amend its pending application even if a reported change is considered to be a major modification that may result in the dismissal of its application.

66. *Modifying an FCC Form 175.* During the initial filing window, an applicant will be able to make any necessary modifications to its FCC Form 175 in the Auction Application System.

An applicant that has certified and submitted its FCC Form 175 before the close of the initial filing window may continue to make modifications as often as necessary until the close of that window; however, the applicant must re-certify and re-submit its FCC Form 175 before the close of the initial filing window to confirm and effect its latest application changes. After each submission, a confirmation page will be displayed stating the submission time and submission date. Additional information on the procedures for modifying an FCC Form 175 appear in Attachment B to the *Auction 109 Procedures Public Notice.*

67. As with filing the FCC Form 175, any amendment(s) to the application and related statements of fact must be certified by an authorized representative of the applicant with authority to bind the applicant. Submission of any such amendment or related statement of fact constitutes a representation by the person certifying that he or she is an authorized representative with such authority and that the contents of the amendment or statement of fact are true and correct.

III. Preparing for Bidding in Auction 109

68. *Due Diligence.* Each potential bidder is solely responsible for investigating and evaluating all technical and marketplace factors that may have a bearing on the value of the construction permit(s) it is seeking in this auction. The FCC makes no representations or warranties about the use of this spectrum or these construction permits for particular services. Applicants should be aware that an FCC auction represents an opportunity to become an FCC permittee in a broadcast service, subject to certain conditions and regulations. This includes the established authority of the Commission to alter the terms of existing licenses by rulemaking, which is equally applicable to licenses awarded by auction. An FCC auction does not constitute an endorsement by the FCC of any particular service, technology, or product, nor does an FCC construction permit or license constitute a guarantee of business success.

69. An applicant should perform its due diligence research and analysis before proceeding, as it would with any new business venture. In particular, each potential bidder should perform technical analyses and/or refresh its previous analyses to assure itself that, should it become a winning bidder for any Auction 109 construction permit, it will be able to build and operate facilities that will fully comply with all applicable technical and legal requirements. For example, potential applicants should note the short-spacing restrictions for FM allotment MM–FM1192–B, Channel 300B, at Sacramento, California. Each applicant should inspect any prospective transmitter sites located in, or near, the service area for which it plans to bid, to confirm the availability of such sites, and to familiarize itself with the Commission's rules regarding any applicable Federal, state, and local requirements.

70. The Media Bureau has protected the parameters of the four previously-licensed AM stations that were on the relevant frequencies in the St. Louis area. Because protections only extend to those previously licensed station parameters, the winning bidders will be limited in their opportunities to modify these AM construction permits. For example, to the extent that any of these four previously licensed stations had contour overlap with nearby stations in violation of § 73.37 or § 73.187 of the rules, the winning bidder for that AM construction permit will be limited to the parameters of the previously licensed station on that frequency, and will not be permitted to make such overlap worse. Furthermore, to the extent that any of the four previously licensed AM stations exceeded the root-sum-square (RSS) contribution limits in § 73.182 of the rules, a winning bidder will be limited to the nighttime RSS contributions of the previously-licensed St. Louis area AM station. Generally, a winning bidder may avail itself of any grandfathered situation involving the relevant previously licensed St. Louis area AM station.

71. Each applicant should continue to conduct its own research throughout Auction 109 in order to determine the existence of pending or future administrative or judicial proceedings that might affect its decision to continue participating in the auction. Each Auction 109 applicant is responsible for assessing the likelihood of the various possible outcomes and for considering the potential impact on construction permits available in this auction. The due diligence considerations mentioned in the *Auction 109 Procedures Public Notice* do not comprise an exhaustive list of steps that should be undertaken prior to participating in this auction. As always, the burden is on the potential bidder to determine how much research to undertake, depending upon specific facts and circumstances related to its interests.

72. Applicants are solely responsible for identifying associated risks and for investigating and evaluating the degree to which such matters may affect their ability to bid on, otherwise acquire, or make use of the construction permits available in Auction 109. Each potential bidder is responsible for undertaking research to ensure that any permits won in this auction will be suitable for its business plans and needs. Each potential bidder must undertake its own assessment of the relevance and importance of information gathered as part of its due diligence efforts.

73. The Commission makes no representations or guarantees regarding the accuracy or completeness of information in its databases or any third-party databases, including, for example, court docketing systems. To the extent the Commission's databases may not include all information deemed necessary or desirable by an applicant, it must obtain or verify such information from independent sources or assume the risk of any incompleteness or inaccuracy in said databases. Furthermore, the Commission makes no representations or guarantees regarding the accuracy or completeness of information that has been provided by incumbent licensees and incorporated into its databases.

74. *Bidder Education—Online Tutorial on Auction Process.* An educational auction tutorial is available on the Auction 109 web page. This online tutorial provides information about pre-auction procedures, the FCC auction application system, completing short-form applications, auction conduct, the FCC auction bidding system, auction rules, and broadcast services rules. The online auction tutorial is accessible on the Education tab of the Auction 109 website at *www.fcc.gov/auction/109.* This tutorial will remain available and accessible anytime for reference in connection with the procedures outlined in the *Auction 109 Procedures Public Notice.*

75. *Short-Form Application Filing Deadline.* In order to be eligible to bid in Auction 109, in addition to other requirements, an applicant must first follow the procedures to submit a short-form application (FCC Form 175) for the relevant auction electronically via the FCC Auction Application System, following the instructions set forth in Attachment B to the *Auction 109 Procedures Public Notice.* The short-form application will become available with the opening of the initial filing window and must be submitted prior to 6:00 p.m. ET on May 11, 2021. Late applications will not be accepted. No filing fee is required to be paid at the time of filing a short-form application.

76. Applications may be filed at any time beginning at noon ET on April 28,

2021, until the filing window closes at 6:00 p.m. ET on May 11, 2021. Applicants are strongly encouraged to file early and are responsible for allowing adequate time to file their applications. There are no limits or restrictions on the number of times an application can be updated or amended until the initial filing deadline on May 11, 2021.

77. An applicant must always click on the CERTIFY & SUBMIT button on the Certify & Submit screen to successfully submit its FCC Form 175 and any modifications; otherwise the application or changes to the application will not be received or reviewed by Commission staff. Additional information about accessing, completing, and viewing the FCC Form 175 is included in Attachment B to the *Auction 109 Procedures Public Notice.* Applicants requiring technical assistance should contact FCC Auctions Technical Support at (877) 480–3201, option nine; (202) 4141250; or (202) 414–1255 (text telephony (TTY)). Hours of service are Monday through Friday, from 8:00 a.m. to 6:00 p.m. ET. In order to provide better service to the public, all calls to Technical Support are recorded.

78. *Correction of Application Deficiencies by Minor Modifications.* After the deadline for filing auction applications, Commission staff will review all timely submitted applications for Auction 109 to determine whether each applicant has complied with the application requirements and whether it has provided all required information concerning its qualifications for bidding. After this review is completed, OEA and MB will issue a public notice announcing applicants' initial application status by identifying (1) those that are complete; (2) those that are rejected; and (3) those that are incomplete or deficient because of minor defects that may be corrected. This public notice also will establish an application resubmission filing window, during which an applicant may make permissible minor modifications to its application to address identified deficiencies. The public notice will include the deadline for resubmitting corrected applications, and a paper copy will be sent by overnight delivery to the contact address listed in the FCC Form 175 for each applicant. In addition, each applicant with an incomplete application will be sent information on the nature of the deficiencies in its application, along with the name and phone number of a Commission staff member who can answer questions specific to the application. To become a qualified bidder, an applicant must have a complete application (*i.e.,* have timely corrected any identified deficiencies) and make a timely and sufficient upfront payment. Qualified bidders will be identified by public notice at least 10 days prior to the mock auction.

79. After the application filing deadline on May 11, 2021, applicants can make only minor corrections or updates to their applications. They will not be permitted to make major modifications.

80. Commission staff will communicate only with an applicant's contact person or certifying official, as designated on the short-form application, unless the applicant's certifying official or contact representative notifies the Commission in writing that applicant's counsel or other representative is authorized to speak on behalf of the applicant. Authorizations may be sent by email to *auction109@fcc.gov.*

81. *Public Notice of Final Application Status After Upfront Payment Deadline.* After Commission staff review resubmitted applications for Auction 109 and evaluate upfront payment submissions, Commission staff will release a public notice identifying applicants that have become qualified bidders. A public notice announcing qualified bidders will be issued before bidding in the auction begins. Qualified bidders are those applicants with submitted FCC Forms 175 that are deemed timely filed and complete, and which have made a timely and sufficient upfront payment (as described below).

82. *Upfront Payments.* In order to be eligible to bid in this auction, a sufficient upfront payment and a complete and accurate FCC Remittance Advice Form (FCC Form 159, February 2003 edition) must be submitted before 6:00 p.m. ET on June 16, 2021, following the procedures outlined below and the instructions in Attachment C to the *Auction 109 Procedures Public Notice.* After completing its short-form application, an applicant will have access to an electronic version of the FCC Form 159. This FCC Form 159 can be printed and the completed form must be sent by fax to the FCC at (202) 418–2843, or by email to *RROGWireFaxes@fcc.gov.*

83. *Making Upfront Payments by Wire Transfer.* All upfront payments must be made by wire transfer. No other payment method is acceptable. All payments must be made in U.S. dollars. Upfront payments for Auction 109 go to a U.S. Treasury account number specific to Auction 109 and different from the accounts used in previous FCC auctions. Do not use a beneficiary account number from a previous auction. Wire transfer information is specified in the Making Upfront Payments by Wire Transfer section of the *Auction 109 Procedures Public Notice.*

84. Each applicant is responsible for ensuring timely submission of its upfront payment and for timely filing of an accurate and complete Form 159. To avoid untimely payments, an applicant should discuss arrangements and deadlines with its financial institution (including that financial institution's specific wire transfer requirements) several days before they plan to make the wire transfer, and well ahead of the due date, as well as allowing sufficient time for the wire transfer to be initiated and completed prior to the deadline. The Commission repeatedly has cautioned auction participants about the importance of planning ahead to prepare for unforeseen last-minute difficulties in making payments by wire transfer. Each applicant is responsible for obtaining confirmation from its financial institution that its wire transfer to the U.S. Treasury was successful and from Commission staff that its upfront payment was timely received and that it was deposited into the proper account. As a regulatory requirement, the U.S. Treasury screens all payments from all financial institutions before deposits are made available to specified accounts. If wires are suspended, the U.S. Treasury may direct questions regarding any transfer to the financial institution initiating the wire. Each applicant must take care to assure that any questions directed to its financial institution(s) are addressed promptly. To receive confirmation from Commission staff requesting receipt and deposit of wire transfers, contact Scott Radcliffe of the Office of Managing Director's Revenue & Receivables Operations Group/Auctions at (202) 418–7518, or Theresa Meeks at (202) 418–2945.

85. Failure to deliver a sufficient upfront payment as instructed in the *Auction 109 Procedures Public Notice* by the 6:00 p.m. deadline on June 16, 2021, will result in dismissal of the short-form application and disqualification from participation in the auction.

86. *Completing and Submitting FCC Form 159.* An accurate and complete FCC Form 159 (February 2003 edition) must be sent to the FCC to accompany each upfront payment. At least one hour before placing the order for the wire transfer (but on the same business day), applicants must fax a completed Form 159 to the FCC at (202) 418–2843. Alternatively, the completed form can be scanned and sent as an attachment to an email to *RROGWireFaxes@fcc.gov.*

On the fax cover sheet, write: Wire Transfer—Auction Payment for Auction 109.

87. *Upfront Payments and Bidding Eligibility.* OEA and MB adopted the upfront payment amount proposed for each construction permit in Attachment A of the *Auction 109 Comment Public Notice,* except that the upfront payment amount for Allotment MM–FM1237–C1, Big Lake, Texas is reduced because the minimum opening bid for that permit should be lower than the amount initially proposed, as discussed below. The specific upfront payment amounts and bidding units for each construction permit in Auction 109 are specified in Attachment A to the *Auction 109 Procedures Public Notice.*

88. An applicant must make an upfront payment sufficient to obtain bidding eligibility on the construction permits on which it will bid. OEA and MB proposed in the *Auction 109 Comment Public Notice* that the amount of the upfront payment would determine a bidder's initial bidding eligibility, the maximum number of bidding units on which a bidder may place bids in any single round. Under that proposal, in order to bid on a particular construction permit, a qualified bidder must have selected the construction permit on its FCC Form 175 and must have a current eligibility level that meets or exceeds the number of bidding units assigned to that construction permit. At a minimum, therefore, an applicant's total upfront payment must be enough to establish eligibility to bid on at least one of the construction permits selected on its FCC Form 175, or else the applicant will not be qualified to participate in the auction. An applicant does not have to make an upfront payment to cover all construction permits the applicant selected on its FCC Form 175, but only enough to cover the maximum number of bidding units that are associated with construction permits on which they wish to place bids and hold provisionally winning bids in any given round. The total upfront payment does not affect the total dollar amount the bidder may bid on any given construction permit.

89. OEA and MB received no comments on the proposal that the upfront payment amount would determine a bidder's initial eligibility. Therefore, OEA and MB adopted this proposal. Each applicant's upfront payment amount will determine that bidder's initial bidding eligibility.

90. In calculating its upfront payment amount, an applicant should determine the maximum number of bidding units on which it may wish to be active (bid on or hold provisionally winning bids on) in any single round, and submit an upfront payment amount covering that number of bidding units. In order to make this calculation, an applicant should add together the bidding units for all construction permits on which it seeks to be active in any given round. Applicants should check their calculations carefully, as there is no provision for increasing a bidder's eligibility after the upfront payment deadline.

91. An applicant that is a former defaulter, as described above, must pay an upfront payment 50% greater than that required of an applicant that is not a former defaulter. For purposes of this rule, defaults and delinquencies of the applicant itself and its controlling interests are included. If an applicant is a former defaulter, it must calculate its upfront payment for all of its selected construction permits by multiplying the number of bidding units on which it wishes to be active (bid on or hold provisionally winning bids on) during a given round by 1.5. In order to calculate the number of bidding units to assign to former defaulters, the Commission will divide the upfront payment received by 1.5 and round the result up to the nearest bidding unit. If an applicant fails to submit a sufficient upfront payment to establish eligibility to bid on at least one of the construction permits selected on its FCC Form 175, the applicant will not be eligible to participate in bidding in the auction. This applicant will retain its status as an applicant in Auction 109 and will remain subject to 47 CFR 1.2105(c), 73.5002(d).

92. *Auction Registration.* All qualified bidders for Auction 109 are automatically registered for the auction. Registration materials will be distributed prior to the auction by overnight mail. The mailing will be sent only to the contact person at the contact address listed in the FCC Form 175 and will include the SecurID® tokens that will be required to place bids, the web address and instructions for accessing and logging in to the auction bidding system, FCC assigned username (User ID) for each authorized bidder, and the Auction Bidder Line phone number.

93. Qualified bidders that do not receive this registration mailing will not be able to submit bids. Therefore, if this mailing is not received by the contact representative for a qualified bidder by noon on Tuesday, July 20, 2021, call the Auctions Hotline at (717) 338–2868. In no event, however, will the FCC send auction registration materials to anyone other than the contact person listed on the applicant's FCC Form 175 or respond to a request for replacement registration materials from anyone other than the authorized bidder, contact person, or certifying official listed on the applicant's FCC Form 175. Receipt of this registration mailing is critical to participating in the auction, and each qualified bidder is responsible for ensuring it has received all of the registration materials.

94. In the event that SecurID® tokens are lost or damaged, only a person who has been designated as an authorized bidder, the contact person, or the certifying official on the applicant's short-form application may request replacements. To request replacement of these items, call the Auction Bidder Line at the telephone number provided in the registration materials or the Auctions Hotline at (717) 338–2868.

95. The SecurID® tokens can be recycled, and bidders should return the tokens to the FCC. Pre-addressed envelopes will be provided to return the tokens once bidding in the auction has ended.

96. *Remote Electronic Bidding via the FCC Auction Bidding System.* The Commission will conduct this auction over the internet, and telephonic bidding will be available as well. Only qualified bidders are permitted to bid. Each applicant should indicate its bidding preference—electronic or telephonic—on its FCC Form 175. In either case, each authorized bidder must have its own SecurID® token, which the Commission will provide at no charge. Each qualified bidder will be issued three SecurID® tokens. For security purposes, the SecurID® tokens, bidding system web address, FCC assigned username, and the telephonic bidding telephone number are only mailed to the contact person at the contact address listed on the FCC Form 175. Each SecurID® token is tailored to a specific auction. SecurID® tokens issued for other auctions or obtained from a source other than the FCC will not work for Auction 109.

97. The Commission makes no warranties whatsoever, and shall not be deemed to have made any warranties, with respect to the FCC Auction Application System and the auction bidding system, including any implied warranties of merchantability or fitness for a particular purpose. In no event shall the Commission, or any of its officers, employees, or agents, be liable for any damages whatsoever (including, but not limited to, loss of business profits, business interruption, loss of use, loss of revenue, loss of business information, or any other loss) arising out of or relating to the existence, furnishing, functioning, or use of the

FCC Auction Application System or the FCC auction bidding systems that are accessible to qualified bidders in connection with this auction. Moreover, no obligation or liability will arise out of the Commission's technical, programming, or other advice or service provided in connection with the FCC auction systems.

98. To the extent an issue arises with the auction bidding system itself, the Commission will take all appropriate measures to resolve such issues quickly and equitably. Should an issue arise that is outside the auction bidding system or attributable to a bidder, including, but not limited to, a bidder's hardware, software, or internet access problem that prevents the bidder from submitting a bid prior to the end of a round, the Commission shall have no obligation to resolve or remedy such an issue on behalf of the bidder. Similarly, if an issue arises due to bidder error using the auction bidding system, the Commission shall have no obligation to resolve or remedy such an issue on behalf of the bidder. Accordingly, after the close of a bidding round, the results of bid processing will not be altered absent evidence of any failure in the auction bidding system.

99. *Mock Auction.* All qualified bidders will be eligible to participate in a mock auction on Friday, July 23, 2021. The mock auction will enable bidders to become familiar with the FCC auction bidding system prior to the auction. All bidders should participate in the mock auction. Details will be announced by public notice.

100. *Fraud Alert.* As is the case with many business investment opportunities, some unscrupulous entrepreneurs may attempt to use Auction 109 to deceive and defraud unsuspecting investors. Information about deceptive telemarketing investment schemes is available from the FCC as well as the Federal Trade Commission (FTC), Securities and Exchange Commission (SEC) and the National Fraud Information Center. Additional sources of information for potential bidders and investors are described in the *Auction 109 Procedures Public Notice.*

101. *Environmental Review Requirements.* Permittees or licensees must comply with the Commission's rules for environmental review under the National Environmental Policy Act, the National Historic Preservation Act, and other Federal environmental statutes. The construction of a broadcast facility is a Federal action, and the permittee or licensee must comply with the Commission's environmental rules for each such facility. These environmental rules require, among other things, that the permittee or licensee consult with expert agencies having environmental responsibilities, including the U.S. Fish and Wildlife Service, the State Historic Preservation Office, the U.S. Army Corps of Engineers, and the Federal Emergency Management Agency (through the local authority with jurisdiction over floodplains). In assessing the effect of facility construction on historic properties, the permittee or licensee must follow the provisions of the FCC's Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process. The permittee or licensee must prepare environmental assessments for any facility that may have a significant impact in or on wilderness areas, wildlife preserves, threatened or endangered species, or designated critical habitats, historical or archaeological sites, Indian religious sites, floodplains, and surface features. In addition, the permittee or licensee must prepare environmental assessments for facilities that include high intensity white lights in residential neighborhoods or excessive radio frequency emission.

IV. Bidding

102. The first round of bidding for Auction 109 will begin on Tuesday, July 27, 2021. Unless otherwise announced, bidding on all construction permits will be conducted on each business day until bidding has stopped on all construction permits. The initial bidding schedule will be announced in a public notice listing the qualified bidders, which is released at least one week before the start of bidding in the auction.

A. Auction Structure

103. *Simultaneous Multiple Round Auction.* In the *Auction 109 Comment Public Notice,* OEA and MB proposed to auction all construction permits listed in Attachment A of this *Auction 109 Procedures Public Notice* in a single auction using the Commission's standard simultaneous multiple-round auction format. This type of auction offers every construction permit for bid at the same time and consists of successive bidding rounds in which qualified bidders may place bids on individual construction permits. OEA and MB received no comment on this proposal, and this proposal was adopted. Unless otherwise announced, bids will be accepted on all construction permits in each round of the auction until bidding stops on every construction permit.

104. *FCC Auction Bidding System.* All bidding will take place remotely either over the internet through the FCC auction bidding system or by telephone using the telephonic bidding option. Please note that telephonic bid assistants are required to use a script when entering bids placed by telephone. Telephonic bidders are therefore reminded to allow sufficient time to bid by placing their calls well in advance of the close of a round. The length of a call to place a telephonic bid may vary; please allow a minimum of ten minutes. All telephone calls are recorded.

105. An Auction 109 bidder's ability to bid on specific construction permits is determined by two factors: (1) The construction permits selected by that applicant in its FCC Form 175 and (2) the bidder's bidding eligibility measured in bidding units. The FCC auction bidding system will allow bidders to submit bids on only those construction permits the bidder selected on its FCC Form 175.

106. In order to access the bidding function of the FCC auction bidding system, bidders must be logged in during a bidding round using the passcode generated by the SecurID® token and a personal identification number (PIN) created by the bidder. Bidders are strongly encouraged to print a round summary for each round after they have completed all of their activity for that round.

107. *Round Structure.* The initial schedule of bidding rounds will be announced in the public notice listing the qualified bidders in the auction. Each bidding round is followed by the release of round results. Multiple bidding rounds may be conducted each day.

108. In the *Auction 109 Comment Public Notice,* OEA and MB proposed to retain the discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. OEA and MB received no comment on these proposals and adopted them for Auction 109. OEA and MB may change the amount of time for the bidding rounds, the amount of time between rounds, or the number of rounds per day, depending upon bidding activity and other factors, by prior announcement.

109. *Eligibility and Activity Rules.* In Auction 109, upfront payments will be used to determine initial (maximum) bidding eligibility (as measured in bidding units) for Auction 109. The amount of the upfront payment submitted by a bidder determines initial bidding eligibility, the maximum

number of bidding units on which a bidder may be active (bid or hold provisionally winning bids) in a given round. Each construction permit is assigned a specific number of bidding units as listed in Attachment A to the *Auction 109 Procedures Public Notice.* Bidding units assigned to each construction permit do not change as prices rise during the auction. Upfront payments are not attributed to specific construction permits. Rather, a bidder may place bids on any of the construction permits selected on its FCC Form 175 as long as the total number of bidding units associated with those construction permits does not exceed the bidder's current eligibility. Eligibility cannot be increased during the auction; it can only remain the same or decrease. Thus, in calculating its upfront payment amount, an applicant must determine the maximum number of bidding units on which it may wish to bid or hold provisionally winning bids in any single round, and submit an upfront payment amount covering that total number of bidding units. At a minimum, an applicant's upfront payment must cover the bidding units for at least one of the construction permits it selected on its short-form application. The total upfront payment does not affect the total dollar amount a bidder may bid on any given construction permit. OEA and MB received no comments on the bidding eligibility proposals, and these proposals are adopted.

110. To ensure that an auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until late in the auction before participating. Bidders are required to be active (bid or hold provisionally winning bids) on a specified percentage of their current bidding eligibility during each round of the auction. A bidder's activity level in a round is the sum of the bidding units associated with construction permits covered by the bidder's new bids in the current round and provisionally winning bids from the previous round.

111. The minimum required activity is expressed as a percentage of the bidder's current eligibility, and it increases by stage as the auction progresses. Failure to maintain the requisite activity level will result in the use of an activity rule waiver, if any remain, or a reduction in the bidder's eligibility, possibly curtailing or eliminating the bidder's ability to place additional bids in the auction.

112. In response to a commenter's suggestion that the auction should begin with an activity requirement lower than that proposed in the *Auction 109 Comment Public Notice,* OEA and MB adopted a more flexible activity requirement in the *Auction 109 Procedures Public Notice.* Accordingly, OEA and MB initially adopt two activity requirements: An 80% requirement for the beginning of the auction and a 95% requirement that will be used later in the auction. These requirements will be implemented using auction stages, as described below.

113. *Auction Stages.* OEA and MB will conduct the auction in at least two stages as described below. Under this approach, a bidder desiring to maintain its current bidding eligibility will be required to be active on construction permits representing at least 80% of its current eligibility during each round of Stage One, and on at least 95% of its current bidding eligibility in Stage Two.

114. *Stage One:* During the first stage of the auction, a bidder desiring to maintain its current bidding eligibility will be required to be active on construction permits representing at least 80% of its current bidding eligibility in each bidding round. Failure to maintain the required activity level will result in the use of an activity rule waiver or, if the bidder has no activity rule waivers remaining, a reduction in the bidder's bidding eligibility in the next round. During Stage One, reduced eligibility for the next round will be calculated by multiplying the bidder's current round activity (the sum of bidding units of the bidder's provisionally winning bids and bids during the current round) by five-fourths (5/4).

115. *Stage Two:* During the second stage of the auction, a bidder desiring to maintain its current bidding eligibility is required to be active on 95% of its current bidding eligibility. Failure to maintain the required activity level will result in the use of an activity rule waiver or, if the bidder has no activity rule waivers remaining, a reduction in the bidder's bidding eligibility in the next round. During Stage Two, reduced eligibility for the next round will be calculated by multiplying the bidder's current round activity (the sum of bidding units of the bidder's provisionally winning bids and bids during the current round) by twenty-nineteenths (20/19).

116. *Stage Transitions.* OEA and MB intend to advance the auction from Stage One to Stage Two after considering a variety of measures of auction activity including, but not limited to, the percentages of construction permits (as measured in bidding units) on which there are new bids, the number of new bids, and the increase in revenue.

117. The auction will start in Stage One. Prior to moving from Stage One to Stage Two or to any subsequent stages, OEA and MB will alert bidders by announcement in the bidding system. Because activity requirements increase in Stage Two, bidders must carefully check their activity during the first round following a stage transition to ensure that they are meeting the increased activity requirement. In past auctions, some bidders have inadvertently lost bidding eligibility or used an activity rule waiver because they did not re-verify their activity at stage transitions.

118. OEA and MB have the discretion to further alter the activity requirements before and/or during the auction as circumstances warrant. In addition to transitioning to Stage Two, OEA and MB retain the discretion to change the activity requirements during the auction by other means, including adding an additional stage with a higher activity requirement, not transitioning to Stage Two, and transitioning to Stage Two with an activity requirement that is higher or lower than 95%. This determination will be based on a variety of measures of auction activity, including, but not limited to, the number of new bids and the percentages of construction permits (as measured in bidding units) on which there are new bids.

119. *Activity Rule Waivers.* For Auction 109, OEA and MB adopted the proposal to provide each bidder in the auction with three activity rule waivers, which are principally a mechanism for a bidder to avoid the loss of bidding eligibility in the event that exigent circumstances prevent it from bidding in a particular round.

120. Use of an activity rule waiver preserves the bidder's eligibility despite its activity in the current round being below the required minimum activity level. An activity rule waiver applies to an entire round of bidding and not to a particular construction permit. A bidder may use an activity rule waiver in any round of the auction as long as the bidder has not used all of its waivers.

121. The FCC auction bidding system will assume that a bidder that does not meet the activity requirement would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver at the end of any bidding round in which a bidder's activity level is below the minimum required unless (1) the bidder has no activity rule waiver remaining, or (2) the bidder overrides the automatic

application of a waiver by reducing eligibility, therefore meeting the activity requirement. If the bidder has no waivers remaining and does not satisfy the required activity level, the bidder's current eligibility will be permanently reduced, possibly curtailing or eliminating the ability to place additional bids in the auction.

122. A bidder with insufficient activity may wish to reduce its bidding eligibility rather than use an activity rule waiver. If so, the bidder must affirmatively override the automatic waiver mechanism during the bidding round by using the reduce eligibility function in the FCC auction bidding system. In this case, the bidder's eligibility would be permanently reduced to bring it into compliance with the activity rule described above. Reducing eligibility is an irreversible action once the round has closed, and a bidder cannot regain its lost bidding eligibility.

123. Finally, a bidder may apply an activity rule waiver proactively as a means to keep the auction open without placing a bid. If a bidder proactively applies an activity rule waiver (using the *proactive waiver* function in the FCC auction bidding system) during a bidding round in which no bids are placed, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver applied by the FCC auction bidding system in a round in which there is no new bid or a proactive waiver will not keep the auction open.

124. *Auction Stopping Rule.* For Auction 109, OEA and MB proposed to employ a simultaneous stopping rule approach, which means all construction permits remain available for bidding until bidding stops on every construction permit. Specifically, bidding will close on all construction permits after the first round in which no bidder submits any new bid or applies a proactive waiver.

125. OEA and MB also sought comment on alternative versions of the simultaneous stopping rule for Auction 109:

Option 1. The auction would close for all construction permits after the first round in which no bidder applies a proactive waiver or places any new bid on any construction permit on which it is not the provisionally winning bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a construction permit for which it is the provisionally winning bidder would not keep the auction open under this modified stopping rule.

Option 2. The auction would close for all construction permits after the first round in which no bidder applies a waiver or places any new bid on any construction permit that already has a provisionally winning bid. Thus, absent any other bidding activity, a bidder placing a new bid on an FCC-held construction permit (a construction permit that does not have a provisionally winning bid) would not keep the auction open under this modified stopping rule.

Option 3. The auction would close using a modified version of the simultaneous stopping rule that combines Option 1 and Option 2 above.

Option 4. The auction would close after a specified number of additional rounds (special stopping rule) to be announced in advance in the FCC auction bidding system. If OEA and MB invoke this special stopping rule, bids will be accepted in the specified final round(s), after which the auction will close.

Option 5. The auction would remain open even if no bidder places any new bid or applies a waiver. In this event, the effect will be the same as if a bidder had applied a waiver. Thus, the activity rule will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use a waiver.

126. OEA and MB proposed to exercise these options only in certain circumstances, for example, where the auction is proceeding unusually slowly or quickly, there is minimal overall bidding activity, or it appears likely that the auction will not close within a reasonable period of time or will close prematurely. Before exercising these options, OEA and MB are likely to attempt to change the pace of the auction. For example, OEA and MB may adjust the pace of bidding by changing the number of bidding rounds per day and/or the minimum acceptable bids. OEA and MB proposed to retain the discretion to exercise any of these options with or without prior announcement during the auction. OEA and MB received one comment regarding stopping rule Option 2. The commenter cautioned against the use of Option 2, but indicated that this option should remain available. OEA and MB adopted these approaches for Auction 109.

127. *Auction Delay, Suspension, or Cancellation.* By public notice or by announcement through the FCC auction bidding system, OEA and MB may delay, suspend, or cancel bidding in the auction in the event of natural disaster, technical obstacle, network interruption, administrative or weather necessity, evidence of an auction security breach or unlawful bidding activity, or for any other reason that affects the fair and efficient conduct of competitive bidding. In such cases, OEA and MB, in their sole discretion, may elect to resume the auction starting from the beginning of the current round or from some previous round, or cancel the auction in its entirety. This authority will be exercised solely at the discretion of OEA and MB, and not as a substitute for situations in which bidders may wish to apply their activity rule waivers.

B. Bidding Procedures

128. *Minimum Opening Bids and Acceptable Bid Amounts.* Consistent with the mandate of section 309(j) of the Act, the Commission directed OEA and MB to seek comment on the use of a minimum opening bid and/or reserve price prior to the start of each auction.

129. In the *Auction 109 Comment Public Notice,* OEA and MB did not propose to establish separate reserve prices for the construction permits in Auction 109, and OEA and MB found no basis for establishing any separate reserve price in the *Auction 109 Procedures Public Notice.* This is consistent with policy applied in earlier broadcast spectrum auctions. OEA and MB, however, proposed to establish minimum opening bids for each construction permit in Auction 109, reasoning that a minimum opening bid, which has been used in other auctions, is an effective tool for accelerating the competitive bidding process. The bidding system will not accept bids lower than the minimum opening bids for each construction permit. Based on experience in past auctions, setting minimum opening bid amounts judiciously is an effective tool for accelerating the competitive bidding process.

130. OEA and MB adopted the minimum opening bid amounts proposed in the *Auction 109 Comment Public Notice.,* except that the minimum opening bid for Allotment MM–FM1237–C1, Big Lake, Texas is lowered to $35,000 after further analysis in response to one commenter's filing. The specific minimum opening bid and upfront payment amounts for each construction permit are set forth in Attachment A to the *Auction 109 Procedures Public Notice.*

131. In each round of Auction 109 a qualified bidder will be able to place a bid on a given construction permit in any of up to nine different amounts. The FCC auction bidding system interface will list the nine acceptable bid amounts for each construction permit.

132. In the *Auction 109 Comment Public Notice,* to calculate the first of the acceptable bid amounts, OEA and MB proposed to use a minimum

acceptable bid increment percentage of 10%. This means that the minimum acceptable bid amount for a construction permit will be approximately 10% greater than the provisionally winning bid amount for the construction permit. To calculate the eight additional acceptable bid amounts, OEA and MB proposed in the *Auction 109 Comment Public Notice* to use an additional bid increment percentage of 5%. The Commission did not receive any comments on these proposals to use 10% and 5% respectively in the calculation of nine acceptable bid amounts for each construction permit. Based on OEA and MB experience in previous broadcast auctions, a minimum acceptable bid increment percentage of 10% and an additional bid increment percentage of 5% are sufficient to ensure active bidding. Therefore, OEA and MB will begin the auction with a minimum acceptable bid increment percentage of 10% and an additional bid increment percentage of 5%.

133. In Auction 109, the minimum acceptable bid amount for a construction permit will be equal to its minimum opening bid amount until there is a provisionally winning bid for the construction permit. After there is a provisionally winning bid for a construction permit, the minimum acceptable bid amount will be calculated by multiplying the provisionally winning bid amount by one plus the minimum acceptable bid percentage—*i.e.,* provisionally winning bid amount * 1.10, rounded. In accordance with the Commission's standard rounding procedure for auctions, results of this calculation above $10,000 will be rounded to the nearest $1,000; results below $10,000 but above $1,000 will be rounded to the nearest $100; and results below $1000 will be rounded to the nearest $10.

134. In Auction 109, the FCC auction bidding system will calculate the eight additional bid amounts by multiplying the minimum acceptable bid amount by the additional bid increment percentage of 5%, and that result (rounded) is the additional increment amount. The first additional acceptable bid amount equals the minimum acceptable bid amount plus the additional increment amount. The second additional acceptable bid amount equals the minimum acceptable bid amount plus two times the additional increment amount; the third additional acceptable bid amount is the minimum acceptable bid amount plus three times the additional increment amount; etc. Because the additional bid increment percentage is 5%, the calculation of the additional increment amount is (minimum acceptable bid amount) * (0.05), rounded. The first additional acceptable bid amount equals (minimum acceptable bid amount) + (additional increment amount); the second additional acceptable bid amount equals (minimum acceptable bid amount) + (2 * (additional increment amount)); the third additional acceptable bid amount equals (minimum acceptable bid amount) + (3 * (additional increment amount)); etc.

135. OEA and MB proposed to retain the discretion to change the minimum acceptable bid amounts, the minimum acceptable bid increment percentage, the additional bid increment percentage, and the number of acceptable bid amounts if circumstances so dictate, consistent with past practice. OEA and MB also proposed to retain the discretion to do so on a construction permit-by-construction permit basis. OEA and MB also proposed to retain the discretion to limit (a) the amount by which a minimum acceptable bid for a construction permit may increase compared with the corresponding provisionally winning bid, and (b) the amount by which an additional bid amount may increase compared with the immediately preceding acceptable bid amount. For example, OEA and MB could set a $1,000 limit on increases in minimum acceptable bid amounts over provisionally winning bids. Thus, if calculating a minimum acceptable bid using the minimum acceptable bid increment percentage results in a minimum acceptable bid amount that is $1,200 higher than the provisionally winning bid on a construction permit, the minimum acceptable bid amount would instead be capped at $1,000 above the provisionally winning bid.

136. The sole commenter to address this issue expressed support for the proposal to retain discretion to change the minimum acceptable bid amounts, yet suggested that OEA and MB should not exercise this discretion until several bidding rounds have concluded when more price information is available. OEA and MB did not receive any other comments on these proposals concerning changes of bid amounts. OEA and MB typically exercise this discretion based on monitoring of ongoing bidding and reserved such discretion in the *Auction 109 Procedures Public Notice.* If OEA and MB exercise this discretion, bidders will be alerted by announcement in the FCC auction bidding system during the auction.

137. *Provisionally Winning Bids.* Consistent with practice in past auctions, the FCC auction bidding system at the end of each bidding round will determine a provisionally winning bid for each construction permit based on the highest bid amount received for that permit. A provisionally winning bid will remain the provisionally winning bid until there is a higher bid on the same construction permit at the close of a subsequent round. Provisionally winning bids at the end of the auction become the winning bids.

138. OEA and MB will use a pseudo-random number generator to select a single provisionally winning bid in the event of identical high bid amounts being submitted on a construction permit in a given round (*i.e.,* tied bids). Accordingly, the FCC auction bidding system will assign a pseudo-random number to each bid upon submission. The tied bid with the highest pseudo-random number wins the tiebreaker and becomes the provisionally winning bid. The remaining bidders, as well as the provisionally winning bidder, can submit higher bids in subsequent rounds. However, if the auction were to close with no other bids being placed, the winning bidder would be the one that placed the provisionally winning bid. If the construction permit receives any bids in a subsequent round, the provisionally winning bid again will be determined by the highest bid amount received for the construction permit. As a reminder, provisionally winning bids count toward activity for purposes of the activity rule.

139. *Bid Removal and Bid Withdrawal.* In the *Auction 109 Comment Public Notice,* OEA and MB explained bid removal procedures in the FCC auction bidding system. Each qualified bidder has the option of removing any bids placed in a round provided that such bids are removed before the close of that bidding round. By removing a bid within a round, a bidder effectively unsubmits the bid. A bidder removing a bid placed in the same round is not subject to withdrawal payments. Removing a bid will affect a bidder's activity because a removed bid no longer counts toward bidding activity for the round. Once a round closes, a bidder may no longer remove a bid.

140. Bidders in Auction 109 are prohibited from withdrawing any bid after close of the round in which that bid was placed. OEA and MB adopted the prohibition in recognition of the site-specific nature and wide geographic dispersion of the permits available in this auction, as well as experience with past auctions of broadcast construction permits. Bidders are cautioned to select bid amounts carefully because no bid withdrawals will be allowed in Auction

109, even if a bid was mistakenly or erroneously made.

141. *Bidding Results.* Bids placed during a round will not be made public until the conclusion of that round. After a round closes, OEA and MB will compile reports of all bids placed, current provisionally winning bids, new minimum acceptable bid amounts for the following round, whether the construction permit is FCC-held, and bidder eligibility status (bidding eligibility and activity rule waiver), and post the reports for public access.

142. *Auction Announcements.* The Commission staff will use auction announcements to report necessary information to bidders, such as schedule changes. All auction announcements will be available by clicking a link in the FCC auction bidding system.

V. Post-Auction Procedures

143. Shortly after bidding has closed, the Commission will issue a public notice declaring the auction closed, identifying the winning bidders, and establishing the deadlines for submitting down payments, final payments, and the long-form applications.

144. *Down Payments.* Within ten business days after release of the auction closing public notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Commission for Auction 109 to 20% of the net amount of its winning bid(s) (gross bid(s) less any applicable new entrant bidding credit(s)).

145. *Final Payments.* Each winning bidder will be required to submit the balance of the net amount of its winning bid(s) within ten business days after the applicable deadline for submitting down payments.

146. *Long-Form Applications.* The Commission's rules currently provide that within thirty days following the close of bidding and notification to the winning bidders, unless a longer period is specified by public notice, each winning bidder must electronically submit a separate, properly completed long-form application for each permit won, and required exhibits, along with the applicable application filing fee. Winning bidders for FM construction permits will electronically file FCC Form 2100, Schedule 301–FM, in the Media Bureau's Licensing and Management System (LMS). Winning bidders for AM construction permits will electronically file FCC Form 301 in the Media Bureau's Consolidated Data Base System (CDBS).

147. A winning bidder is required to submit an application filing fee with each long-form application. 47 CFR 1.1104. The application filing fee must be paid in addition to the winning bid amount. The Commission recently adopted a new long-form application filing fee that includes an amount to recover costs for processing the short-form application. The amended § 1.1104, which specifies filing fees for AM and FM long-form applications, is not yet in effect. The long-form application filing fee that is in effect when such form is filed will be the applicable fee.

148. Winning bidders claiming new entrant status must include an exhibit demonstrating their eligibility for the bidding credit. Further instructions on these and other filing requirements will be provided to winning bidders in the auction closing public notice.

149. *Default and Disqualification.* Any winning bidder that defaults or is disqualified after the close of the auction (*i.e.,* fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full and timely final payment, or is otherwise disqualified) is liable for a default payment as described in 47 CFR 1.2104(g)(2). This default payment consists of a deficiency payment, equal to the difference between the amount of the Auction 109 bidder's winning bid and the amount of the winning bid the next time a construction permit covering the same spectrum is won in an auction, plus an additional payment equal to a percentage of the defaulter's bid or of the subsequent winning bid, whichever is less.

150. The percentage of the applicable bid to be assessed as an additional payment for defaults in a particular auction is established in advance of the auction. The additional default payment for Auction 109 is 20% of the applicable bid.

151. Finally, in the event of a default, the Commission has the discretion to re-auction the construction permit or offer it to the next highest bidder (in descending order) at its final bid amount. In addition, if a default or disqualification involves gross misconduct, misrepresentation, or bad faith by an applicant, the Commission may declare the applicant and its principals ineligible to bid in future auctions, and may take any other action that it deems necessary, including institution of proceedings to revoke any existing authorizations held by the applicant.

152. *Refund of Remaining Upfront Payment Balance.* All refunds of upfront payment balances will be returned to the payer of record as identified on the FCC Form 159 unless the payer submits written authorization instructing otherwise. This written authorization must comply with the refund instructions provided in the *Auction 109 Procedures Public Notice.*

VI. Procedural Matters

153. *Paperwork Reduction Act.* The Office of Management and Budget (OMB) has approved the information collections in the Application to Participate in an FCC Auction, FCC Form 175, OMB Control No. 3060–0600. The *Auction 109 Procedures Public Notice* does not contain new or modified information collection requirements 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.

154. *Congressional Review Act.* The Commission will submit the *Auction 109 Procedures Public Notice* to the Administrator of the Office of Management and Budget Office of Information and Regulatory Affairs for concurrence as to whether these procedures are major or non-major under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of the *Auction 109 Procedures Public Notice* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

155. *Supplemental Final Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission prepared Initial Regulatory Flexibility Analyses (IRFAs) in connection with the *Broadcast Competitive Bidding Notice of Proposed Rulemaking* (NPRM), 62 FR 65392, December 12, 1997, and other Commission NPRMs (collectively, *Competitive Bidding NPRMs*) pursuant to which Auction 109 will be conducted. Final Regulatory Flexibility Analyses (FRFAs) likewise were prepared in the *Broadcast Competitive Bidding Order,* 63 FR 48615, September 11, 1998, and other Commission rulemaking orders (collectively, *Competitive Bidding Orders*) pursuant to which Auction 109 will be conducted. In this proceeding, a Supplemental Initial Regulatory Flexibility Analysis (Supplemental IRFA) was incorporated in the *Auction 109 Comment Public Notice,* 86 FR

12556, March 4, 2021. The Commission sought written public comment on the proposals in the *Auction 109 Comment Public Notice,* including comments on the Supplemental IRFA. This Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) supplements the FRFAs in the *Competitive Bidding Orders* to reflect the actions taken in the *Auction 109 Procedure Public Notice* and conforms to the RFA.

156. *Need for, and Objectives of, the Public Notice.* The procedures for the conduct of Auction 109 as described in the *Auction 109 Procedures Public Notice* implement the Commission's competitive bidding rules, which have been adopted by the Commission in multiple notice-and-comment rulemaking proceedings. More specifically, the *Auction 109 Procedures Public Notice* provides an overview of the procedures, terms, and conditions governing Auction 109, and the post-auction application and payment processes, as well as setting the minimum opening bid amount for each of the AM and FM broadcast construction permits that are subject to being assigned by competitive bidding.

157. To promote the efficient and fair administration of the competitive bidding process for all Auction 109 participants, including small businesses, in the *Auction 109 Procedures Public Notice* OEA and MB announced the following procedures: (1) Use of a simultaneous multiple-round auction format, consisting of sequential bidding rounds with a simultaneous stopping procedure; (2) a specific upfront payment amount for each construction permit; (3) a specific minimum opening bid amount for each construction permit; (4) a specific number of bidding units for each construction permit; (5) a bidder's initial bidding eligibility will be based on the amount of that bidder's upfront payment; (6) a two-stage auction with an activity requirement in which a bidder is required to be active on 80% of its bidding eligibility in stage one and 95% of its bidding eligibility in stage two; (7) provision of three activity waivers for each qualified bidder to allow it to preserve bidding eligibility during the course of the auction; (8) use of minimum acceptable bid amounts and additional acceptable increments, along with the methodology for calculating such amounts; (9) a procedure for breaking ties if identical high bid amounts are submitted on one permit in a given round; (10) a prohibition on bid withdrawals; and (11) establishment of an additional default payment percentage of 20% of the applicable bid in the event that a winning bidder defaults or is disqualified after the auction.

158. *Summary of Significant Issues Raised by Public Comments in Response to the IRFA.* There were no comments filed that specifically addressed the Supplemental IRFA.

159. *Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration.* Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comment 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 procedures as a result of those comments. The Chief Counsel did not file any comments in response to the procedures that were proposed in the *Auction 109 Comment Public Notice.*

160. *Description and Estimate of the Number of Small Entities to Which the Procedures Will Apply.* 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 adopted in the *Auction 109 Procedures Public Notice.* 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.

161. The specific competitive bidding procedures and minimum opening bid amounts described in the *Auction 109 Procedures Public Notice* will affect all applicants participating in Auction 109. The number of entities that may apply to participate in Auction 109 is unknown. Based on the number of applicants in prior FM auctions, OEA and MB estimate that the number of applicants for Auction 109 may range from approximately 130 to 260. This estimate is based on the number of applicants who filed short-form applications to participate in previous auctions of FM construction permits held to date, an average of 1.8 short-form applications were filed per construction permit offered, with a median of 1.2 applications per permit. The actual number of applicants for Auction 109 could vary significantly as any individual's or entity's decision to participate may be affected by a number of factors beyond the Commission's knowledge.

162. *Radio Stations.* This Economic Census category comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources. According to the most recent rulemaking order to assess annual regulatory fees, Commission staff identified from the Media Bureau's licensing databases 9,636 licensed radio facilities subject to annual regulatory fees as of October 1, 2019, excluding from this count radio stations exempt from required annual regulatory fees.

163. The SBA has established a small business size standard for this category as firms having $41.5 million or less in annual receipts. Economic Census data for 2012 shows that 2,849 radio station firms operated during that year. Of that number, 2,806 firms operated with annual receipts of less than $25 million per year, 17 with annual receipts between $25 million and $49,999,999, and 26 with annual receipts of $50 million or more. Therefore, based on the SBA's size standard the majority of such entities are small entities.

164. According to Commission staff review of the BIA/Kelsey, LLC's Media Access Pro Radio Database (BIA) as of January 26, 2021, nearly all AM and FM full-service radio stations (approximately 15,478 of 15,483 total stations, or 99.97%) had revenues of $41.5 million or less and thus qualify as small entities under the SBA definition. The SBA size standard data, however, does not enable a meaningful estimate of the number of small entities who may participate in Auction 109.

165. Also, in assessing whether a business entity qualifies as small under the SBA definition, business control affiliations must be included. This estimate therefore likely overstates the number of small entities that might be affected by this auction because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. Moreover, the definition of small business also requires that an entity not be dominant in its field of operation and that the entity be independently owned and operated. The estimate of small businesses to which Auction 109 competitive bidding procedures may apply does not exclude any radio station from the definition of a small business on these bases and is therefore over-inclusive to that extent. Furthermore, OEA and MB are unable at this time to define or quantify the criteria that would establish whether a specific radio

station is dominant in its field of operation. It is difficult to assess these criteria in the context of media entities and therefore estimates of small businesses to which they apply may be over-inclusive to this extent.

166. OEA and MB are unable to accurately develop an estimate of how many of the entities in this auction would be small businesses based on the number of small entities that applied to participate in prior broadcast auctions because that information is not collected from applicants for broadcast auctions in which bidding credits are not based on an applicant's size (as is the case in auctions of licenses for wireless services).

167. In 2013, the Commission estimated that 97% of radio broadcasters met the SBA's prior definition of small business concern, based on annual revenues of $7 million. The SBA has since increased that revenue threshold to $41.5 million, which suggests that an even greater percentage of radio broadcasters would fall within the SBA's definition. The Commission has estimated the number of licensed commercial AM radio stations to be 4,347 and the number of commercial FM radio stations to be 6,699, for a total number of 11,046 radio stations. As of January 2021, 4,347 AM stations and 6,694 FM stations had revenues of $41.5 million or less, according to Commission staff review of the BIA Database. Accordingly, based on this data, OEA and MB that the majority of Auction 109 applicants would likely meet the SBA's definition of a small business concern.

168. *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities.* For Auction 109, no new reporting, recordkeeping, or other compliance requirements for small entities or other auction applicants were proposed. The Commission designed the auction application process itself to minimize reporting and compliance requirements for applicants, including small business applicants. For all spectrum auctions, in the first part of the Commission's two-phased auction application process, parties desiring to participate in an auction file streamlined, short-form applications in which they certify under penalty of perjury as to their qualifications. Eligibility to participate in bidding is based on an applicant's short-form application and certifications, as well as its upfront payment. In the second phase of the auction application process, there are additional compliance requirements for winning bidders. Thus, a small business that fails to become a winning bidder does not need to file a long-form application and provide the additional showings and more detailed demonstrations required of a winning bidder.

169. Auction 109 applicants, including small entities, will become qualified to bid in Auction 109 only if they comply with the following: (1) Submission of a short-form application that is timely and is found to be substantially complete, and (2) timely submission of a sufficient upfront payment for at least one of the construction permits that the applicant selected on its FCC Form 175. In accordance with the terms of 47 CFR 1.2105(b)(2), an applicant whose application is found to contain deficiencies will have a limited opportunity to bring its application into compliance with the Commission's competitive bidding rules during a resubmission window. In addition, each Auction 109 applicant must maintain the accuracy of its previously filed short-form application electronically using the FCC auction application system.

170. In the second phase of the process, there are additional compliance requirements only applicable to winning bidders. As with other winning bidders, any small entity that is a winning bidder will be required to comply with the terms of the following rules, among others: (1) 47 CFR 1.2107(b), by submitting as a down payment within 10 business days after release of the auction closing public notice sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Commission for Auction 109 to 20% of the amount of its winning bid or bids; (2) 47 CFR 1.2109(a), by submitting within 10 business days after the down payment deadline the balance of the amount for each of its winning bids; and (3) 47 CFR 73.5005(a), by electronically filing a properly completed long-form application and required exhibits for each construction permit won through Auction 109.

171. Further, as required by 47 CFR 1.2105(c), reports concerning prohibited communications must be filed with the Chief of the Auctions Division, as detailed in the *Auctions 109 Procedures Public Notice.*

172. *Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered.* The RFA requires an agency to describe any significant, specifically small business, 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 and 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. *See* 5 U.S.C. 603(c)(1)–(4).

173. OEA and MB intend that the procedures adopted in the *Auctions 109 Procedures Public Notice* to facilitate participation in Auction 109 will result in both operational and administrative cost savings for small entities and other auction participants. In light of the numerous resources that will be available from the Commission to small entities and other auction participants at no cost, the processes and procedures announced in the *Auctions 109 Procedures Public Notice* should minimize any economic impact of the auction processes and procedures on small entities and should result in both operational and administrative cost savings for small entities and other auction participants. For example, prior to the beginning of bidding in this auction, the Commission will hold a mock auction to allow qualified bidders the opportunity to familiarize themselves with both the processes and systems that will be used in Auction 109. During the auction, participants will be able to access and participate in bidding via the internet using a web-based system, or telephonically, providing two cost-effective methods of participation and avoiding the cost of travel for in-person participation. Further, small entities as well as other auction participants will be able to avail themselves of a telephone hotline for assistance with auction processes and procedures as well as a technical support telephone hotline to assist with issues such as access to or navigation within the electronic FCC Form 175 and use of the FCC's auction bidding system. In addition, all auction participants, including small business entities, will have access to various other sources of information and databases through the Commission that will aid in both their understanding and participation in the process. These mechanisms are made available to facilitate participation by all qualified bidders and may result in significant cost savings for small business entities that utilize these mechanisms. These resources, coupled with the description and communication of the bidding

procedures before bidding begins in Auction 109, should ensure that the auction will be administered predictably, efficiently and fairly, thus providing certainty for small entities as well as other auction participants.

174. *Notice to SBA.* The Commission will send a copy of the *Auctions 109 Procedures Public Notice,* including the Supplemental FRFA, to the Chief Counsel for Advocacy of the SBA.

Federal Communications Commission.

Erik Salovaara,

Assistant Chief, Auctions Division, Office of Economics and Analytics.

[FR Doc. 2021–08000 Filed 4–16–21; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 92

[Docket No. FWS–R7–MB–2020–0134; FXMB12610700000–201–FF07M01000]

RIN 1018–BF08

Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2021 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (FWS, Service, or we) is revising the migratory bird subsistence harvest regulations in Alaska. These regulations allow for the continuation of customary and traditional subsistence uses of migratory birds in Alaska and prescribe regional information on when and where the harvesting of birds may occur. These regulations were developed under a co-management process involving the Service, the Alaska Department of Fish and Game, and Alaska Native representatives. This rule incorporates regulatory revisions requested by these partners.

DATES: This rule is effective April 19, 2021.

ADDRESSES: You may find the comments submitted on the proposed rule as well as supplementary materials for this rulemaking action at the Federal eRulemaking Portal: *http://www.regulations.gov* in Docket No. FWS–R7–MB–2020–0134.

Information Collection Requirements: Written comments and suggestions on the information collection requirements may be submitted at any time to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803 (mail); or *Info_Coll@fws.gov* (email). Please reference ''OMB Control Number 1018–BF08'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Eric J. Taylor, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Mail Stop 201, Anchorage, AK 99503; (907) 903–7210.

SUPPLEMENTARY INFORMATION:

Background

The Migratory Bird Treaty Act of 1918 (MBTA, 16 U.S.C. 703 *et seq.*) was enacted to conserve certain species of migratory birds and gives the Secretary of the Interior the authority to regulate the harvest of these birds. The law further authorizes the Secretary to issue regulations to ensure that the indigenous inhabitants of the State of Alaska may take migratory birds and collect their eggs for nutritional and other essential needs during seasons established by the Secretary ''so as to provide for the preservation and maintenance of stocks of migratory birds'' (16 U.S.C. 712(1)).

The take of migratory birds for subsistence uses in Alaska occurs during the spring and summer, during which timeframe the sport harvest of migratory birds is not allowed. Regulations governing the subsistence harvest of migratory birds in Alaska are located in title 50 of the Code of Federal Regulations (CFR) in part 92. These regulations allow for the continuation of customary and traditional subsistence uses of migratory birds and prescribe regional information on when and where the harvesting of birds in Alaska may occur.

The migratory bird subsistence harvest regulations are developed cooperatively by the Alaska Migratory Bird Co-Management Council (AMBCC or the Council), which consists of the U.S. Fish and Wildlife Service, the Alaska Department of Fish and Game (ADFG), and representatives of Alaska's Native population. The Council's primary purpose is to develop recommendations pertaining to the subsistence harvest of migratory birds.

This rule incorporates changes to the subsistence harvest regulations that were recommended by the Council in 2020 as described below. This rule also sets forth an updated list of migratory bird species open to subsistence harvest.

Comments Received on the Proposed Rule

Per the collaborative process described above, we published a proposed rule to update the regulations for the taking of migratory birds for subsistence uses in Alaska during the spring and summer (86 FR 11707, February 26, 2021). By the end of the comment period on the proposed rule, we received five comments. While one comment pertained to an issue that is outside the scope of this rulemaking action, we hereby respond to the relevant issues that were raised in the public input. We made no changes to the proposed rule as a result of the input we received via the public comments (see Final Regulations, below, for more information).

Issue: One commenter expressed the following concerns: (i) Migratory bird populations cannot sustain hunting pressure; (ii) migratory birds are resources belonging to all residents of the United States; (iii) the proposed Kodiak Island Roaded Area permit hunt did not undergo sufficient public review; (iv) the Service's treatment of common and Wilson's snipe in Alaska is incorrect by conflating them together; and (v) the Service's enforcement of prohibitions on the use of lead shot to hunt waterfowl is insufficient.

Response: The Service conducts migratory bird population and harvest surveys to monitor potential effects of hunting on abundance, distribution, and trend; further, we use an adaptive harvest strategy to ensure harvest does not impact sustainable and healthy waterfowl populations. The Service agrees that migratory birds should be managed on a flyway or continental basis for the enjoyment of all U.S. residents.

The proposed 3-year experimental Kodiak Roaded Area Permit hunt underwent a rigorous review over a multiyear period involving Council, Flyway, and national public review periods. We explain the process establishing the experimental hunt in our May 11, 2020, proposed rule (85 FR 27698) in the preamble under ''(5) Kodiak Archipelago Region Kodiak Island Roaded Area Closure,'' and our response to comments on this topic is found in our November 17, 2020, final rule (85 FR 73233).

Snipe in Alaska are recognized primarily as Wilson's snipe, but common snipe are known to occur on the Aleutian Islands of Alaska. Thus, for administrative purposes, we clarify that snipe includes both recognized species in Alaska: Wilson's snipe and common snipe. The separation of these species in the list of migratory birds open to subsistence harvest will not result in differential harvest effects on either species.

The Service agrees with the commenter's concern about detrimental effects of lead shot on migratory birds. The nationwide ban on the use of lead shot for hunting waterfowl occurred in 1991. The Service's Office of Law Enforcement and law enforcement officers of the National Wildlife Refuge System work with State law enforcement personnel to check waterfowl hunters during the Alaska spring-summer subsistence and fall-winter seasons for use of nontoxic ammunition. The Service has also worked with vendors in rural Alaska to remove lead shot from being available and sold during the migratory bird hunting seasons.

Issue: A commenter recommended: (i) Support for establishing regulations to support the cultural and traditional importance of spring-summer subsistence harvest of migratory birds in Alaska; (ii) that important areas where protected species congregate be closed to hunting; and (iii) that closed areas of hunting could allow assessment of hunting mortality versus other forms of mortality. The commenter also inquired if violations of the MBTA are enforced by the Service.

Response: The Service appreciates support for the traditional, cultural, and nutritional benefits attained by the spring-summer harvest of migratory birds in rural Alaska. Breeding, staging, molting, and wintering habitats of protected species, including spectacled and Steller's eiders, are important to other hunted migratory birds; therefore, it is not possible to close specific areas to all hunting. The Service appreciates the comment regarding the need to understand sources of mortality and their respective impacts to population abundance and trends. However, the closure of a specific area to hunting will not allow a greater understanding of hunting as a source of mortality due to the migratory nature of most species. In regard to the comment if violations of the MBTA are enforced by the Service, to decrease risk of illegal harvest of protected species, the Service relies on public education and outreach to describe species closed to harvest. Please see page 28 of *Regulations for the 2021 Alaska Subsistence Spring/Summer Migratory Bird Harvest* (available in the docket on *www.regulations.gov*) as an example of public outreach to protect threatened spectacled and Steller's eiders. The Service also monitors and enforces hunting regulations through its Office of Law Enforcement.

Issue: A commenter requested the Service protect migratory birds from hunting.

Response: The MBTA allows for the lawful and sustainable harvest of migratory birds per annual hunting regulations. Spring-summer subsistence and fall-winter hunting regulations are established each year, the impacts of which are monitored by annual population and harvest surveys.

Issue: A commenter expressed interest in and support for establishing State-specific migratory bird harvest regulations.

Response: The Service appreciates the commenter's support for establishing Alaska spring-summer migratory bird subsistence harvest regulations.

Proposed Regulatory Revisions

The proposed rule (86 FR 11707, February 26, 2021) set forth the same subsistence harvest regulations in subpart D, Annual Regulations Governing Subsistence Harvest, as those from the 2020 subsistence harvest seasons (see 85 FR 18455, April 2, 2020; 85 FR 27698, May 11, 2020; 85 FR 49601, August 14, 2020; and 85 FR 73233, November 17, 2020) with the following two exceptions and three clarifications from the 2020 seasons:

(1) Upper Copper River Region Permit for Hunters From Excluded Areas To Hunt in the Region

This change to the regulations in part 92, subpart A (general provisions) would add another method (a permit) to invite a hunter from an excluded area to participate in the spring-summer subsistence hunt in the Upper Copper River region.

Current regulations in 50 CFR 92.5(d) allow immediate family members (children, parents, grandparents, and siblings) living in excluded areas to participate in the customary spring-summer subsistence harvest of migratory birds in a village's subsistence area, if invited via letter by the respective Village Council, to assist permanent residents of the village in meeting their nutritional and other essential needs or for teaching cultural knowledge. A letter of invitation is sent to the hunter with a copy provided to the Executive Director of the Council, who then informs the Service's Alaska Regional Office of Law Enforcement within 2 business days. In addition to the letter of invitation, this new permit system adds another method to invite a hunter from an excluded area to participate in the spring-summer subsistence hunt in the Upper Copper River region. The permit will certify that the prospective hunter is an immediate family member as defined in 50 CFR 92.4 and is thereby authorized to assist family members in hunting migratory birds in the subsistence harvest area of the region.

To date, the Council Executive Director has received two letters of invitation to hunt in the State of Alaska since the last revision of 50 CFR 92.5(d) in 2014 (79 FR 19454, April 8, 2014). The letter of invitation requirement is viewed by the Upper Copper River Region as burdensome and administratively inefficient due in large part to high turnover in Tribal administrative staff. In the Upper Copper River Region, an invitation to hunt by permit is considered less onerous and a more practical approach for eligible hunters to invite participation by family members living in excluded areas. This regulatory revision adds the invitation by permit as an option for Tribal Councils or their authorized Tribal representatives in the Upper Copper River Region to administer the invitation to hunt in their subsistence harvest area. Invited hunters will be required to carry the permit while hunting as proof of eligibility. The permit will be valid for 2 years from the date of issuance. A list of permittees will be forwarded to the Council Executive Director, who will then forward the list to the Service's Alaska Regional Office of Law Enforcement.

This change to the regulations in subpart A is not anticipated to result in a significant increase in harvest of birds and eggs in the Upper Copper River Region because invited hunters are authorized only to assist in fulfilling the needs of immediate family members in villages or teaching cultural knowledge.

(2) Closure on Harvest of Emperor Goose Eggs Statewide

This change to the regulations in part 92, subpart C (general regulations governing the subsistence harvest general provisions) closes the harvest of emperor goose eggs statewide.

The abundance (index) of emperor geese *(Anser canagicus)* is estimated annually via the Service's (Alaska Region) Yukon-Kuskokwim Delta Coastal Zone (Coastal Zone) survey. This information is used to inform harvest management decisions for emperor geese based on harvest strategies in the Council Emperor Goose Management Plan (Plan) and the Pacific Flyway Council Management Plan. The harvest strategy in the Plan prescribes an open emperor geese subsistence season if the Coastal Zone index from the previous year is greater than 23,000 geese, and a closed season if the index is below 23,000 geese. If the Coastal Zone index is between 23,000 and 28,000 geese, the Council will consider

implementing regulatory or nonregulatory conservation measures to help avoid a closed season in subsequent seasons. In 2019, the Coastal Zone index (26,585; 95% Confidence Limit = 24,161–29,008 geese) dropped below the 28,000-bird threshold that triggers consideration of conservation measures. For the 2020 spring-summer hunting season, the Council agreed to develop and distribute outreach and educational materials to help limit emperor goose harvest. The coronavirus pandemic forced the cancellation of the Coastal Zone survey in 2020. Consequently, no Coastal Zone index was available to inform regulatory decisions for the 2021 season.

The harvest strategy in the Plan does not include guidance on making regulatory decisions in the absence of previous year's survey data; thus, the Council's Emperor Goose Subcommittee convened on June 2, 2020, to consider available emperor goose population status information in the absence of the 2020 Coastal Zone index. Subcommittee members considered results from a number of approaches to infer emperor goose population status in 2020 including prediction from a demographic model (Osnas 2020). Results from the different approaches were in general agreement, and indicated that abundance of emperor geese in 2020 likely remains between the 23,000- and 28,000-population thresholds with low probability that abundance was below the closure threshold.

Because the predicted abundance of emperor geese remains between the population thresholds requiring consideration of conservation measures, the Council's Emperor Goose Subcommittee and Council recommended the emperor goose season remain open in 2021. This recommendation includes outreach and educational efforts and closure of emperor goose egg gathering in Alaska to help limit harvest of emperor geese, considering the uncertainty in emperor goose population status in 2020 and the desire to reduce the probability of having a closed season in the future. This regulatory change affects the list of subsistence migratory bird species in § 92.22, which is in subpart C.

Clarification of Central Interior Excluded Area Boundary

Current regulations in 50 CFR 92.5(b)(1) define the geographic boundaries of the Central Interior Excluded Area but mistakenly fail to include the Fairbanks North Star Borough. In 2007, the Service enacted the ADFG's request to expand the Fairbanks North Star Borough Excluded Area (72 FR 18317 April 11, 2007). This regulatory change appears in 50 CFR 92.5(b)(3). The expanded Fairbanks North Star Borough Excluded Area was renamed the Central Interior Excluded Area, but the description of the area defined in 50 CFR 92.5(b)(3) failed to specifically include the Fairbanks North Star Borough. This rule clarifies this regulatory text by including the words ''Fairbanks North Star Borough'' in the description of the Central Interior Excluded Area.

Clarification of the Kodiak Archipelago Region Kodiak Island Roaded Area 3-Year Experimental Season

In 2020, the Service approved a 3-year experimental season for migratory bird hunting and egg gathering by registration permit only within the Kodiak Island Roaded Area in the Kodiak Archipelago Region of Alaska, as recommended by the Council in 2019 (85 FR 73233, November 17, 2020). This regulatory change appears in 50 CFR 92.31. The Roaded Area was to remain closed to hunting and egg gathering for Arctic terns, Aleutian terns, mew gulls, and emperor geese. The regulation allows residents of the Kodiak Archipelago Region the opportunity to participate in subsistence hunting activities without the need for a boat in an area that otherwise restricts hunting to 500 feet offshore and offshore islands.

Initially, we and the Council expected that the 3-year experimental season would begin in 2020 and continue through 2022. In the supplementary information of the 2020 proposed and final rules, we associated those years (2020–2022) with the 3-year experimental season, although years were not specified in the regulations allowing the season. Delay in publishing the proposed and final rules in 2020 prevented the 3-year experimental season from beginning in 2020 as initially expected. Therefore, we clarify here that our intent remains the same—to allow a 3-year experimental season for migratory bird hunting and egg gathering by registration permit along the Kodiak Island Roaded Area in the Kodiak Archipelago Region of Alaska—but that this season is now expected to occur during the 2021–2023 subsistence seasons. The experimental season will terminate at the completion of the third year, now expected to be in 2023. Reopening the Roaded Area after the 3-year experimental period will require a subsequent proposal from the Council for continuation of the season under either operational or experimental status.

Clarification of the Kodiak Archipelago Region Kodiak Island Roaded Area Boundary

As described above, in 2020 the Service approved a 3-year experimental season for migratory bird hunting and egg gathering by registration permit within the Kodiak Island Roaded Area in the Kodiak Archipelago Region of Alaska, as recommended by the Council in 2019 (85 FR 73233, November 17, 2020). This regulatory change appears in 50 CFR 92.31. Prior to this change, the Kodiak Island Roaded Area was closed to hunting. Following approval of a hunt within the previously closed area, the current boundary description of the Kodiak Island Roaded Area in 50 CFR 92.31(e) includes the term ''closed area.'' We now clarify the language by replacing the words ''closed area'' with ''Kodiak Island Roaded Area'' in 50 CFR 92.31(e) and by improving the clarity of the boundary description.

Subsistence Migratory Bird Species

On April 16, 2020, we published in the **Federal Register** (85 FR 21282) a revised List of Migratory Birds protected under the Migratory Bird Treaty Act (MBTA) by both adding to and removing species from the list, which appears in 50 CFR 10.13. Reasons for the changes to the list included adding species based on revised taxonomy and new evidence of natural occurrence in the United States or U.S. territories, removing species no longer known to occur within the United States or U.S. territories, and changing names to conform to accepted use. This rule went into effect on May 18, 2020. The revised List of Migratory Birds updated nomenclature (family or scientific name) for 17 species on the list of birds open to subsistence harvest (50 CFR 92.22) and separated Canada goose into two separate species: Cackling goose *(Branta hutchinsii)* and Canada goose *(Branta canadensis)*. Therefore, to be consistent with the taxonomy on the List of Migratory Birds, we are updating the taxonomy of the list of migratory birds open to subsistence harvest at 50 CFR 92.22 and correcting 11 typographical errors in species common names.

We are also taking this opportunity to reorganize the list of migratory birds open to subsistence harvest to follow the order of bird families as they appear in 50 CFR 10.13, and we are adding the common snipe (*Gallinago gallinago*) to the list of migratory birds open to subsistence harvest. On April 1, 2016, we published in the **Federal Register** (81 FR 18787) a revised list of migratory bird subsistence species in which we

replaced the common snipe with Wilson's snipe (*Gallinago delicata*) to account for taxonomic changes; Wilson's snipe was previously considered a subspecies under common snipe. Snipe in Alaska are recognized primarily as Wilson's snipe, but common snipe are known to occur on the Aleutian Islands of Alaska. Thus, for administrative purposes, we clarify that snipe includes both recognized species in Alaska: Wilson's snipe and common snipe. Because, historically, common snipe applied to both species of snipe, the separation of these species in the list of migratory birds open to subsistence harvest will not result in differential harvest effects on either species.

Final Regulations

We are making no changes to the regulatory revisions in our February 26, 2021 (86 FR 11707), proposed rule as a result of the input we received via the public comments.

Compliance With the MBTA and the Endangered Species Act

The Service has dual objectives and responsibilities for authorizing a subsistence harvest while protecting migratory birds and endangered and threatened species. Although these objectives continue to be challenging, they are not irreconcilable, provided that: (1) Regulations continue to protect endangered and threatened species; (2) measures to address documented threats are implemented; and (3) the subsistence community and other conservation partners commit to working together.

Mortality, sickness, and poisoning from lead exposure have been documented in many waterfowl species. The Service will work with partners to increase our education, outreach, and enforcement efforts to ensure that subsistence waterfowl hunting is conducted using nontoxic shot.

Conservation Under the MBTA

We have monitored subsistence harvest for more than 25 years through the use of household surveys in the most heavily used subsistence harvest areas, such as the Yukon–Kuskokwim Delta. Based on our monitoring of the migratory bird species and populations taken for subsistence, we find that this rule will provide for the preservation and maintenance of migratory bird stocks as required by the MBTA. Communication and coordination between the Service, the Council, and the Pacific Flyway Council have allowed us to set harvest regulations to ensure the long-term viability of the migratory bird stocks.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) requires the Secretary of the Interior to review other programs administered by the Department of the Interior and utilize such programs in furtherance of the purposes of the ESA. The Secretary is further required to insure that any action authorized, funded, or carried out by the Department of the Interior is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of critical habitat.

Spectacled eiders *(Somateria fischeri)* and the Alaska-breeding population of Steller's eiders *(Polysticta stelleri)* are listed as threatened species under the ESA. Their migration and breeding distribution overlap with areas where the spring and summer migratory bird subsistence hunt is open in Alaska. Neither species is included in the list of subsistence migratory bird species at 50 CFR 92.22; therefore, both species are closed to subsistence harvest.

The Alaska Division of Migratory Bird Management conducted an intra-agency consultation with the Service's Anchorage Fish and Wildlife Field Office on the proposed rule (86 FR 11707, February 26, 2021). The consultation was completed with a biological opinion that concluded these rulemaking actions are not likely to jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. Therefore, we have determined that this rule complies with the ESA.

Immediate Effective Date

This rule takes effect on the date set forth above in **DATES**. Delaying the effective date for 30 days would have detrimental effects on Alaskans seeking to conduct subsistence harvest of migratory birds. To respect the subsistence hunt of many rural Alaskans, either for their cultural or religious exercise, sustenance, and/or materials for cultural use (*e.g.,* handicrafts), the Department of the Interior finds that it is in the public interest to make this rule effective as soon as possible. For these reasons, we find that ''good cause'' exists within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act and under the authority of the Migratory Bird Treaty Act (July 3, 1918), as amended (16 U.S.C. 703 *et seq.*), to make this rule take effect immediately upon publication in the **Federal Register**.

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The Executive Order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). A regulatory flexibility analysis is not required. Accordingly, a Small Entity Compliance Guide is not required. This rule would legalize a preexisting subsistence activity, and the resources harvested will be consumed.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Would not have an annual effect on the economy of $100 million or more. It legalizes and regulates a traditional subsistence activity. It will not result in a substantial increase in subsistence harvest or a significant change in harvesting patterns. The commodities that will be regulated under this rule are migratory birds. This rule deals with legalizing the subsistence harvest of migratory birds and, as such, does not involve commodities traded in the marketplace. A small economic benefit from this rule

derives from the sale of equipment and ammunition to carry out subsistence hunting. Most, if not all, businesses that sell hunting equipment in rural Alaska qualify as small businesses. We have no reason to believe that this rule would lead to a disproportionate distribution of benefits.

(b) Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. This rule does not deal with traded commodities and, therefore, would not have an impact on prices for consumers.

(c) Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This rule deals with the harvesting of wildlife for personal consumption. It would not regulate the marketplace in any way to generate substantial effects on the economy or the ability of businesses to compete.

Unfunded Mandates Reform Act

We have determined and certified under the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, State, or Tribal governments or private entities. The rule would not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act is not required.

Participation on regional management bodies and the Council requires travel expenses for some Alaska Native organizations and local governments. In addition, they assume some expenses related to coordinating involvement of village councils in the regulatory process. Total coordination and travel expenses for all Alaska Native organizations are estimated to be less than $300,000 per year. In a notice of decision (65 FR 16405, March 28, 2000), we identified 7 to 12 partner organizations (Alaska Native nonprofits and local governments) to administer the regional programs. The ADFG also incurs expenses for travel to Council and regional management body meetings. In addition, the State of Alaska is required to provide technical staff support to each of the regional management bodies and to the Council. Expenses for the State's involvement may exceed $100,000 per year, but should not exceed $150,000 per year. When funding permits, we make annual grant agreements available to the partner organizations and the ADFG to help offset their expenses.

Takings (Executive Order 12630)

Under the criteria in Executive Order 12630, this rule does not have significant takings implications. This rule is not specific to particular land ownership, but applies to the harvesting of migratory bird resources throughout Alaska. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. We discuss effects of this rule on the State of Alaska in the *Unfunded Mandates Reform Act* section, above. We worked with the State of Alaska to develop these regulations. Therefore, a federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

The Department, in promulgating this rule, has determined that it would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Government-to-Government Relations With Native American Tribal Governments

Consistent with Executive Order 13175 (65 FR 67249; November 6, 2000), ''Consultation and Coordination with Indian Tribal Governments,'' and Department of the Interior policy on Consultation with Indian Tribes (December 1, 2011), we consulted with Alaska Federally recognized Indian Tribes affected by these regulations to solicit their input.

We implemented the amended treaty with Canada with a focus on local involvement. The treaty calls for the creation of management bodies to ensure an effective and meaningful role for Alaska's indigenous inhabitants in the conservation of migratory birds. According to the Letter of Submittal, management bodies are to include Alaska Native, Federal, and State of Alaska representatives as equals. They develop recommendations for, among other things: Seasons and bag limits, methods and means of take, law enforcement policies, population and harvest monitoring, education programs, research and use of traditional knowledge, and habitat protection. The management bodies involve village councils to the maximum extent possible in all aspects of management. To ensure maximum input at the village level, we require each of the 11 participating regions to create regional management bodies consisting of at least one representative from the participating villages. The regional management bodies meet at least one time each year to review and/or submit proposals to the statewide body.

Paperwork Reduction Act of 1995 (PRA)

This rule contains existing, revised, and new information collections. All information collections require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has previously approved the information collection requirements associated with subsistence harvest reporting and assigned OMB Control Number 1018–0124. We will submit a revision to 1018–0124 to incorporate the new harvest reporting requirements contained in this rule. Additionally, we will request a new OMB control number for the permit and information letter requirements contained in this rule.

The existing information collection requirements identified below are currently approved by OMB under Control Number 1018–0124:

The harvest surveys collect information on the subsistence harvest in Alaska of ~60 species categories of birds and their eggs (geese, ducks, swans, crane, ptarmigan and grouse, seabirds, shorebirds, loons and grebes). Survey data includes species category and amounts of birds and eggs taken for subsistence use in each harvest season (spring, summer, fall, winter). The surveys rely on collaboration among the FWS, the ADFG, and many Alaska Native organizations. Contracts and cooperative agreements are in place to facilitate the collection of data with Alaska Native organizations and other regional and local partners. Surveyors contact local residents. The ADFG Division of Subsistence coordinates the surveys on behalf of the Council via a cooperative agreement with the FWS.

The FWS uses the survey data to:

(1) Inform harvest regulations for migratory birds and their eggs so they are consistent with the long-term sustainability of bird populations;

(2) Document subsistence harvest trends and track changes in harvest;

(3) Document the importance of birds as food and cultural resources for subsistence communities in Alaska;

(4) Protect sustainable harvest opportunities; and

(5) Assist in the development of management plans by State and Federal agencies.

Federal and State agencies use the data collected to develop harvest regulations and protect sustainable harvest opportunities. The FWS adjusts harvest regulations as needed to provide maximum and sustainable subsistence harvest opportunities while accounting for current bird population status and population goals established in species' management plans. The Council uses this information to make regulation recommendations to the Service Regulations Committee. Nongovernmental organizations use survey data to monitor the status of uses of migratory bird resources in Alaska and internationally. The survey also became a main line of communication between wildlife management agencies and the local communities and harvesters.

Participation in the surveys is voluntary for communities and households. In selected communities that agree to participate, surveyors compile a list of all permanent households or addresses, provide information about the survey, and assist households to complete the harvest report form (hardcopy) in in-person interviews. Households may offer comments on their harvest, on the availability of birds, on the survey, or any other topic related to bird harvest. The survey uses the following forms:

(1) *Tracking Sheet & Household Consent (FWS Form 3–2380):* The surveyor invites each selected household to participate and completes FWS Form 3–2380 documenting whether each selected household agreed to participate, did not agree, or could not be contacted. The surveyor also uses this form to keep track of survey work.

(2) *Harvest Report (FWS Forms 3–2381–1, 3–2381–2, 3–2381–3, 3–2381–4, and 3–2381–5:* The forms have up to four sheets, one for each surveyed season. The Western and Interior forms (3–2381–1 and 3–2381–3; ~394 households surveyed per year) have 3 sheets (spring, summer, and fall). The Bristol Bay form has 4 sheets (spring, summer, fall, winter; ~110 households surveyed per year). The North Slope form has 2 sheets (spring and summer; ~150 households surveyed per year). The Cordova form has only 1 sheet (spring; ~27 households surveyed per year). The weighted average for the whole survey is 2.96 seasonal sheets (rounded as 3 for calculation of burden estimates). Each seasonal sheet has drawings of bird species, next to which are fields to record the number of birds and eggs harvested. Because bird species available for harvest vary in different regions of Alaska, there are five versions of the harvest report form with different sets of species. This helps to prevent erroneously recording bird species as harvested in areas where they do not usually occur.

The revised and new information collection requirements identified below require approval by OMB in conjunction with the revision to OMB Control Number 1018–0124:

(1) *Splitting burden estimates for 3–2381–5, Cordova survey (REVISED):* We realized the previous submission to OMB incorrectly reported 3 submissions of the Cordova survey rather than a single submission for the spring season. We are separating the burden for this survey out separately from FWS Form 3–2381–1, Form 3–2381–2, Form 3–2381–3, and Form 3–2381–4 to more accurately report harvest data reporting burden.

(2) *Harvest Report (FWS Forms 3–2381–6 (new) and 3–2381–7 (NEW):* Starting in 2021, a mail survey akin to that conducted for the Cordova harvest will be implemented for the Kodiak roaded area harvest as required by updated Federal regulations for the Kodiak Archipelago region. To participate in the Kodiak roaded area harvest, harvesters are required to obtain a permit and to complete a harvest report form, even if they did not harvest. (We will request OMB approval of this permit requirement in a separate request for a new OMB control number explained below). Staff from the ADFG Division of Subsistence worked in close collaboration with the Sun'aq Tribe of Kodiak to develop the permit and harvest reporting system. The Sun'aq Tribe requested in-season harvest reporting. Permits will be issued by the Sun'aq Tribe.

The Kodiak Roaded Area In-Season Harvest Report (FWS Form 3–2381–6) will be provided to permit holders at the time the permit is issued. Harvesters are required to record their harvest using this form during the season. At the end of the season (early Sept.), all permit holders are required to submit the completed Kodiak Roaded Area In-Season Harvest Report (FWS Form 3–2381–7) indicating whether they harvested birds and eggs, and if so, the kinds and amounts of birds and eggs harvested. Permit holders submit the completed form by mail to the ADFG for data analysis (the form includes the return address and is postage-paid). To ensure a more complete harvest reporting, the ADFG will mail a post-season harvest survey to permit holders who did not submit a completed in-season harvest log. The post-season mail survey includes two reminders. Reported harvests will be extrapolated to represent all permit holders based on statistical methods. Forms 3–2381–6 and 3–2381–7 are only completed twice per year (spring and summer seasons).

Title of Collection: Alaska Migratory Bird Subsistence Harvest Household Surveys.

OMB Control Numbers: 1018–0124.

Form Numbers: FWS Form 3–2381–1, Form 3–2381–2, Form 3–2381–3, Form 3–2381–4, Form 3–2381–5, Form 3–2381–6 (New), and Form 3–2381–7 (New).

Type of Review: Revision to a previously approved information collection.

Respondents/Affected Public: Individuals and Tribal governments.

Total Estimated Number of Annual Respondents: 2,351.

Total Estimated Number of Annual Responses: 4,551.

Estimated Completion Time per Response: 5 minutes.

Total Estimated Number of Annual Burden Hours: 379.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

The additional information collection requirements associated with permits and invitation letters contained in this rule identified below require approval by OMB and assignment of a new OMB control number:

(1) *Tribal or Village Council Invitation Letter:* Regulations at 50 CFR 92.5(d) allow immediate family members (children, parents, grandparents, and siblings) living in excluded areas to participate in the customary spring-summer subsistence harvest of migratory birds in a village's subsistence area. This letter of invitation is intended to assist permanent residents of the village in meeting their nutritional and other essential needs or for teaching cultural knowledge. The regulations specify that participation of residents of excluded areas in the spring-summer harvest of migratory birds in an eligible area must be pre-authorized by a letter of invitation issued by a local Tribal or Village Council within the harvest area.

(2) *Tribal Council Invitation Permit*: This rulemaking action establishes a permit as another method to invite an immediate family member residing in an excluded area to participate in the spring-summer subsistence hunt in the Upper Copper Region. The permit, issued by the Tribal Council or their authorized Tribal representative, certifies that the prospective hunter is an immediate family member as defined

in 50 CFR 92.4 and is thereby authorized to assist family members in hunting migratory birds in the Upper Copper River Region. The permit is valid for 2 years from the date of issuance.

(3) *Tribal Council Notifications to AMBCC:* Tribal Councils will provide a list of permittees to the Executive Director of the AMBCC.

(4) *AMBCC Notification to Alaska Regional Office of Law Enforcement:* Upon receiving copies of the letters of invitation and issued permits from Tribal and Village Councils, the AMBCC Executive Director will inform the Service's Alaska Regional Office of Law Enforcement (AK–OLE) within 2 business days. To date, only two letters have been received.

(5) *Kodiak Island Roaded Area Experimental Season Permit:* The Service's 2020 final rule (RIN 1018–BF12, 85 FR 73233, November 17, 2020) approved a 3-year experimental season for migratory bird hunting and egg gathering in the Kodiak Island Roaded Area in the Kodiak Archipelago Region (50 CFR 92.31). Harvesting in the Kodiak roaded area requires a mandatory permit and harvest reporting. The Sun'aq Tribe of Kodiak worked in close collaboration with the ADFG Division of Subsistence to develop a permit and harvest monitoring system. Permits are issued by the Sun'aq Tribe of Kodiak to individual harvesters. The Sun'aq Tribe provide copies of issued permits to the ADFG Division of Subsistence, which uses this information to manage the harvest reporting system. The permit includes fields to write the permit holder's name and mailing address as well as a field for the permit holder to sign acknowledging the terms of the permit. The permit also includes a map of the harvest area and description of the harvest regulations including the list of species open to harvest. Permit data are securely disposed of after completion of the annual harvest data collection and analysis.

The regulation allows a 3-year experimental season (this rule updates the seasons from 2020–2022 to 2021–2023) for migratory bird hunting and egg gathering by registration permit along the Kodiak Island Roaded Area in the Kodiak Archipelago Region of Alaska. The experimental season will terminate at the completion of the third year in 2023. Reopening the Roaded Area after the 3-year experimental period will require a subsequent proposal for continuation of the season under either operational or experimental status.

(6) *Cordova Harvest Household Registration:* The Service's final rule that published on April 8, 2014 (79 FR 19454), authorized spring-summer harvest of migratory birds by residents of the community of Cordova in the Gulf of Alaska region. In 2017, the regulations were updated to allow residents of the neighboring communities of Tatitlek and Chenega to harvest in the area defined for the Cordova harvest (82 FR 16298, April 4, 2017). Local partners including the Eyak Tribe and the U.S. Forest Service Chugach Subsistence Program in Cordova worked in close collaboration with the ADFG Division of Subsistence to develop a household registration and harvest monitoring system using a post-season mail survey. Household registrations are issued by the Tribal councils of the communities of Cordova, Tatitlek, and Chenega as well as by the U.S. Forest Service Chugach Subsistence Program in Cordova. The registration form includes fields to write the permit holder's name and mailing address as well as a field for the permit holder to sign acknowledging the terms of the permit. The permit also includes fields to write the names of other household members authorized to harvest under the registration. Registration data are securely disposed of after completion of the annual harvest data collection and analysis.

Title of Collection: Regulations for the Taking of Migratory Birds for Subsistence Uses in Alaska, 50 CFR part 92.

OMB Control Numbers: 1018–0178.

Form Numbers: None.

Type of Review: New.

Respondents/Affected Public: Individuals and Tribal governments.

Total Estimated Number of Annual Respondents: 234.

Total Estimated Number of Annual Responses: 234.

Estimated Completion Time per Response: Varies from 15 minutes to 30 minutes, depending on activity.

Total Estimated Number of Annual Burden Hours: 62.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on any aspect of this information collection, including:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this 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) How might the agency 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 response.

This final rule is effective immediately upon publication, for the reasons set forth above under Immediate Effective Date. We will, however, accept and consider all public comments concerning the information collection requirements received in response to this final rule. Send your written comments and suggestions on this information collection to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803 (mail); or *Info_Coll@fws.gov* (email). Please reference ''OMB Control Number 1018–BF08'' in the subject line of your comments. *National Environmental Policy Act Consideration (42 U.S.C. 4321* et seq.*)*

Implementation of the Service's 2013 supplemental environmental impact statement on the hunting of migratory birds resulted in changes to the overall timing of the annual regulatory schedule for the establishment of migratory bird hunting regulations and the Alaska migratory bird subsistence harvest regulations. The programmatic document, ''Second Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (EIS 20130139),'' addresses compliance with the National Environmental Policy Act by the Service for issuance of the annual framework regulations for hunting of migratory game bird species. We published a notice of availability in the **Federal Register** on May 31, 2013 (78 FR 32686), and our Record of Decision on July 26, 2013 (78 FR 45376).

The annual regulations and options are considered in a January 2021 environmental assessment, ''Managing Migratory Bird Subsistence Hunting in Alaska: Hunting Regulations for the 2021 Spring/Summer Harvest.'' Copies are available from the person listed under **FOR FURTHER INFORMATION CONTACT** or at *http://www.regulations.gov*.

Energy Supply, Distribution, or Use (Executive Order 13211)

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This is not a significant regulatory action under this Executive Order; it allows only for traditional subsistence harvest and improves conservation of migratory birds by allowing effective regulation of this harvest. Further, this rule is not expected to significantly affect energy supplies, distribution, or use. Therefore, a Statement of Energy Effects is not required.

Reference Cited

Osnas, E. 2020. A simple state space model framework to predict harvest management survey observations in 2020. USFWS, publ. analyses: *https://github.com/USFWS/StateSpace-Prediction-2020*.

List of Subjects in 50 CFR Part 92

Hunting, Treaties, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, we amend title 50, chapter I, subchapter G, of the Code of Federal Regulations as follows:

PART 92—MIGRATORY BIRD SUBSISTENCE HARVEST IN ALASKA

■ 1. The authority citation for part 92 continues to read as follows:

Authority: 16 U.S.C. 703–712.

■ 2. Amend § 92.5 by revising paragraphs (b)(3) and (d) to read as follows:

§ 92.5 Who is eligible to participate?

* * * * *

(b) * * *

(3) The Central Interior Excluded Area comprises the following: The Fairbanks North Star Borough and that portion of Unit 20(A) east of the Wood River drainage and south of Rex Trail, including the upper Wood River drainage south of its confluence with Chicken Creek; that portion of Unit 20(C) east of Denali National Park north to Rock Creek and east to Unit 20(A); and that portion of Unit 20(D) west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volmar drainage, including the Goodpaster River drainage. The following communities are within the Excluded Area: Delta Junction/Big Delta/Fort Greely, McKinley Park/Village, Healy, Ferry, and all residents of the formerly named Fairbanks North Star Borough Excluded Area.

* * * * *

(d) *Participation by permanent residents of excluded areas.* Immediate family members who are residents of excluded areas may participate in the customary spring and summer subsistence harvest in a community's subsistence area with permission of the Village or Tribal council, whichever is appropriate, to assist indigenous inhabitants in meeting their nutritional and other essential needs or for the teaching of cultural knowledge using one of the following procedures:

(1) A letter of invitation will be sent by the Tribal or village council to the hunter with a copy to the Executive Director of the Co-management Council, who will inform the Service's Alaska Region Law Enforcement Office and the Service's Co-management Council Coordinator within 2 business days. The Service will then inform any affected Federal agency when residents of excluded areas are allowed to participate in the subsistence harvest within their Federal lands.

(2) For the Upper Copper River Region, a permit may be issued by the Tribal Council or their authorized Tribal representative to the invited hunter certifying that the permit holder is an immediate family member authorized to assist eligible family members in hunting migratory birds in the Tribe's subsistence harvest area. A permit is valid for 2 years from date of issuance. A list of permit holders will be sent to the Executive Director of the Co-management Council, who will inform the Service's Alaska Region Office of Law Enforcement and the Service's Co-management Council Coordinator within 2 business days. The Service will then inform any affected Federal agency when residents of excluded areas are allowed to participate in the subsistence harvest within their Federal lands.

■ 3. Amend § 92.22 by revising paragraphs (a) through (l) and adding paragraph (m) to read as follows:

§ 92.22 Subsistence migratory bird species.

* * * * *

(a) *Family Anatidae.*

(1) Emperor Goose (*Anser canagicus*)—except no egg gathering is permitted.

(2) Snow Goose (*Anser caerulescens*).

(3) Greater White-fronted Goose (*Anser albifrons*).

(4) Brant (*Branta bernicla*)—except no egg gathering is permitted in the Yukon/Kuskokwim Delta and the North Slope regions.

(5) Cackling Goose (*Branta hutchinsii*)—except in the Semidi Islands.

(6) Canada Goose (*Branta canadensis*).

(7) Tundra Swan (*Cygnus columbianus*)—except in Units 9(D) and 10.

(8) Blue-winged Teal (*Spatula discors*).

(9) Northern Shoveler (*Spatula clypeata*).

(10) Gadwall (*Mareca strepera*).

(11) Eurasian Wigeon (*Mareca penelope*).

(12) American Wigeon (*Mareca americana*).

(13) Mallard (*Anas platyrhynchos*).

(14) Northern Pintail (*Anas acuta*).

(15) Green-winged Teal (*Anas crecca*).

(16) Canvasback (*Aythya valisineria*).

(17) Redhead (*Aythya americana*).

(18) Ring-necked Duck (*Aythya collaris*).

(19) Greater Scaup (*Aythya marila*).

(20) Lesser Scaup (*Aythya affinis*).

(21) King Eider (*Somateria spectabilis*).

(22) Common Eider (*Somateria mollissima*).

(23) Harlequin Duck (*Histrionicus histrionicus*).

(24) Surf Scoter (*Melanitta perspicillata*).

(25) White-winged Scoter (*Melanitta deglandi*).

(26) Black Scoter (*Melanitta americana*).

(27) Long-tailed Duck (*Clangula hyemalis*).

(28) Bufflehead (*Bucephala albeola*).

(29) Common Goldeneye (*Bucephala clangula*).

(30) Barrow's Goldeneye (*Bucephala islandica*).

(31) Hooded Merganser (*Lophodytes cucullatus*).

(32) Common Merganser (*Mergus merganser*).

(33) Red-breasted Merganser (*Mergus serrator*).

(b) *Family Podicipedidae.* (1) Horned Grebe (*Podiceps auritus*).

(2) Red-necked Grebe (*Podiceps grisegena*).

(c) *Family Gruidae.* (1) Sandhill Crane (*Antigone canadensis*).

(2) [Reserved]

(d) *Family Haematopodidae.* (1) Black Oystercatcher (*Haematopus bachmani*).

(2) [Reserved]

(e) *Family Charadriidae.* (1) Black-bellied Plover (*Pluvialis squatarola*).

(2) Common Ringed Plover (*Charadrius hiaticula*).

(f) *Family Scolopacidae.* (1) Bar-tailed Godwit (*Limosa lapponica*).

(2) Ruddy Turnstone (*Arenaria interpres*).

(3) Sharp-tailed Sandpiper (*Calidris acuminata*).

(4) Dunlin (*Calidris alpina*).
(5) Baird's Sandpiper (*Calidris bairdii*).
(6) Least Sandpiper (*Calidris minutilla*).
(7) Semipalmated Sandpiper (*Calidris pusilla*).
(8) Western Sandpiper (*Calidris mauri*).
(9) Long-billed Dowitcher (*Limnodromus scolopaceus*).
(10) Common Snipe (*Gallinago gallinago*).
(11) Wilson's Snipe (*Gallinago delicata*).
(12) Spotted Sandpiper (*Actitis macularius*).
(13) Lesser Yellowlegs (*Tringa flavipes*).
(14) Greater Yellowlegs (*Tringa melanoleuca*).
(15) Red-necked Phalarope (*Phalaropus lobatus*).
(16) Red Phalarope (*Phalaropus fulicarius*).

(g) *Family Stercorariidae.* (1) Pomarine Jaeger (*Stercorarius pomarinus*).
(2) Parasitic Jaeger (*Stercorarius parasiticus*).
(3) Long-tailed Jaeger (*Stercorarius longicaudus*).

(h) *Family Alcidae.* (1) Common Murre (*Uria aalge*).
(2) Thick-billed Murre (*Uria lomvia*).
(3) Black Guillemot (*Cepphus grylle*).
(4) Pigeon Guillemot (*Cepphus columba*).
(5) Cassin's Auklet (*Ptychoramphus aleuticus*).
(6) Parakeet Auklet (*Aethia psittacula*).
(7) Least Auklet (*Aethia pusilla*).
(8) Whiskered Auklet (*Aethia pygmaea*).
(9) Crested Auklet (*Aethia cristatella*).
(10) Rhinoceros Auklet (*Cerorhinca monocerata*).
(11) Horned Puffin (*Fratercula corniculata*).
(12) Tufted Puffin (*Fratercula cirrhata*).

(i) *Family Laridae.* (1) Black-legged Kittiwake (*Rissa tridactyla*).
(2) Red-legged Kittiwake (*Rissa brevirostris*).
(3) Ivory Gull (*Pagophila eburnea*).
(4) Sabine's Gull (*Xema sabini*).
(5) Bonaparte's Gull (*Chroicocephalus philadelphia*).
(6) Mew Gull (*Larus canus*).
(7) Herring Gull (*Larus argentatus*).
(8) Slaty-backed Gull (*Larus schistisagus*).
(9) Glaucous-winged Gull (*Larus glaucescens*).
(10) Glaucous Gull (*Larus hyperboreus*).
(11) Aleutian Tern (*Onychoprion aleuticus*).
(12) Arctic Tern (*Sterna paradisaea*).

(j) *Family Gaviidae.* (1) Red-throated Loon (*Gavia stellata*).
(2) Arctic Loon (*Gavia arctica*).
(3) Pacific Loon (*Gavia pacifica*).
(4) Common Loon (*Gavia immer*).
(5) Yellow-billed Loon (*Gavia adamsii*)—In the North Slope Region only, a total of up to 20 yellow-billed loons inadvertently caught in fishing nets may be kept for subsistence purposes.

(k) *Family Procellariidae.* (1) Northern Fulmar (*Fulmarus glacialis*).
(2) [Reserved]

(l) *Family Phalacrocoracidae.* (1) Double-crested Cormorant (*Phalacrocorax auritus*).
(2) Pelagic Cormorant (*Phalacrocorax pelagicus*).

(m) *Family Strigidae.* (1) Great Horned Owl (*Bubo virginianus*).
(2) Snowy Owl (*Bubo scandiacus*).

■ 4. Amend § 92.31 by revising paragraph (e) to read as follows:

§ 92.31 Region-specific regulations.

* * * * *

(e) *Kodiak Archipelago region.* The Kodiak Island Roaded Area is open to the harvesting of migratory birds and their eggs by registration permit only as administered by the Alaska Department of Fish and Game, Division of Subsistence, in cooperation with the Sun'aq Tribe of Kodiak. No hunting or egg gathering for Arctic terns, Aleutian terns, mew gulls, and emperor geese is allowed for the Kodiak Island Roaded Area Registration Permit Hunt. The Kodiak Island Roaded Area consists of that portion of Kodiak Island (including exposed tidelands) south of a line from Termination Point along the north side of Cascade Lake to Anton Larsen Bay and east of a line from Crag Point to the west end of Saltery Cove. Marine waters adjacent to the Kodiak Island Roaded Area within 500 feet from the water's edge are included in the Kodiak Island Roaded Area. The Kodiak Island Roaded Area does not include islands offshore of Kodiak Island. A registration permit is not required to hunt on lands and waters outside the Kodiak Island Roaded Area.

* * * * *

Shannon A. Estenoz,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Exercising the Delegated Authority of the Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2021–07899 Filed 4–16–21; 8:45 am]

BILLING CODE 4333–15–P

Proposed Rules

Federal Register
Vol. 86, No. 73
Monday, April 19, 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 HOMELAND SECURITY

6 CFR Part 37

[Docket No. DHS–2020–0028]

Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes; Mobile Driver's Licenses

AGENCY: Office of Strategy, Policy and Plans, Department of Homeland Security (DHS).

ACTION: Request for comment.

SUMMARY: The Department of Homeland Security (DHS) is issuing this request for information (RFI) to inform an upcoming rulemaking that would address security standards and requirements for the issuance of mobile or digital driver's licenses to enable Federal agencies to accept these credentials for official purposes as defined in the REAL ID Act and regulation.

DATES: Interested persons are invited to submit comments on or before June 18, 2021.

ADDRESSES: You may submit comments through the *Federal e-Rulemaking Portal at http://www.regulations.gov*. Use the Search bar to find the docket, using docket number DHS–2020–0028. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Steve Yonkers, Director, REAL ID Program, Office of Strategy, Policy, and Plans, United States Department of Homeland Security, Washington, DC 20528, *steve.yonkers@hq.dhs.gov,* 202–447–3274; and, George Petersen, Program Manager, Enrollment Services and Vetting Programs, Transportation Security Administration, Springfield, VA 20598, *george.petersen@tsa.dhs.gov,* 571–227–2215. Please do not submit responses to these addresses.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

DHS invites interested persons to comment on this RFI by submitting written comments, data, or views. *See* **ADDRESSES** above for information on where to submit comments. Except as stated below, all comments received may be posted without change to *http://www.regulations.gov,* including any personal information you have provided.

Commenter Instructions

DHS invites comments on any aspect of this RFI, and welcomes any additional comments and information that would promote an understanding of the broader implications of acceptance of mobile or digital driver's licenses by Federal agencies for official purposes. This includes comments relating to the economic, privacy, security, environmental, energy, or federalism impacts that might result from a future rulemaking based on input received as a result of this RFI. In addition, DHS includes specific questions in this RFI immediately following the discussion of the relevant issues. DHS asks that each commenter include the identifying number of the specific question(s) to which they are responding. Each comment should also explain the commenter's interest in this RFI and how their comments should inform DHS's consideration of the relevant issues.

DHS asks that commenters provide as much information as possible, including any supporting research, evidence, or data. In some areas, DHS requests very specific information. Whenever possible, please provide citations and copies of any relevant studies or reports on which you rely, as well as any additional data which supports your comment. It is also helpful to explain the basis and reasoning underlying your comment. Although responses to all questions are preferable, DHS recognizes that providing detailed comments on every question could be burdensome and will consider all comments, regardless of whether the response is complete.

Handling of Confidential or Proprietary Information and SSI Submitted in Public Comments

Do not submit comments that include trade secrets, confidential business information, or sensitive security information [1] (SSI) to the public regulatory docket. Please submit such comments separately from other comments on the RFI. Commenters submitting this type of information should contact the individual in the **FOR FURTHER INFORMATION CONTACT** section for specific instructions.

DHS will not place comments containing SSI, confidential business information, or trade secrets in the public docket and will handle them in accordance with applicable safeguards and restrictions on access. DHS will hold documents containing SSI, confidential business information, or trade secrets in a separate file to which the public does not have access and place a note in the public docket explaining that commenters have submitted such documents. DHS may include a redacted version of the comment in the public docket. If an individual requests to examine or copy information that is not in the public docket, DHS will treat it as any other request under the Freedom of Information Act (FOIA) (5 U.S.C. 552) and DHS's FOIA regulation found in 6 CFR part 5.

Abbreviations and Terms Used in This Document

AAMVA—American Association of Motor Vehicle Administrators
DL/ID—Driver's License/Identification
DMV—Department of Motor Vehicles (or equivalent agency)
NFC—Near Field Communication
IEC—International Electrotechnical Commission
ISO—International Organization for Standardization
mDL—Mobile or Digital Driver's License/Identification Card
NIST—National Institute for Standards and Technology
PKI—Public Key Infrastructure
QR Code—Quick Response Code
RFI—Request for Information

[1] ''Sensitive Security Information'' or ''SSI'' is information obtained or developed in the conduct of security activities, the disclosure of which would constitute an unwarranted invasion of privacy, reveal trade secrets or privileged or confidential information, or be detrimental to the security of transportation. The protection of SSI is governed by 49 CFR part 1520.

WiFi—Wireless Fidelity

Table of Contents

I. Introduction

DHS is issuing this RFI to solicit comments from the public to help inform a potential rulemaking that would amend 6 CFR part 37 to set the minimum technical requirements and security standards for mobile or digital driver's licenses/identification cards (collectively ''mobile driver's licenses'' or ''mDLs'') to enable Federal agencies to accept mDLs for official purposes under the REAL ID Act and regulation.[2] This RFI is not related to the previously published DHS request for comment on November 7, 2019, entitled, ''Automated Solutions for the Submission of REAL ID Source Documents.'' [3] The scope of that request for comment concerned the process for presenting the identity and lawful status documentation during the application process for obtaining a REAL ID compliant driver's license or identification card. Specifically, the request for comment sought input on technologies that could assist states and their residents in the digital submission, receipt, and authentication of such documentation.

This RFI supports the Administration's general goals of reducing or eliminating unjustified complexity and excessive administrative burdens, consistent with the law and statutory goals. This effort is also consistent with the principles set forth in Executive Order 13563, ''Improving Regulation and Regulatory Review,'' as reaffirmed by President Biden's Memorandum on Modernizing Regulatory Review (January 20, 2021), calling for periodic review of existing rules with attention to those that ''may be outmoded, ineffective, insufficient, or excessively burdensome.''

For this new RFI, DHS seeks input concerning technical approaches, applicable industry standards, and best practices to ensure that mDLs can be issued and verified/authenticated with features to ensure security, privacy, and identity fraud detection. We also are interested in any data that can be provided on the cost of requirements necessary to permit federal acceptance of mDLs and the benefits of such requirements, as well as the benefits of permitting use of mDLs (*e.g.,* quantifiable cost-savings from being able to use a REAL ID-compliant mDL rather than a REAL ID-compliant physical driver's license or identification card (DL/ID)).[4]

DHS requests comments from the public and interested stakeholders, including entities engaged in the development, testing, integration, and implementation of mDLs and related technologies into systems or processes which historically relied upon physical DL/ID. To facilitate development of the regulation, DHS is primarily seeking comments that identify specific capabilities and technologies, actionable data, security and privacy risks and benefits, and economic (*i.e.,* cost/benefit) data.

Comments received may enable the Department to consider potential regulatory amendments that realize the benefits of mDLs in a competitively-neutral, technology-agnostic manner, complementary to the rapid technological innovations occurring in this space. DHS may contact individual commenters for more information. DHS reserves the right to use and share the information submitted with other federal agencies for purposes related to administering the REAL ID Act and implementing regulations.

II. Background

A. Digital Identity and mDLs Generally

Digital identity is generally recognized as the digital representation of an individual in an electronic transaction.[5] An mDL is a digital representation of the identity information contained on a state-issued physical DL/ID.[6] An mDL may be stored on, or accessed through, a diverse range of portable or mobile electronic devices, such as smartphones, smartwatches, and storage devices containing memory.[7] Like a physical DL/ID, mDL data originates from identity information about an individual that is maintained in the database of a state Department of Motor Vehicles (DMV) or equivalent agency. Although mDLs are a recent development, many states have begun to pilot or issue mDLs, and public interest in mDLs is high.

B. REAL ID Act, Current Regulatory Requirements, and the Need To Amend the Regulation

The REAL ID Act of 2005 and implementing regulation set minimum requirements for state-issued DL/ID accepted by Federal agencies for official purposes, including accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes that the Secretary shall determine.[8] Full enforcement of the REAL ID regulation begins October 1, 2021.[9] Beginning on that day, Federal agencies may only accept state-issued DL/ID for official purposes if that DL/ID is REAL ID-compliant DL/ID and issued by a REAL ID compliant state.[10]

The Act defines a driver's license as ''a license issued by a State authorizing an individual to operate a motor vehicle on public streets, roads, or highways,'' and an identification card as ''an identification document issued by a State or local government solely for the purpose of identification.'' [11] Because an

[2] The REAL ID Act of 2005—Title II of division B of the FY05 Emergency Supplemental Appropriations Act, as amended, Public Law 109–13, 49 U.S.C. 30301 note; REAL ID Driver's Licenses and Identification Cards, 6 CFR part 37.

[3] 84 FR 60104 (Nov. 7, 2019).

[4] Regardless of whether DHS amends the regulation, and consistent with the REAL ID Act and regulation's applicability to physical DL/ID, compliant states may issue mDLs that are not REAL ID compliant, provided they are appropriately marked and use a unique design or color to indicate that they are not acceptable by Federal agencies for official purposes. *See* 6 CFR 37.71.

[5] *See* generally NIST Special Pub. 800–63–3, Digital Identity Guidelines (June 2017) at 2, available at *https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-63-3.pdf.*

[6] A technical description of mDLs as envisioned by the American Association of Motor Vehicle Administrators may be found at *https://www.aamva.org/Mobile-Drivers-License/.*

[7] One notable feature of mDLs is the ability of an mDL Holder to control what data fields are released to a Federal agency. An mDL holder can authorize a Federal agency to receive only the data fields that the agency requires for its transaction.

[8] REAL ID Act of 2005 sec. 201(1) and (2).

[9] 6 CFR 37.5(b).

[10] *Id.*

[11] REAL ID Act of 2005 sec. 201(1) and (2). On December 21, 2020, Congress passed the REAL ID Modernization Act, which (among other things) would amend the definitions of ''driver's license'' and ''identification card'' to specifically include mobile or digital driver's licenses that have been issued in accordance with regulations prescribed by the Secretary. Sec. 1001 of the REAL ID Modernization Act, Title X of Division U of the Consolidated Appropriations Act, 2021, *available at*

Continued

mDL is issued for use as identification or to convey driving privileges, an mDL, therefore, must meet applicable REAL ID security requirements in order for federal agencies to accept them for official purposes.[12] Examples of such security requirements applicable to physical cards include ''common machine-readable technology'' and ''security features designed to prevent tampering, counterfeiting, or duplication . . . for fraudulent purposes.'' [13]

On January 29, 2008, DHS published a final rule implementing the Act's requirements.[14] The regulation prescribes requirements for the issuance and production of DL/ID in order for Federal agencies to accept those documents for official purposes. Because these regulatory requirements were developed for a physical document world, long before the advent of mDLs, some of the requirements may not be fully applicable to mDLs. For example, the regulation requires compliant DL/ID media, such as ''easily identifiable visual or tactile [security] features'' on the surface of a card to enable physical detection of fraudulent DL/ID,[15] ''[m]achine-readable technology on the back of the card,'' [16] and State plans for the security of ''[s]torage areas for card stock and other materials used in card production.''.'' [17] Such surface-level and/or physical security features do not apply to mDLs, which rely primarily on electronic security features and other measures that are not addressed in the regulation.[18] In addition to some requirements that are not applicable to mDLs, the regulation does not address the technological and functional considerations specific to mDLs, and appropriate to protect data as well as individual privacy.

Accordingly, receipt of information from this RFI will help inform any potential updates to the regulation to account for this new technology, including security standards for states to incorporate into their issuance and production processes to enable federal agencies to accept mDLs as REAL ID-compliant identification for official purposes.

C. Industry Standards and Guidelines for mDLs

Two international standards-setting organizations, the International Organization for Standardization (ISO) and International Electrotechnical Commission (IEC),[19] are jointly drafting standards relevant to mDLs. DHS understands that at least one such standard under development, ISO/IEC 18013–5, will set forth requirements concerning communication protocols, data structures, methods for identity verification, data integrity and protection mechanisms for authentication, and enable interoperability with a wide range of mobile devices and readers. The Department has participated in the development of this standard as a member of the United States national body member of the Joint Technical Committee developing the standard.[20] Through its involvement, DHS understands that the final standard may be published by early 2021.

Because the draft ISO/IEC 18013–5 standard is being developed for worldwide application, it may not meet all requirements necessary for use within the United States. The American Association of Motor Vehicle Administrators (AAMVA) has published Implementation Guidelines recommending extensions to the draft standard that would adapt it for DMVs in the United States.[21]

In addition to standard ISO/IEC 18013–5, DHS understands that ISO/IEC subcommittees are drafting additional standards that may set forth further requirements for mDLs. For example, ISO/IEC 23220–3 would set requirements that govern the step of ''provisioning'' (*see* Part D, below). This project, however, is in early stages of development; final drafts are not anticipated in the near term, and may not publish at all if the subcommittees cannot achieve consensus.

D. Relevant Terminology

For purposes of this RFI only, the following description of key terms is provided to ensure a consistent understanding of terminology in this RFI.

- *Authenticate* means establishing that a certain thing (*e.g., mDL Data*) belongs to its purported owner (*e.g., mDL Holder*) and has not been altered.
- A *Certificate Authority* issues *Digital Certificates* that are used to certify the identity of parties in a digital transaction.
- *Data Freshness* refers to the synchronization of *mDL Data* stored on a mobile device to data in a *DMV's* database, within a specified time period.
- *Department of Motor Vehicles (DMV)* refers to the state agency or its authorized agent responsible for issuing an mDL and for maintaining mDL data in its database.
- *Digital Certificates* establish the identities of parties in an electronic transaction, such as recipients or digital signatories of encrypted data.
- *Digital Signatures* are mathematical algorithms routinely used to validate the authenticity and integrity of a message.
- *Identity Proofing* refers to a series of steps that a *DMV* executes to prove the identity of a person.
- *Identity Verification* is the confirmation that identity data belongs to its purported holder.
- *Issuance* includes the various processes of a *DMV* to approve an individual's application for a REAL ID driver's license or identification card.
- An *mDL* is a digital representation of the information on a state-issued physical DL/ID, and is stored on, or accessed via, a mobile device.
- *mDL Data* is an individual's identity and DL/ID data that is stored

https://docs.house.gov/billsthisweek/20201221/BILLS-116HR133SA-RCP-116-68.pdf.

[12] This interpretation is also consistent with the Act's primary purpose, which was to raise the security bar for state-issued drivers' licenses and identification. The REAL ID Act sec. 202(b). Security features must ''prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.'' Cong. Rec.—House H453 (Feb. 9, 2005) (''Certainly all of us who board planes want to know that there is some integrity to our ID system in this country and that terrorists are not boarding planes by the use of a state-issued identification card.''); Cong. Rec.—House H453 at H463 (Feb. 9, 2005) (''sources of identity are the last opportunity to ensure that people are who they say they are'').

[13] REAL ID Act sec. 202(b)(8) and (9).

[14] Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes; Final Rule, 73 FR 5272 (January 29, 2008); codified at 6 CFR part 37. Currently, the regulation provides that beginning October 1, 2021, Federal agencies may only accept REAL ID-compliant DL/ID for official purposes, including boarding federally regulated commercial aircraft.

[15] 6 CFR 37.15(c) & 37.17(h).

[16] 6 CFR 37.17(i) & 37.19.

[17] 6 CFR 37.41(b)(1)(ii).

[18] These mDL-specific security features must be readable by DHS security technologies, such as Credential Authentication Technology (CAT).

[19] ISO is an independent, non-governmental international organization with a membership of 164 national standards bodies. ISO creates documents that provide requirements, specifications, guidelines or characteristics that can be used consistently to ensure that materials, products, processes and services are fit for their purpose. The IEC publishes consensus-based International Standards and manages conformity assessment systems for electric and electronic products, systems and services, collectively known as ''electrotechnology.'' ISO and IEC standards are voluntary and do not include contractual, legal or statutory obligations. ISO and IEC standards contain both mandatory requirements and optional recommendations, and are implemented by adopting mandatory requirements.

[20] A member of the Transportation Security Administration serves as DHS's representative to the Working Group.

[21] AAMVA Mobile Driver License (mDL) Implementation Guidelines, April 2019.

and maintained in a database controlled by a *DMV* and may also be stored and maintained on an individual's mDL.

- *mDL Holder* refers to the owner of a mobile device.
- *mDL Reader* refers to an electronic device that ingests *mDL Data* from a mobile device.
- *Offline* means no live connection to the internet.
- *Online* means a live connection to the internet.
- An mDL *Public Key Distributor* is a trusted entity responsible for compiling and distributing *Digital Certificates* issued by *DMVs.*
- *Public Key Infrastructure (PKI)* means a structure where a *Certificate Authority* uses *Digital Certificates* for *Identity Proofing* and for issuing, renewing, and revoking digital credentials.
- *Provisioning* refers to the various steps required for a DMV to securely place an *mDL* onto a mobile device.
- *Token* means a cryptographic key used to authenticate a person's identity.

III. Model for mDL Acceptance by Federal Agencies for Official Purposes

For Federal agencies to accept mDLs for official purposes, an mDL ecosystem must allow for trusted and secure communications between a DMV, a mobile device, and a federal agency.[22] Fundamentally, such a system would provide functionality analogous to the physical security features required under 6 CFR 37.15 that are designed to deter forgery and counterfeiting, promote confidence in the authenticity of the DL/ID, and facilitate detection of fraud.

DHS is exploring various technological solutions to determine how to implement such a secure system across the full range of federal agency use cases. Preliminarily, DHS believes that federally-accepted mDLs should address, as a baseline capability, the security, privacy, integrity, and trust features that are set forth in draft standard ISO/IEC 18013–5, and possibly the AAMVA Implementation Guidelines. However, those normative references should be viewed as a starting point, pending publication of the final documents, resolution of potential gaps in those documents, future technical developments and emerging technologies, and other implementation considerations. For illustrative purposes, and to develop issues and questions that are applicable to mDL implementation at all federal agencies, this section discusses the requirements being considered in the context of DHS's envisioned reference implementation and interoperability model. DHS believes that the following description of the reference implementation will help focus public comment on this RFI. DHS invites comments that address the near- and long-term considerations relevant to DHS's model and welcomes comments regarding other models that could be deployed at federal agencies.

A. Generally

Consistent with draft standard ISO/IEC 18013–5, DHS envisions a process in which a DMV would be responsible for issuing an mDL and enabling a user's mobile device to store and/or access mDL data. A Federal agency would use an mDL Reader to retrieve from a mobile device or from the DMV only the mDL Data needed for the purpose of the transaction. An individual's mDL Device would transmit mDL Data, or a digital ''token,'' to the reader via wireless or secure optical communication protocols (but not, for example, a static image of the driver's license or identification card, or any aspect of the physical card, reproduced from a physical driver's license). The reader should be capable of, and have necessary permissions for, transacting with mDLs issued by any DMV, and be agnostic to mobile devices, operating systems, and mDL apps. Such interoperability would require DMVs, app developers, and device manufacturers to conform to criteria established by ISO/IEC 18013–5 and applicable Federal regulations. Both the reader and mobile device would require the capability to communicate and authenticate the mDL data in at least offline (no internet connection) mode. The system would require digital security protocols to protect the confidentiality, privacy, security, and integrity of the mDL data, through its full lifecycle.

B. Physical DL/ID Issuance and mDL Provisioning

''Issuance'' is the process where a DMV processes an application for a REAL ID compliant DL/ID and issues the physical card to the individual. Provisioning (*see* Part C.1., below), which follows issuance sequentially, is a process used to establish that an mDL applicant is the rightful owner of identity data, approve an individual's application to receive an mDL, and securely place the mDL on an individual's mobile device. The issuance process for a REAL ID DL/ID is fundamentally different from the mDL provisioning process, which involves unique steps not applicable to physical DL/ID. DMVs will continue to be required to meet existing identity and lawful status documentation and verification requirements required under the REAL ID Act and implementing regulation for REAL ID compliant DL/ID, both physical and mDLs.

C. Communication Interfaces

Generally, mDL-based identity verification involves a series of transactions between an issuing authority (here, a DMV), a mobile device, and a verifying entity (here, federal agencies). Specifically, the DMV would provision mDL Data onto a mobile device, and an mDL Holder would authorize release of relevant mDL Data from the device to a federal agency, which would confirm data authenticity and choose whether to accept the mDL for its purpose. These transactions would require an architecture consisting of communication interfaces among a (1) DMV and mobile device, (2) mobile device and federal agency, and (3) federal agency and DMV (or an aggregator, such as a Public Key Distributor, or a centralized bridge to connect DMVs to a common infrastructure). Draft standard ISO/IEC 18013–5 establishes requirements governing the latter two interfaces. The communication interfaces enable the parties to exchange information and assess if the mDL Data (1) was provisioned by a trusted source (the DMV), (2) belongs to the individual asserting it, and (3) was transmitted to and received by an agency unaltered.

1. DMV and mDL Device: Provisioning

This communication interface enables the step of ''provisioning.'' Generally, ''provisioning,'' which follows issuance, is the process where a DMV would authorize the secure storage of mDL Data onto a mobile device, enable the device to receive the data from a DMV, and transmit the data to the device. The initial step of provisioning requires proving that the target mobile device belongs to the mDL applicant. Next, a trusted connection would be established between the DMV and the target mobile device. Finally, the DMV would use this connection to securely transmit and update mDL Data on the device (or enable the device to access the data).

Generally, mDLs can be provisioned in-person or remotely based on individual DMV preference. ''In-person'' provisioning requires an individual to bring a mobile device and identity documents to a physical DMV location,

[22] Whether a state law enforcement entity refuses to accept mDLs as driver's licenses is not relevant to DHS's determination of whether an mDL falls within the REAL ID Act's definition of ''driver's license.''

which would then confirm the individual's identity and provision mDL Data onto the target mobile device. ''Remote'' provisioning, in contrast, does not require an individual to be physically present at a DMV location. Instead, individuals would electronically send identity verification information to the DMV to establish their identities and ownership of the target device. The Department is not aware of any mature industry standards [23] defining standardized communication protocols to assure comparable levels of trust between the in-person and remote methods of provisioning. Accordingly, DHS seeks comment (*see* Part IV) on the security and privacy risks, as well as mitigating solutions, concerning provisioning to ensure that federal agencies can trust mDLs provisioned either in-person or remotely. DHS also seeks comments concerning which methods of provisioning provide the security, privacy, and trust appropriate for acceptance by federal agencies.

Regarding the storage and protection of mDL data on a mobile device (known as ''data at rest''), DHS is aware of at least two notional types of solutions: (1) A hardware-based option, where the mobile device private key and/or mDL Data would be stored in and/or secured by a mobile device's secure hardware, and (2) a software-based option, where the private key and/or data would reside within a third-party app installed on a mobile device, secured by the device's key chain management interface. Preliminarily, DHS believes that both solutions offer advantages and disadvantages. Given the absence of mature industry standards for storing and securing mDL data on a device, however, the Department seeks comment (*see* Part IV) on preferred solutions for these considerations.

2. mDL Device and Federal Agency: Offline Data Transfer

Draft standard ISO/IEC 18013–5 sets forth requirements that govern communication between a mobile device and a federal agency. This communication interface serves two functions: (1) Establishing a secure communication channel between a mobile device and a federal agency, and (2) transmitting mDL Data to an agency in an ''offline'' transaction (where an agency's mDL Reader or user's mDL Device are not connected to the internet).

Under draft standard ISO/IEC 18013–5, a secure communication channel could be established via NFC or QR Codes, and data transmission could occur using a higher bandwidth channel, such as Bluetooth Low Energy, WiFi Aware, or NFC. DHS may reference pertinent requirements of the draft standard in a future rulemaking and seeks comments (*see* Part IV) on this approach.

In an offline data transfer mode, an mDL Holder initiates the transaction and authorizes release of mDL data to a federal agency's mDL Reader.[24] Draft standard ISO/IEC 18013–5 would allow an mDL Holder to release only the data necessary for the purpose of the transaction (*e.g.,* identity verification), while blocking the Agency's ability to view any other mDL data (*e.g.,* organ donor status). The mDL data would then be transferred directly from a mobile device to the federal agency, which would need to authenticate the data and verify that it originated with a DMV and was not altered. This is known as ''offline authentication,'' and is discussed below.

3. Federal Agency and DMV: Online Data Transfer and Offline Authentication

Draft standard ISO/IEC 18013–5 sets forth requirements governing the communication interface between a federal agency and a DMV, which enables (1) online data transfer, and (2) offline authentication.

In an online transaction, a federal agency would receive mDL Data directly from a DMV instead of from a mobile device. In this step, a mobile device would first pass a token to a Federal agency, which would use the token to retrieve mDL Data from the DMV. Draft standard ISO/IEC 18013–5 governs communication protocols and methods for online verification functionality. This interface can also be used for offline authentication, although development of infrastructure and additional related procedures are required.

An ISO/IEC 18013–5 compliant mDL must include both online and offline functionality. DHS is considering referencing pertinent parts of ISO/IEC 18013–5 in a future rulemaking and seeks commenters' views (*see* Part IV) on the appropriateness of this approach. In particular, DHS seeks comments concerning the security and privacy risks, as well as mitigating solutions, concerning both offline and online data transfer modes.

D. Other Considerations

1. Data Trust and Security Features

Fundamentally, Federal agencies cannot accept an mDL unless the agency can authenticate the identity information. This means confidence that the mDL Data came from a trusted source (the DMV), and the mDL Data was transmitted to the agency unaltered. The current regulation establishes such ''trust'' by requiring physical DL/IDs to include physical security features on the surface of a card that are designed to deter and detect forgery and counterfeiting. As mDLs lack a physical form they cannot overtly display physical security features. Therefore, regulatory requirements for physical security features on a physical substrate need to be updated to establish comparable mDL-specific security features.

DHS is aware of at least two means of extending security features to the digital medium: (1) For offline transactions, asymmetric cryptography/public key infrastructure (PKI), and (2) for online transactions, establishing a secure communication channel with a trusted Issuing Authority. With respect to offline transactions, ''asymmetric cryptography'' generates a pair of encryption ''keys'' to decrypt protected data. One key, a ''public key,'' is distributed publicly, while the other key, the ''private key,'' is held by the DMV. When a DMV issues an mDL, the DMV uses its private key to digitally ''sign'' the mDL data. A Federal agency confirms the integrity of the mDL data by obtaining the DMV's public key to verify the digital signature. With the potential for 56 U.S. states [25] to issue mDLs, however, an aggregator, such as a master list holder, or a public key distributor, or a centralized repository of trusted public certificates, may be necessary for assuring that verifying entities have updated digitally signed certificates/public keys.

Online transactions would require establishing a secure network connection between a Federal agency and a DMV. This may take the form of an encrypted communication channel

[23] As discussed in Part II.C., above, DHS understands that the ISO and IEC are developing standard ISO/IEC 23220–3, which may set forth requirements for provisioning. However, publication of a final draft is not anticipated in the near-term.

[24] Federal agencies may choose to implement an mDL Reader using different technology. For example, one embodiment could be a device integrated into an agency's Credential Authentication Technology to receive mDL data.

[25] The REAL ID Act defines ''state'' to mean ''a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.'' REAL ID Act of 2005 sec. 201(5), as amended by sec. 2(a) of Public Law 115–323 (Dec. 17, 2018).

using a DHS-approved encryption algorithm.

For all transactions (offline and online), DHS preliminarily believes mDL Data requires protection, both during transmission (known as ''data-in-transit'') and during storage on a mobile device (known as ''data-at-rest''). Draft standard ISO/IEC 18013–5 requires encryption of data-in-transit, but not data-at-rest. The AAMVA Implementation Guidelines, however, seek to address this gap by affirmatively recommending such encryption.[26] Accordingly, DHS is considering requiring, in a future rulemaking, mandatory encryption of both data-in-transit and data-at-rest. DHS seeks comments (*see* Part IV) concerning proposed and alternative solutions to provide the requisite levels of security to establish the trust required for Federal agencies to accept mDLs for official purposes.

2. Data Freshness

Unlike physical DL/ID, mDLs have the potential to provide verification of the ''freshness,'' of identity data. For offline transactions, this enhancement arises from the ability of an mDL to communicate the last date on which identity data was synchronized with the DMV's database (*i.e.,* the most recent time and date when the DMV confirmed that the identity data remained valid), a concept known as ''data freshness.'' Data freshness verification enables a Federal agency to trust that the identity data is still current and valid. This concept does not apply to online transactions, where a Federal agency receives data directly from the DMV (which potentially offers even greater security, because the agency would receive data updated from the DMV in real-time). In contrast to mDLs, physical DL/ID are static and do not instill any trust of data validity or ''freshness'' beyond the expiration date printed on the face of the DL/ID at the time of issuance.

Preliminarily, DHS believes that shorter data freshness periods may bring security benefits, and is exploring the benefits and costs of requiring specific data freshness periods in the regulation. Although draft standard ISO/IEC 18013–5 specifies various data fields that reflect when mDL data was last refreshed, it does not require any specific freshness period. In addition, DHS understands that DMVs independently establish mDL data validity periods. Because of the absence of industry standards and common practices among DMVs, DHS seeks comment (*see* Part IV) concerning whether, and on what basis, DHS should require specific data freshness periods for offline transactions, as well as appropriate periods for data freshness.

3. Verification

Generally, an mDL can be verified via two methods: Attended and unattended. Attended verification requires the physical presence of an attendant to supervise the mDL transaction, whereas unattended verification is performed algorithmically without the presence of an attendant. Draft standard 18013–5 sets forth requirements specifically for attended verification, but does not address the unattended online model (but DHS understands this may be the subject of a future ISO/IEC project). Accordingly, additional standards and requirements would need to be established to enable Federal agencies to implement unattended online verification. DHS seeks comments (*see* Part IV) concerning technical requirements necessary to enable unattended online verification by Federal agencies. DHS also seeks comments concerning the security and privacy risks, and mitigation solutions, concerning unattended online verification.

IV. Questions for Commenters

DHS requests comments in response to the following questions. We do not intend these questions to restrict the issues that commenters may address. Commenters are encouraged to address issues that may not be discussed below based upon their knowledge of the issues and implications. In providing your comments, please follow the instructions in the Commenter Instructions section above.

1. *Security Generally.* Provide comments on what security risks, including data interception, alteration, and reproduction, may arise from the use of mDLs by Federal agencies for official purposes, which includes accessing Federal facilities, boarding federally-regulated commercial aircraft, and entering nuclear power plants.

a. Explain what digital security functions or features are available to detect, deter, and mitigate the security risks from mDL transactions, including the advantages and disadvantages of each security feature.

b. Provide comments on how mDL transactions could introduce new cybersecurity threat vectors into the IT systems of Federal agencies by, for example, transmitting malicious code along with the mDL Data.

c. Sections 37.15 and 37.17 of 6 CFR part 37 set forth specific requirements for physical security features for DL/ID and other requirements for the surface of DL/ID. Provide comments on what requirements are necessary to provide comparable security assurances for mDLs.

2. *Privacy Generally.* Provide comments on what privacy concerns or benefits may arise from mDL transactions, and how DHS should or should not address those concerns and benefits in the REAL ID context. Explain what digital security functions or features are available to protect the privacy of any personally identifiable information submitted in mDL transactions, including the advantages and disadvantages of each security feature.

3. *Industry Standards.* Executive Order 12866 directs Federal agencies to use performance-based standards whenever feasible. DHS is considering including technical standards for mDL transactions in its proposed rule, drawing heavily on standards under development by the industry, to support compatibility and technical interoperability across all interested Federal agencies nationwide. If commenters believe an industry standard should be chosen, provide comments on how DHS should choose the correct standard(s) for mDLs, and on the appropriate baseline standard(s) that DHS should impose.

4. *Industry Standard ISO/IEC 18013–5: Communication Interfaces Between mDL Device and Federal Agency, and Federal Agency and DMV.* DHS may adopt certain requirements that may be established in forthcoming international industry standards that specify digital security mechanisms and protocols with respect to the communication interface between a mobile device and a Federal agency, and the communication interface between a Federal agency and a DMV.

a. Provide comments on what concerns commenters have regarding such standards and DHS's adoption of their requirements. In particular, explain whether commenters believe the current drafts of industry standard ISO/IEC 18013–5 are mature enough to support secure and widespread deployment of mDLs.

b. Explain the impact on stakeholders and mDL issuance if such standards are not approved in a timely manner.

c. Quantify the initial and ongoing costs to a stakeholder to implement these standards.

d. Provide comments on what, if any, key areas related to mDLs are not covered in these standards that DHS should consider addressing by regulation.

e. Identity what, if any, alternative standards or requirements DHS should consider.

5. *Industry Standard ISO/IEC 23220–3: Communication Interface Between DMV and mDL Device.* DHS understands that forthcoming international industry standard ISO/IEC 23220–3 may specify digital security mechanisms and protocols with respect to the communication interface between a DMV and a mobile device, specifically concerning provisioning methods, data storage, and related actions. Although DHS may seek to adopt certain requirements anticipated to appear in this standard, the Department understands that this standard may not be finalized for several years.

a. Explain whether commenters believe the current drafts of standard ISO/IEC 23220–3 are mature enough to support secure and widespread deployment of mDLs.

b. With the ongoing development of ISO/IEC 23220–3, provide comments on what, if any, alternative standards or requirements DHS should consider before the standard is finalized.

6. *Provisioning.* DHS understands that provisioning may be conducted in-person, remotely, or via other methods.

a. Explain the security and privacy risks, from the perspective of any stakeholder, presented by in-person, remote, or other provisioning methods.

b. Provide comments on the security protocols that would be required for DMVs to mitigate security and privacy risks presented by in-person, remote, or other provisioning methods, and to ensure at a high level of certainty that a REAL ID compliant mDL is securely provisioned to the rightful owner of the identity and the target mDL device, for in-person or remote applications.

c. Provide comments on whether mDL Data should include data fields populated with information concerning the method of provisioning used.

d. Provide estimated costs for a DMV to implement in-person or remote provisioning. Costs may include IT contracts, hiring full or part-time IT staff, as well as software and hardware.

7. *Storage.* DHS understands that mobile device hardware- and software-based security architectures can be used to secure mDL Data on a mobile device.

a. Provide comments on the advantages and disadvantages, with respect to security, functionality, and interoperability, of the different mobile security architectures for protecting, storing and assuring integrity of mDL Data.

b. Explain whether a hardware- or software-based solution, or both, would provide the requisite security in a competitively-neutral manner.

8. *Data Freshness.* Provide comments regarding whether and to what extent security risks concerning data validity and freshness can be mitigated by defining the frequency by which mDL Data should synchronize with its DMV database.

a. Provide comments regarding what data synchronization periods commenters believe are appropriate for mDL transactions. Explain the advantages and disadvantages of a longer or shorter periods.

b. Provide estimated costs to a stakeholder to implement the data synchronization periods stated above.

9. *IT Security Infrastructure.* Provide comments on whether IT security infrastructure, such as Public Key Infrastructure, would provide the level of privacy and security sufficient to implement a secure and trusted operating environment, for both offline and online use cases, and if not, explain what alternative approaches would be better.

a. Identify any what additional or alternative IT security infrastructure (*e.g.,* a public key distributor or aggregator such as a trusted public certificate list, Federal PKI) that would be required to facilitate trusted mDL transactions between mDL holders, verifying entities, and issuing authorities.

b. Provide estimated costs for a DMV or Federal agency to implement necessary IT security infrastructure. Costs may include IT contracts, hiring full or part-time IT staff, as well as software and hardware.

10. *Alternative IT Security Solutions.* Provide comments on whether DHS should consider privacy or security solutions adopted in other industries, such as finance (*e.g.,* mobile payments), automotive/telecommunications (*e.g.,* vehicle-to-vehicle or ''V2V''/''V2X'' communications), or medical (*e.g.,* electronic prescriptions for controlled substances), that rely on digital identity and/or secure device-to-device transactions. Explain what those solutions are and how they could be adapted or implemented for Federal mDL use cases.

11. *Offline and Online Data Transfer Modes.* DHS understands that mDL Data may be transferred to a Federal agency via offline and online modes.

a. Explain the security and privacy risks, from the perspective of any stakeholder, presented by both offline and online data transfer modes.

b. Provide comments on the security protocols that would be required to mitigate security and privacy risks presented by both offline and online data transfer modes.

12. *Unattended Online mDL Verification.* Provide comments on what capabilities or technologies are available to enable unattended online mDL verification by Federal agencies. Explain the possible advantages and disadvantages of each approach.

a. Explain the security and privacy risks, from the perspective of any stakeholder, presented by unattended online mDL verification.

b. Provide comments on the security protocols that would be required for DMVs to mitigate security and privacy risks presented by unattended online mDL verification.

13. *Costs to Individuals.* Provide comments on the estimated costs, including savings, to an individual to obtain an mDL, including:

a. Time and effort required to obtain the mDL.

b. Fees charged by DMVs.

c. Any charges for inclusion of additional information on an mDL, such as HAZMAT endorsements, hunting, fishing, or boating licenses.

14. *Considerations for mDL Devices Other than Smartphones.* Provide comments on whether provisioning an mDL on, or accessing an mDL from, a device other than a smartphone (*e.g.,* a smartwatch accessing mDL Data from a smartphone paired to it, or a mobile device authorized to access mDL Data stored remotely), poses security or privacy considerations different than provisioning an mDL on, or accessing an mDL from, a smartphone. Explain such security or privacy considerations and how they can be mitigated.

15. *Obstacles to mDL Acceptance.* Describe any obstacles to public or industry acceptance of mDLs that DHS should consider in developing its regulatory requirements. Provide comments on recommendations DHS should consider addressing such obstacles, including how to educate the public about security and privacy aspects of digital identity and mDLs.

The Department issues this RFI solely for information and program planning purposes, and to inform a future rulemaking. Responses to this RFI do not bind DHS to any further actions related to the response.

Kelli Ann Burriesci,

Acting Under Secretary, Office of Strategy, Policy, and Plans, United States Department of Homeland Security.

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DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2014–BT–STD–0058]

RIN 1904–AD99

Energy Conservation Program: Energy Conservation Standards for Consumer Clothes Dryers, Webinar and Availability of the Preliminary Technical Support Document

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notification of a webinar and availability of preliminary technical support document.

SUMMARY: The U.S. Department of Energy (''DOE'' or ''the Department'') will hold a webinar to discuss and receive comments on the preliminary analysis it has conducted for purposes of evaluating energy conservation standards for consumer clothes dryers. The webinar will cover the analytical framework, models, and tools that DOE is using to evaluate potential standards for this product; the results of preliminary analyses performed by DOE for this product; the potential energy conservation standard levels derived from these analyses that DOE could consider for this product should it determine that proposed amendments are necessary; and any other issues relevant to the evaluation of energy conservation standards for consumer clothes dryers. In addition, DOE encourages written comments on these subjects. To inform interested parties and to facilitate this process, DOE has prepared an agenda, a preliminary technical support document (''TSD''), and briefing materials, which are available on the DOE website at: *https://www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=50&action=viewlive.*

DATES: *Meeting:* DOE will hold a webinar on Wednesday, May 26, 2021, from 10 a.m. to 3 p.m. See section IV, ''Public Participation,'' for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

Comments: Written comments and information will be accepted on or before, July 6, 2021.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments by email to the following address: *ResClothesDryers2014STD0058@ee.doe.gov.* Include ''Notification of a webinar and availability of preliminary technical support document'' and docket number EERE–2014–BT–STD–0058 and/or RIN number 1904–AD99 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing Covid-19 pandemic. DOE is currently accepting only electronic submissions at this time. If a commenter finds that this change poses an undue hardship, please contact Appliance Standards Program staff at (202) 586–1445 to discuss the need for alternative arrangements. Once the Covid-19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

No telefacsimiles (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on this process, see section IV of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *https://www.regulations.gov/docket?D=EERE-2014-BT-STD-0058.* The docket web page contains instructions on how to access all documents, including public comments in the docket. See section IV for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE–2J, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–0371. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Ms. Kathryn McIntosh, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–2002. Email: *Kathryn.McIntosh@hq.doe.gov.*

For further information on how to submit a comment, review other public comments and the docket, or participate in the webinar, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

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I. Introduction

A. Authority

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] among other things, authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. 42 U.S.C. 6291–6317. Title III, Part B [2] of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles. These products include consumer clothes dryers, the subject of this document. 42 U.S.C. 6292(a)(8). EPCA prescribed energy conservation standards for these products, and directed DOE to conduct two cycles of rulemakings to determine whether to amend these standards. 42 U.S.C. 6295(g)(4). EPCA further provides that, not later than 6 years after the issuance of any final rule establishing or amending a standard, DOE must publish either a notice of

[1] All references to EPCA in this document refer to the statute as amended through the Energy Act of 2020, Public Law 116–260 (Dec. 27, 2020).

[2] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

determination that standards for the product do not need to be amended, or a notice of proposed rulemaking (''NOPR'') including new proposed energy conservation standards (proceeding to a final rule, as appropriate). 42 U.S.C. 6295(m)(1). Not later than three years after issuance of a final determination not to amend standards, DOE must publish either a notice of determination that standards for the product do not need to be amended, or a NOPR including new proposed energy conservation standards (proceeding to a final rule, as appropriate). 42 U.S.C. 6295(m)(3)(B).

DOE is publishing this Preliminary Analysis to collect data and information to inform its decision consistent with its obligations under EPCA.

B. Rulemaking Process

DOE must follow specific statutory criteria for prescribing new or amended standards for covered products, including consumer clothes dryers. EPCA requires that any new or amended energy conservation standard prescribed by the Secretary of Energy (''Secretary'') be designed to achieve the maximum improvement in energy efficiency (or water efficiency for certain products specified by EPCA) that is technologically feasible and economically justified. 42 U.S.C. 6295(o)(2)(A). Furthermore, DOE may not adopt any standard that would not result in the significant conservation of energy. 42 U.S.C. 6295(o)(3)(B). The Secretary may not prescribe an amended or new standard that will not result in significant conservation of energy, or is not technologically feasible or economically justified. *Id.*

On February 14, 2020, DOE published an update to its procedures, interpretations, and policies for consideration in new or revised energy conservation standards and test procedure, *i.e.,* ''Procedures, Interpretations, and Policies for Consideration of New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Certain Commercial/Industrial Equipment'' (see 10 CFR part 430, subpart C, appendix A (''Process Rule,'')).[3] 85 FR 8626. In the updated Process Rule, DOE established a significance threshold for energy savings under which DOE employs a two-step approach that considers both an absolute site energy savings threshold and a threshold that is a percent reduction in the energy use of the covered product. Section 6(a) of the Process Rule.

DOE first evaluates the projected energy savings from a potential maximum technologically feasible (''max-tech'') standard over a 30-year period against a 0.3 quadrillion British thermal units (''quads'') of site energy savings threshold. Section 6(b)(2) of the Process Rule. If the 0.3-quad threshold is not met, DOE then compares the max-tech savings to the total energy usage of the covered product to calculate a percentage reduction in energy usage. Section 6(b)(3) of the Process Rule. If this comparison does not yield a reduction in site energy use of at least 10 percent over a 30-year period, the analysis will end and DOE will propose to determine that no significant energy savings would likely result from setting new or amended standards. Section 6(b)(4) of the Process Rule. If either one of the thresholds is reached, DOE will conduct analyses to ascertain whether a standard can be prescribed that produces the maximum improvement in energy efficiency that is both technologically feasible and economically justified and still constitutes significant energy savings at the level determined to be economically justified. Section 6(b)(5) of the Process Rule. This two-step approach allows DOE to ascertain whether a potential standard satisfies EPCA's significant energy savings requirements in 42 U.S.C. 6295(o)(3)(B) to ensure that DOE avoids setting a standard that ''will not result in significant conservation of energy.''

EPCA defines ''energy efficiency'' as the ratio of the useful output of services from a consumer product to the *energy use* of such product, measured according to the Federal test procedures. (42 U.S.C. 6291(5), *emphasis added*) EPCA defines ''energy use'' as the quantity of energy directly consumed by a consumer product at point of use, as measured by the Federal test procedures. (42 U.S.C. 6291(4)) Further, EPCA uses a household energy consumption metric as a threshold for setting standards for new covered products. (42 U.S.C. 6295(l)(1)) Given this context, DOE relies on site energy as the appropriate metric for evaluating the significance of energy savings.

To determine whether a standard is economically justified, EPCA requires that DOE determine whether the benefits of the standard exceed its burdens by considering, to the greatest extent practicable, the following seven factors:

(1) The economic impact of the standard on the manufacturers and consumers of the products subject to the standard;

(2) the savings in operating costs throughout the estimated average life of the covered products in the type (or class) compared to any increase in the price, initial charges, or maintenance expenses for the covered products that are likely to result from the standard;

(3) the total projected amount of energy (or as applicable, water) savings likely to result directly from the standard;

(4) any lessening of the utility or the performance of the products likely to result from the standard;

(5) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) the need for national energy and water conservation; and

(7) other factors the Secretary of Energy (Secretary) considers relevant.

42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII).

DOE fulfills these and other applicable requirements by conducting a series of analyses throughout the rulemaking process. Table I.1 shows the individual analyses that are performed to satisfy each of the requirements within EPCA.

[3] On January 20, 2021, the President issued Executive Order 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.* Exec. Order No. 13,990, 86 FR 7037 (Jan. 25, 2021) (''E.O. 13990''). E.O. 13990 affirms the Nation's commitment to empower our workers and communities; promote and protect our public health and the environment; and conserve our national treasures and monuments. To that end, the stated policies of E.O. 13990 include: improving public health and protecting our environment; ensuring access to clean air and water; and reducing greenhouse gas emissions. E.O. 13990 section 1. Section 2 of E.O. 13990 directs agencies, in part, to immediately review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (''agency actions'') promulgated, issued, or adopted between January 20, 2017, and January 20, 2021, that are or may be inconsistent with, or present obstacles to, the policy set forth in the Executive Order. E.O. 13990 section 2. In addition, section 2(iii) of E.O. 13990 specifically directs DOE to, as appropriate and consistent with applicable law, publishing for notice and comment a proposed rule suspending, revising, or rescinding the updated Process Rule. In response to this directive, DOE has undertaken a review of the updated Process Rule at this time.

TABLE I.1—EPCA REQUIREMENTS AND CORRESPONDING DOE ANALYSIS

EPCA requirement	Corresponding DOE analysis
Significant Energy Savings	• Shipments Analysis. • National Impact Analysis. • Energy and Water Use Determination.
Technological Feasibility	• Market and Technology Assessment. • Screening Analysis. • Engineering Analysis.
Economic Justification:	
1. Economic impact on manufacturers and consumers	• Manufacturer Impact Analysis. • Life-Cycle Cost and Payback Period Analysis. • Life-Cycle Cost Subgroup Analysis. • Shipments Analysis.
2. Lifetime operating cost savings compared to increased cost for the product.	• Markups for Product Price Determination. • Energy and Water Use Determination. • Life-Cycle Cost and Payback Period Analysis.
3. Total projected energy savings	• Shipments Analysis. • National Impact Analysis.
4. Impact on utility or performance	• Screening Analysis. • Engineering Analysis.
5. Impact of any lessening of competition	• Manufacturer Impact Analysis.
6. Need for national energy and water conservation	• Shipments Analysis. • National Impact Analysis.
7. Other factors the Secretary considers relevant	• Employment Impact Analysis. • Utility Impact Analysis. • Emissions Analysis. • Monetization of Emission Reductions Benefits. • Regulatory Impact Analysis.

Further, EPCA establishes a rebuttable presumption that a standard is economically justified if the Secretary finds that the additional cost to the consumer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy savings during the first year that the consumer will receive as a result of the standard, as calculated under the applicable test procedure. 42 U.S.C. 6295(o)(2)(B)(iii).

EPCA also contains what is known as an ''anti-backsliding'' provision, which prevents the Secretary from prescribing any amended standard that either increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered product. 42 U.S.C. 6295(o)(1). Also, the Secretary may not prescribe an amended or new standard if interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States. 42 U.S.C. 6295(o)(4).

Additionally, EPCA specifies requirements when promulgating an energy conservation standard for a covered product that has two or more subcategories. DOE must specify a different standard level for a type or class of product that has the same function or intended use, if DOE determines that products within such group: (A) Consume a different kind of energy from that consumed by other covered products within such type (or class); or (B) have a capacity or other performance-related feature which other products within such type (or class) do not have and such feature justifies a higher or lower standard. 42 U.S.C. 6295(q)(1). In determining whether a performance-related feature justifies a different standard for a group of products, DOE must consider such factors as the utility to the consumer of the feature and other factors DOE deems appropriate. *Id.* Any rule prescribing such a standard must include an explanation of the basis on which such higher or lower level was established. 42 U.S.C. 6295(q)(2).

Pursuant to the amendments contained in the Energy Independence and Security Act of 2007 (''EISA 2007''), Public Law 110–140, any final rule for new or amended energy conservation standards promulgated after July 1, 2010, is required to address standby mode and off mode energy use. 42 U.S.C. 6295(gg)(3). Specifically, when DOE adopts a standard for a covered product after that date, it must, if justified by the criteria for adoption of standards under EPCA (42 U.S.C. 6295(o)), incorporate standby mode and off mode energy use into a single standard, or, if that is not feasible, adopt a separate standard for such energy use for that product. 42 U.S.C. 6295(gg)(3). DOE's current test procedures for consumer clothes dryers address standby mode and off mode energy use. In this rulemaking, DOE intends to incorporate such energy use into any amended energy conservation standards it adopts in the final rule.

Before proposing a standard, DOE seeks public input on the analytical framework, models, and tools that DOE intends to use to evaluate standards for the product at issue and the results of preliminary analyses DOE performed for the product.

DOE is examining whether to amend the current standards for consumer clothes dryers pursuant to its obligations under EPCA. This document announces the availability of the preliminary TSD, which details the preliminary analyses and summarizes the preliminary results of DOE's analyses. In addition, DOE is announcing a webinar to solicit feedback from interested parties on its analytical framework, models, and preliminary results.

II. Background

A. Current Standards

The most recent standards rulemaking for consumer clothes dryers was promulgated on April 21, 2011. Specifically, DOE published a direct final rule (the ''2011 Direct Final Rule'') amending the energy conservation standard for consumer clothes dryers. 76 FR 22454 (Apr. 21, 2011). The energy

conservation standards, as amended in the 2011 Direct Final Rule, represent the current standards and are based on the combined energy factor (''CEF'')—a metric that incorporates energy use in active mode, standby mode, and off mode. Compliance with the current standards was required as of January 1, 2015. 76 FR 52852 (Aug. 24, 2011).

TABLE II.1—CURRENT CONSUMER CLOTHES DRYERS STANDARDS

Product class	CEF (lbs/kWh)
(A) Vented Electric, Standard (4.4 ft^3 or greater capacity)	3.73
(B) Vented Electric, Compact (120V) (less than 4.4 ft^3 capacity)	3.61
(C) Vented Electric, Compact (240V) (less than 4.4 ft^3 capacity)	3.27
(D) Vented Gas	3.30
(E) Ventless Electric, Compact (240V) (less than 4.4 ft^3 capacity)	2.55
(F) Ventless Electric, Combination Washer-Dryer	2.08

On December 16, 2020, DOE published a final rule establishing a separate product classes for consumer clothes dryers that offer cycle times for a ''normal'' cycle [4] of less than 30 minutes. 85 FR 81359 (Dec. 16, 2020) (''December 2020 Final Rule''). Because no such ''short-cycle'' consumer clothes dryers are currently on the market in the United States, DOE did not include analysis of this newly established product class in the preliminary TSD.

As noted, section 2 of E.O. 13990 directs agencies, in part, to immediately review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (''agency actions'') promulgated, issued, or adopted between January 20, 2017, and January 20, 2021, that are or may be inconsistent with, or present obstacles to, the policy set forth in the Executive Order. E.O. 13990 section 2. In response to this directive, DOE has undertaken a review of the new, short cycle product classes for clothes dryers at this time.

B. Current Process

DOE published a request for information (''RFI'') on March 27, 2015 (the ''March 2015 RFI'') describing the approaches and methods DOE will use in evaluating potential amended standards for consumer clothes dryers. 80 FR 16309 (Mar. 27, 2015). In addition, the RFI solicited information from the public to help DOE determine whether amended standards for consumer clothes dryers would result in a significant amount of additional energy savings, and whether those standards would be technologically feasible and economically justified. *Id.* The March 2015 RFI is available at *https://www.regulations.gov/document?D=EERE-2014-BT-STD-0058-0001.*

In response to the publication of the March 2015 RFI, DOE received comments regarding DOE's analytical approach from interested parties, including manufacturers, trade associations, environmental and energy efficiency advocates, and other interested parties.

Comments received since publication of the March 2015 RFI have helped DOE identify and resolve issues related to the preliminary analyses. Chapter 2 of the preliminary TSD summarizes and addresses the comments received.

III. Summary of the Analyses Performed by DOE

For the products covered in this preliminary analysis, DOE conducted in-depth technical analyses in the following areas: (1) Engineering; (2) markups to determine product price; (3) energy use; (4) life-cycle cost (''LCC'') and payback period (''PBP''); and (5) national impacts. The preliminary TSD that presents the methodology and results of each of these analyses is available at *https://www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=50&action=viewlive.*

DOE also conducted, and has included in the preliminary TSD, several other analyses that support the major analyses or are preliminary analyses that will be expanded upon if DOE determines that a NOPR is warranted to propose amended energy conservation standards. These analyses include: (1) The market and technology assessment; (2) the screening analysis, which contributes to the engineering analysis; and (3) the shipments analysis, which contributes to the LCC and PBP analysis and the national impact analysis (''NIA''). In addition to these analyses, DOE has begun preliminary work on the manufacturer impact analysis and has identified the methods to be used for the consumer subgroup analysis, the emissions analysis, the employment impact analysis, the regulatory impact analysis, and the utility impact analysis. DOE will expand upon these analyses in the NOPR should one be issued.

A. Engineering Analysis

The purpose of the engineering analysis is to establish the relationship between the efficiency and cost of consumer clothes dryers. There are two elements to consider in the engineering analysis; the selection of efficiency levels to analyze (*i.e.,* the ''efficiency analysis'') and the determination of consumer clothes dryer cost at each efficiency level (*i.e.,* the ''cost analysis''). In determining the performance of higher-efficiency consumer clothes dryers, DOE considers technologies and design option combinations not eliminated by the screening analysis. For each product class, DOE estimates the baseline cost, as well as the incremental cost for the product at efficiency levels above the baseline. The output of the engineering analysis is a set of cost-efficiency ''curves'' that are used in downstream analyses (*i.e.,* the LCC and PBP analyses and the NIA).

See Chapter 5 of the preliminary TSD for additional detail on the engineering analysis.

B. Markups Analysis

The markups analysis develops appropriate markups (*e.g.,* retailer markups, distributor markups, contractor markups) in the distribution chain and sales taxes to convert manufacturer production cost (''MPC'') estimates derived in the engineering analysis to consumer prices, which are then used in the LCC and PBP analysis and in the manufacturer impact analysis. At each step in the distribution channel, companies mark up the price of the product to cover business costs and profit margin.

DOE developed baseline and incremental markups for each actor in the distribution chain. Baseline markups are applied to the price of products with baseline efficiency, while incremental markups are applied to the difference in price between baseline and higher-efficiency models (the incremental cost increase). The incremental markup is typically less than the baseline markup and is designed to maintain similar per-unit operating profit before and after new or amended standards.[5]

[4] Section 3.3.2 of Appendix D2 requires that the ''normal'' program shall be selected for the test cycle; for clothes dryers that do not have a ''normal'' program, the cycle recommended by the manufacturer for drying cotton or linen clothes shall be selected.

[5] Because the projected price of standards-compliant products is typically higher than the price of baseline products, using the same markup for the incremental cost and the baseline cost would result in higher per-unit operating profit. While such an outcome is possible, DOE maintains that in markets that are reasonably competitive it is unlikely that standards would lead to a sustainable increase in profitability in the long run.

Chapter 6 of the preliminary TSD provides details on DOE's development of markups for consumer clothes dryers.

C. Energy Use Analysis

The purpose of the energy use analysis is to determine the annual energy consumption of consumer clothes dryers at different efficiencies in representative U.S. single-family homes, and multi-family residences, and to assess the energy savings potential of increased consumer clothes dryer efficiency. The energy use analysis estimates the range of energy use of consumer clothes dryers in the field (*i.e.,* as they are actually used by consumers). The energy use analysis provides the basis for other analyses DOE performed, particularly assessments of the energy savings and the savings in consumer operating costs that could result from adoption of amended or new standards.

Chapter 7 of the preliminary TSD addresses the energy use analysis.

D. Life-Cycle Cost and Payback Period Analyses

The effect of new or amended energy conservation standards on individual consumers usually involves a reduction in operating cost and an increase in purchase cost. DOE used the following two metrics to measure consumer impacts:

- The LCC is the total consumer expense of an appliance or product over the life of that product, consisting of total installed cost (manufacturer selling price, distribution chain markups, sales tax, and installation costs) plus operating costs (expenses for energy use, maintenance, and repair). To compute the operating costs, DOE discounts future operating costs to the time of purchase and sums them over the lifetime of the product.
- The PBP is the estimated amount of time (in years) it takes consumers to recover the increased purchase cost (including installation) of a more-efficient product through lower operating costs. DOE calculates the PBP by dividing the change in purchase cost at higher efficiency levels by the change in annual operating cost for the year that amended or new standards are assumed to take effect.

Chapter 8 of the preliminary TSD addresses the LCC and PBP analyses.

E. National Impact Analysis

The NIA estimates the national energy savings (''NES'') and the net present value (''NPV'') of total consumer costs and savings expected to result from amended standards at specific efficiency levels (referred to as candidate standard levels).[6] DOE calculates the NES and NPV for the potential standard levels considered based on projections of annual product shipments, along with the annual energy consumption and total installed cost data from the energy use and LCC analyses. For the present analysis, DOE projected the energy savings, operating cost savings, product costs, and NPV of consumer benefits over the lifetime of consumer clothes dryers sold from 2024 to 2053.

DOE evaluates the impacts of new or amended standards by comparing a case without such standards with standards-case projections. The no-new-standards case characterizes energy use and consumer costs for each product class in the absence of new or amended energy conservation standards. For this projection, DOE considers historical trends in efficiency and various forces that are likely to affect the mix of efficiencies over time. DOE compares the no-new-standards case with projections characterizing the market for each product class if DOE adopted new or amended standards at specific energy efficiency levels for that class. For each efficiency level, DOE considers how a given standard would likely affect the market shares of products with efficiencies greater than the standard.

DOE uses a spreadsheet model to calculate the energy savings and the national consumer costs and savings from each efficiency level. Interested parties can review DOE's analyses by changing various input quantities within the spreadsheet. The NIA spreadsheet model uses typical values (as opposed to probability distributions) as inputs. Critical inputs to this analysis include shipments projections, estimated product lifetimes, product installed costs and operating costs, product annual energy consumption, the no-new-standards case efficiency projection, and discount rates.

DOE estimates a combined total of 2.61 quads of site energy savings at the max- tech efficiency levels for consumer clothes dryers (Efficiency Level 6 for vented electric standard and compact units, Efficiency Level 4 for vented gas standard and compact units, and Efficiency Level 2 for ventless electric units). Combined site energy savings at Efficiency Level 1 for all product classes are estimated to be 0.48 quads. Therefore, DOE has determined the potential energy savings for consumer clothes dryers are more than the 0.3 quads of site energy threshold established by the Process Rule and are considered significant under EPCA. (42 U.S.C. 6295(o)(3)(B)) DOE seeks comment on the estimated combined total site energy savings, and the determination that the energy savings potential for consumer clothes dryers are more than the 0.3-quad threshold established by the Process Rule.

Chapter 10 of the preliminary TSD addresses the NIA.

IV. Public Participation

DOE invites public input in this process through participation in the webinar and submission of written comments and information. After the webinar and the closing of the comment period, DOE will consider all timely-submitted comments and additional information obtained from interested parties, as well as information obtained through further analyses. Following such consideration, the Department will publish either a proposed determination that the standards for consumer clothes dryers need not be amended or a proposed rule to amend the current standards. Members of the public would be given an opportunity to submit written and oral comments on either proposal.

A. Participation in the Webinar

The time and date of the webinar are listed in the **DATES** section at the beginning of this document. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's website at *https://cms.doe.gov/eere/buildings/public-meetings-and-comment-deadlines.* Participants are responsible for ensuring their systems are compatible with the webinar software.

DOE encourages those who wish to participate in the webinar to obtain the preliminary TSD from DOE's website and to be prepared to discuss its contents. Once again, a copy of the preliminary TSD is available at: *https://www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=50&action=viewlive.* However, webinar participants need not limit their comments to the topics identified in the preliminary TSD; DOE is also interested in receiving views concerning other relevant issues that participants believe would affect energy conservation standards for this product or that DOE should address in a NOPR should one be issued.

B. Procedure for Submitting Prepared General Statements for Distribution

Any person who has an interest in the topics addressed in this document, or who is representative of a group or class

[6] The NIA accounts for impacts in the 50 states and U.S. territories.

of persons that has an interest in these issues, may request an opportunity to make an oral presentation at the webinar. Such persons may submit such request to *ApplianceStandards Questions@ee.doe.gov.* Persons who wish to speak should include with their request a computer file in WordPerfect, Microsoft Word, PDF, or text (ASCII) file format that briefly describes the nature of their interest in this rulemaking and the topics they wish to discuss. Such persons should also provide a daytime telephone number where they can be reached.

Persons requesting to speak should briefly describe the nature of their interest in this rulemaking and provide a telephone number for contact. DOE requests persons selected to make an oral presentation to submit an advance copy of their statements at least two weeks before the webinar. At its discretion, DOE may permit persons who cannot supply an advance copy of their statement to participate, if those persons have made advance alternative arrangements with the Building Technologies Office. As necessary, requests to give an oral presentation should ask for such alternative arrangements.

C. Conduct of the Webinar

DOE will designate a DOE official to preside at the webinar/public meeting and may also use a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA. 42 U.S.C. 6306. A court reporter will be present to record the proceedings and prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the webinar. There shall not be discussion of proprietary information, costs or prices, market share, or other commercial matters regulated by U.S. anti-trust laws. After the webinar and until the end of the comment period, interested parties may submit further comments on the proceedings and any aspect of the rulemaking.

The webinar will be conducted in an informal, conference style. DOE will present summaries of comments received before the webinar, allow time for prepared general statements by participants, and encourage all interested parties to share their views on issues affecting this rulemaking. Each participant will be allowed to make a general statement (within time limits determined by DOE), before the discussion of specific topics. DOE will permit, as time permits, other participants to comment briefly on any general statements.

At the end of all prepared statements on a topic, DOE will permit participants to clarify their statements briefly. Participants should be prepared to answer questions by DOE and by other participants concerning these issues. DOE representatives may also ask questions of participants concerning other matters relevant to this rulemaking. The official conducting the webinar/public meeting will accept additional comments or questions from those attending, as time permits. The presiding official will announce any further procedural rules or modification of the above procedures that may be needed for the proper conduct of the webinar.

A transcript of the webinar will be included in the docket, which can be viewed as described in the *Docket* section at the beginning of this document. In addition, any person may buy a copy of the transcript from the transcribing reporter.

D. Submission of Comments

DOE will accept comments, data, and information regarding this preliminary analysis no later than the date provided in the **DATES** section at the beginning of this Notification of a webinar and availability of preliminary technical support document. Interested parties may submit comments using any of the methods described in the **ADDRESSES** section at the beginning of this document.

Submitting comments via *http://www.regulations.gov.* The *http://www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email. Comments and documents submitted via email also will be posted to *http://www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments

Include contact information each time you submit comments, data, documents, and other information to DOE. No telefacsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, that are written in English, and that are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names

compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: One copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

E. Issues on Which DOE Seeks Comment

DOE is interested in receiving comments from interested parties on all aspects of the preliminary TSD, especially comments or data that might improve DOE's analyses. DOE welcomes data or information that will help resolve the following specific issues, which were raised during preparation of the preliminary TSD.

1. Consumer Clothes Dryer Product Classes and Ventless Electric Standard Clothes Dryers

DOE requests comment on the current product classes for consumer clothes dryers. DOE also seeks feedback on current and projected shipments of ventless electric standard clothes dryers, which are not currently considered a separate product class as this configuration has only recently been introduced on the market.

2. Baseline Efficiency

To establish baseline efficiency levels for each of the product classes, DOE relied on test data using Appendix D2 from products in the DOE test sample. DOE seeks comment and additional test data from interested parties to characterize the baseline efficiency levels for each product class. In particular, DOE requests Appendix D2 test data disaggregated into standby mode/off mode and active mode energy use for each product class, as well as the type of automatic termination controls (*e.g.,* electronic versus electromechanical controls, temperature sensing versus moisture sensing, *etc.*).

3. Incremental Efficiency Levels

DOE developed efficiency levels based on its review of market data and product testing consistent with products available on the U.S. market. DOE requests comment from interested parties on whether these efficiency levels are appropriate for this analysis.

4. Standby Power

DOE measured a range of standby power among the consumer clothes dryers in its test sample. However, through testing and reverse-engineering, DOE did not identify any design options for improving efficiency in standby mode or off mode. All of the products in the DOE test sample that were equipped with electronic controls used switch-mode power supplies, as opposed to less efficient linear power supplies, and automatically powered down the display after a period of user inactivity. DOE seeks comment on whether there are any design options or control strategies available to reduce standby mode power consumption.

5. Design Options and Cost Estimates

As discussed further in chapters 3 through 5 of the preliminary TSD, DOE developed a preliminary list of technology options and design paths for improving consumer clothes dryer efficiency. DOE requests feedback on whether there are additional technologies available that may improve consumer clothes dryer performance. DOE also seeks comment on whether the manufacturer production costs at each efficiency level are appropriate given the associated incremental changes manufacturers would likely make to meet these levels.

6. Energy Use Analysis

DOE relied on usage information for consumer clothes dryers as determined from the Residential Energy Consumption Survey (''RECS'') 2015 to establish the annual number of cycles for consumer clothes dryers. DOE requests input on its proposed method for determining usage hours and energy use.

7. Maintenance and Repair Costs

DOE seeks input from interested parties on characterizing maintenance and repair costs for more-efficient consumer clothes dryers.

8. Efficiency Distribution of Consumer Clothes Dryers

DOE requests data from interested parties to characterize the current mix of consumer clothes dryer efficiencies in the market.

9. Historical Shipments of Consumer Clothes Dryers

DOE requests historical shipments data for consumer clothes dryers, disaggregated by product class. DOE also seeks historical shipments data showing percentage of shipments by efficiency level for as many product classes as possible.

10. Product Lifetime

As discussed in chapter 8 of the preliminary TSD, the 2014 issue of *Appliance* magazine provides estimates of 7, 15, and 11 years for electric clothes dryers and 7, 16, and 12 years for gas clothes dryers, as the respective low, high, and average lifetimes. These estimates represent the expert judgment of *Appliance* staff based on input obtained from various sources. Because the basis for the estimates in the magazine was uncertain, DOE developed a method using household survey data to estimate the distribution of consumer clothes dryer lifetimes in the field. RECS records the presence and age of various appliances in each household. Data from the U.S. Census's American Housing Survey (''AHS''), which surveys all housing, including vacant and second homes, enabled DOE to adjust the most recent RECS data to reflect the presence of appliances outside of primary residences. By combining the results of both surveys with the known history of appliance shipments, DOE estimated the percentage of appliances of a given age still in operation and developed the appliance survival function in the form of a cumulative Weibull distribution, providing an average and a median appliance lifetime. DOE's approach yields an average age of 14 years for both electric and gas clothes dryers, with a distribution ranging between 2 and 30 years with varying probability of survival.

DOE requests comment from interested parties on the appropriateness of the two sources (DOE's approach of using survey data and *Appliance* magazine) for the current analysis. In the case of *Appliance* magazine's estimates, DOE welcomes any supporting evidence or data from stakeholders that corroborates the magazine's estimate.

11. National Impact Analysis

DOE seeks comment on the estimated combined total site energy savings, and the determination that the energy savings potential for consumer clothes dryers are more than the 0.3-quad threshold established by the Process Rule.

12. Manufacturer Subgroups

DOE seeks comment on any other potential manufacturer subgroups, besides small business manufacturers, that could be disproportionally affected by potential amended energy conservation standards for consumer clothes dryers.

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notification of a webinar and availability of preliminary technical support document.

Signing Authority

This document of the Department of Energy was signed on April 11, 2021, by Kelly Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is 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 April 13, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–07823 Filed 4–16–21; 8:45 am]

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BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1006

[Docket No. CFPB–2021–0007]

RIN 3170–AA41

Debt Collection Practices (Regulation F); Delay of Effective Date

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Proposed rule; request for public comment.

SUMMARY: In 2020, the Bureau of Consumer Financial Protection (Bureau) finalized two rules titled Debt Collection Practices (Regulation F). The rules revise Regulation F, which implements the Fair Debt Collection Practices Act (FDCPA). Both final rules have an effective date of November 30, 2021. The Bureau is proposing to extend that effective date by 60 days, until January 29, 2022.

DATES: Comments must be received on or before May 19, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2021–0007 or RIN 3170–AA41, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: 2021-NPRM-DCEffectiveDate@cfpb.gov.* Include Docket No. CFPB–2021–0007 or RIN 3170–AA41 in the subject line of the message.
- *Mail/Hand Delivery/Courier:* Comment Intake—Debt Collection Effective Date, Bureau of Consumer Financial Protection, 1700 G Street NW, Washington, DC 20552.

Instructions: The Bureau encourages the early submission of comments. All submissions should include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. Because paper mail in the Washington, DC, area and at the Bureau is subject to delay, and in light of difficulties associated with mail and hand deliveries during the COVID–19 pandemic, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *https://www.regulations.gov.* In addition, once the Bureau's headquarters reopens, comments will be available for public inspection and copying at 1700 G Street NW, Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning 202–435–7275.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Proprietary information or sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Comments will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Seth Caffrey, Courtney Jean, or Kristin McPartland, Senior Counsels, Office of Regulations, at 202–435–7700. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of the Proposed Rule

In October and December 2020, the Bureau released final rules to revise Regulation F, 12 CFR part 1006, which implements the FDCPA (together, the Debt Collection Final Rules). The Debt Collection Final Rules prescribe Federal rules governing the activities of debt collectors, as that term is defined in the FDCPA, and have an effective date of November 30, 2021.[1] In light of the ongoing societal disruption caused by the global COVID–19 pandemic, the Bureau is proposing to extend that effective date. To afford stakeholders additional time to review and, if applicable, to implement the Debt Collection Final Rules, the Bureau is proposing to extend the effective date by 60 days, to January 29, 2022. This proposal requests comment on whether the Bureau should extend the effective date of the Debt Collection Final Rules, and if so, whether 60 days is an appropriate length of time for such an extension.

II. Background

A. The Debt Collection Final Rules

The first debt collection final rule, released on October 30, 2020, addresses, among other topics, communications in connection with debt collection and prohibitions on harassment or abuse, false or misleading representations, and unfair practices in debt collection. The first final rule also addresses the use of newer communication technologies in debt collection and establishes record retention requirements.

The second debt collection final rule, released on December 18, 2020, focuses on debt collection disclosures and addresses, among other topics, the information that debt collectors must provide consumers at the outset of collections communications. The second final rule also prohibits debt collectors from bringing or threatening to bring a legal action against a consumer to collect a time-barred debt and prohibits debt collectors from furnishing information about a debt to a consumer reporting agency before the debt collector takes certain actions to contact the consumer about the debt.

B. Proposed Effective Date

The Debt Collection Final Rules have an effective date of November 30, 2021, or one year after the first debt collection final rule was published in the **Federal Register**. In finalizing that effective date for both final rules, the Bureau concluded that all stakeholders would

[1] 85 FR 76734 (Nov. 30, 2020); 86 FR 5766 (Jan. 19, 2021).

benefit if both rules had the same effective date, and the Bureau determined that a one-year period from the publication date of the first final rule would provide debt collectors sufficient time to implement the provisions of both rules.[2]

Since the Debt Collection Final Rules were published, the global COVID–19 pandemic has continued to cause widespread societal disruption, with effects extending into 2021. In light of that disruption, the Bureau believes that providing additional time for stakeholders to review and, if applicable, to implement the final rules may be warranted. The Bureau believes that extending the rules' effective date by 60 days, to January 29, 2022, may provide stakeholders with sufficient time for review and implementation. The Bureau requests comment on whether to extend the final rules' effective date and, if so, whether 60 days is the appropriate amount of time for an extension.

As noted in the Debt Collection Final Rules, debt collectors could choose to comply with the rules' requirements and prohibitions before the effective date. Until the effective date, however, the FDCPA and other applicable law would continue to govern the conduct of FDCPA debt collectors. Similarly, to the extent that the Debt Collection Final Rules establish a safe harbor from liability for certain conduct, or a presumption that certain conduct complies with or violates the rules, those safe harbors and presumptions will not take effect until the effective date. The Bureau requests comment on whether it would facilitate implementation to retain the November 30, 2021 effective date for some or all of the safe harbors identified in the Debt Collection Final Rules. The Bureau requests comment on, for example, the costs and benefits of permitting debt collectors to obtain a safe harbor for using the Bureau's model validation notice [3] as of November 30, 2021, even if the Debt Collection Final Rules do not otherwise take effect until January 29, 2022.

III. Legal Authority

To extend the effective date of the Debt Collection Final Rules, the Bureau is proposing to exercise its rulemaking authority pursuant to FDCPA section 814(d) and Dodd-Frank Act sections 1022(b)(1) and 1032(a).

The legal authority for the Debt Collection Final Rules is described in detail in those final rules.[4] As amended by the Dodd-Frank Act, FDCPA section 814(d) authorizes the Bureau to ''prescribe rules with respect to the collection of debts by debt collectors,'' as defined in the FDCPA.[5] Section 1032(a) of the Dodd-Frank Act provides that the Bureau may prescribe rules to ensure that the features of any consumer financial product or service, both initially and over the term of the product or service, are fully, accurately, and effectively disclosed to consumers in a manner that permits consumers to understand the costs, benefits, and risks associated with the product or service, in light of the facts and circumstances.[6] Additionally, under Dodd-Frank Act section 1022(b)(1), the Bureau has general authority to prescribe rules as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of the Federal consumer financial laws, and to prevent evasions thereof.[7] The FDCPA and title X of the Dodd-Frank Act are Federal consumer financial laws.[8] Accordingly, in proposing this rule, the Bureau is exercising its authority under Dodd-Frank Act section 1022(b) [9] to prescribe rules under the FDCPA and title X of the Dodd-Frank Act that carry out the purposes and objectives and prevent evasion of those laws. Section 1022(b)(2) of the Dodd-Frank Act [10] prescribes certain standards for rulemaking that the Bureau must follow in exercising its authority under section 1022(b)(1).

IV. Dodd-Frank Act Section 1022(b) Analysis

In developing the proposed rule, the Bureau has considered the potential benefits, costs and impacts required by section 1022(b)(2) of the Dodd-Frank Act. Specifically, section 1022(b)(2) calls for the Bureau to consider the potential benefits and costs of a regulation to consumers and covered persons, including the potential reduction of consumer access to consumer financial products or services, the impact on depository institutions and credit unions with $10 billion or less in total assets as described in section 1026 of the Dodd-Frank Act, and the impact on consumers in rural areas. In addition, Dodd-Frank Act section 1022(b)(2)(B) [11] directs the Bureau to consult, before and during the rulemaking, with appropriate prudential regulators or other Federal agencies, regarding consistency with the objectives those agencies administer. In developing the proposed rule, the Bureau has consulted, or offered to consult with, the appropriate prudential regulators and other Federal agencies, including regarding consistency with any prudential, market, or systemic objectives administered by such agencies.

The Bureau previously considered the costs, benefits, and impacts of the Debt Collection Final Rules' major provisions.[12] Compared to the baseline established by the rules,[13] the proposed extension of the rules' effective date would generally benefit covered persons by facilitating initial compliance with the rules' requirements and delaying the start of ongoing compliance costs. Because covered persons retain the option of complying with the rules before the effective date, any extension should not increase costs to covered persons because they retain the option of complying by the original effective date. The Bureau believes that extending the effective date may also delay consumers' realization of benefits arising from the protections provided by the rules, although given the short length of the delay, any overall reduction in benefits should be small. In addition, the Bureau does not expect the proposed rule to have a differential impact on depository institutions and credit unions with $10 billion or less in total assets as described in section 1026 of the Dodd-Frank Act or on consumers in rural areas. The Bureau does not believe that the proposed effective date extension would reduce consumer access to consumer financial products and services, as the evidence discussed in the Debt Collection Final Rules indicates that the rules themselves will have limited negative impact on access to credit.[14]

The Bureau requests comment on this discussion as well as submission of additional information that could inform the Bureau's consideration of the potential benefits, costs, and impacts of this proposed rule.

[2] 85 FR 76734, 76863 (Nov. 30, 2020); 86 FR 5766, 5838 (Jan. 19, 2021).

[3] 86 FR 5766, 5857 (Jan. 19, 2021).

[4] 85 FR 76734, 76739–41 (Nov. 30, 2020); 86 FR 5766, 5770–71 (Jan. 19, 2021).

[5] 15 U.S.C. 1692*l*(d).

[6] 12 U.S.C. 5532(a).

[7] 12 U.S.C. 5512(b)(1).

[8] 12 U.S.C. 5481(14).

[9] 12 U.S.C. 5512(b).

[10] 12 U.S.C. 5512(b)(2).

[11] 12 U.S.C. 5512(b)(2)(B).

[12] 81 FR 83934, 84269 (Nov. 22, 2016).

[13] The Bureau has discretion in any rulemaking to choose an appropriate scope of analysis with respect to potential benefits, costs, and impacts and an appropriate baseline.

[14] *See* 85 FR 76734, 76879–81 (Nov. 30, 2020); 86 FR 5766, 5849 (Jan. 19, 2021).

V. Initial Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (RFA),[15] as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,[16] requires each agency to consider the potential impact of its regulations on small entities, including small businesses, small governmental units, and small not-for-profit organizations. The RFA defines a ''small business'' as a business that meets the size standard developed by the Small Business Administration pursuant to the Small Business Act.[17]

The RFA generally requires an agency to conduct an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) of any rule subject to notice-and-comment rulemaking requirements, unless the agency certifies that the rule would not have a significant economic impact on a substantial number of small entities.[18] The Bureau also is subject to certain additional procedures under the RFA involving the convening of a panel to consult with small business representatives prior to proposing a rule for which an IRFA is required.[19]

An IRFA is not required for this proposed rule because the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. As discussed in part II, because covered persons would retain the option of complying by the Debt Collection Final Rules' original November 30, 2021 effective date, any extension of the effective date would not increase costs to covered persons. Thus, the Bureau anticipates that the proposed rule would only reduce burden on small entities relative to the baseline.

Accordingly, the Acting Director certifies that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The Bureau requests comment on its analysis of the impact of the proposed rule on small entities and requests any relevant data.

VI. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA),[20] Federal agencies are generally required to seek, prior to implementation, approval from the Office of Management and Budget (OMB) for information collection requirements. The collections of information related to the Debt Collection Final Rules is under review by OMB in accordance with the PRA and under OMB Control Number 3170–0056. Under the PRA, the Bureau may not conduct or sponsor, and, notwithstanding any other provision of law, a person is not required to respond to, an information collection unless the information collection displays a valid control number assigned by OMB.

The Bureau has determined that this proposed rule would not have any new or revised information collection requirements (recordkeeping, reporting, or disclosure requirements) on covered entities or members of the public that would constitute collections of information requiring OMB approval under the PRA. The Bureau welcomes comments on these determinations or any other aspect of the proposal for purposes of the PRA.

VII. Signing Authority

The Acting Director of the Bureau, David Uejio, having reviewed and approved this document, is delegating the authority to electronically sign this document to Grace Feola, a Bureau Federal Register Liaison, for purposes of publication in the **Federal Register**.

Dated: April 7, 2021.

Grace Feola,

Federal Register Liaison, Bureau of Consumer Financial Protection.

[FR Doc. 2021–07505 Filed 4–16–21; 8:45 am]

BILLING CODE 4810–AM–P

[15] 5 U.S.C. 601 *et seq.*

[16] Public Law 104–121, tit. II, 110 Stat. 857 (1996).

[17] 5 U.S.C. 601(3) (the Bureau may establish an alternative definition after consultation with the Small Business Administration and an opportunity for public comment).

[18] 5 U.S.C. 603–605.

[19] 5 U.S.C. 609.

[20] 44 U.S.C. 3501 *et seq.*

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0302; Project Identifier MCAI–2020–01596–R]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Leonardo S.p.a. Model AW189 helicopters. This proposed AD was prompted by the identification of misleading information in the emergency procedure for the ''1(2) FUEL LOW'' caution message. This proposed AD would require revising the existing Rotorcraft Flight Manual (RFM) for your helicopter. 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 June 3, 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 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, 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 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 at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0302; 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, the European Union Aviation Safety Agency (EASA) AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Mitch Soth, Flight Test Engineer, Southwest Section, Flight Test Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *mitch.soth@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–2021–0302; Project Identifier MCAI–2020–01596–R'' 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 this 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 received about this NPRM.

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 Mitch Soth, Flight Test Engineer, Southwest Section, Flight Test Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *mitch.soth@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0136, dated June 11, 2019 (EASA AD 2019–0136), to correct an unsafe condition for Leonardo S.p.A. (formerly Finmeccanica Helicopter Division, AgustaWestland) Model AW189 helicopters. EASA advises of the identification of misleading information in the AW189 RFM Emergency procedure associated with the ''1(2) FUEL LOW'' caution message. In particular, the procedure at issue instructs the pilot to land as soon as practicable within 20 minutes. However, this remaining flight time is guaranteed only if a constant torque value of 50% is maintained. The correct time limit depends on the fuel consumption at different engine power settings. Accordingly, EASA AD 2019–0136 requires amending section 3 of the AW189 RFM, ''Emergency and malfunction procedures,'' informing all flight crews, and thereafter, operating the helicopter accordingly. This condition, if not addressed, could result in the wrong estimation of the remaining flight time in a low fuel condition, possibly resulting in an uncommanded engine in-flight shut-down and forced landing, with consequent damage to the helicopter or injury to occupants.

EASA initially issued EASA AD 2019–0103, dated May 9, 2019 (EASA AD 2019–0103), to address this unsafe condition. EASA issued EASA AD 2019–0136 to supersede EASA AD 2019–0103 to require using the corrected amendment of the AW189 RFM.

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 about the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that the unsafe condition described previously is likely to exist or develop on other helicopters of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed AW189—RFM, Document No. 189G0290X002, Record of Temporary Revisions, TR No. 3–1, Revision A, dated May 24, 2019 (TR 3–1 Rev A). TR 3–1 Rev A specifies remaining flight times (minutes) based on TQ value (%) if the XFEED is closed or if the XFEED is open with both fuel pumps ON. TR 3–1 Rev A also specifies that the remaining flight times (minutes) are further reduced if the XFEED is open, both fuel pumps are ON and one tank has emptied, and the 2 engines are supplied from the remaining tank.

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.

Proposed AD Requirements in This NPRM

This proposed AD would require revising page 3–118 of Section 3, Emergency and Malfunction, of the existing RFM for your helicopter to add remaining flight times (minutes) based on TQ value (%) and conditions that further reduce the remaining flight times.

Differences Between This Proposed AD and the EASA AD

EASA AD 2019–0136 requires revising the existing RFM for your helicopter within 14 days, whereas this proposed AD would require that action within 14 hours time-in-service after the effective date of this AD instead. EASA AD 2019–0136 requires removing the RFM changes previously required by EASA AD 2019–0103, whereas this proposed AD would not.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 4 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Revising the existing RFM for your helicopter would take about 0.25 work-hour for an estimated cost of $21 per helicopter and $84 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 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, I certify this 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 adding the following new airworthiness directive:

Leonardo S.p.a.: Docket No. FAA–2021–0302; Project Identifier MCAI–2020–01596–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 3, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AW189 helicopters, certificated in any category.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 7300, Engine fuel and control.

(e) Unsafe Condition

This AD was prompted by the identification of misleading information in the emergency procedure for the ''1(2) FUEL LOW'' caution message. The FAA is issuing this AD to prevent the wrong estimation of the remaining flight time in a low fuel condition. The unsafe condition, if not addressed, could result in an uncommanded engine in-flight shut-down and forced landing, with subsequent damage to the helicopter or injury to the occupants.

(f) Compliance

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

(g) Required Actions

Within 14 hours time-in-service after the effective date of this AD, revise page 3–118 of Section 3, Emergency and Malfunction Procedures, of the existing Rotorcraft Flight Manual for your helicopter by adding AW189—RFM, Document No. 189G0290X002, Record of Temporary Revisions, TR No. 3–1, Revision A, dated May 24, 2019 (TR 3–1 Rev A). Using a different document with information identical to the information in page 3–118 of TR 3–1 Rev A is acceptable for compliance with the requirement of this paragraph. This action may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with § 43.9(a)(1) through (4) and § 91.417(a)(2)(v). The record must be maintained as required by § 91.417, § 121.380, or § 135.439.

(h) Special Flight Permits

Special flight permits are prohibited.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation 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 International Validation Branch, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@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

(1) For more information about this AD, contact Mitch Soth, Flight Test Engineer, Southwest Section, Flight Test Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *mitch.soth@faa.gov.*

(2) 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 this referenced 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.

(3) The subject of this AD is addressed in European Union Aviation Safety Agency (EASA) AD 2019–0136, dated June 11, 2019. You may view the EASA AD on the internet at *https://www.regulations.gov* in Docket No. FAA–2021–0302.

Issued on April 9, 2021.

Ross Landes,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–07802 Filed 4–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0304; Project Identifier 2017–SW–108–AD]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. (Type Certificates Previously Held by Agusta S.p.A. and AgustaWestland S.p.A.) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for Leonardo S.p.a. (Type Certificate previously held by Agusta S.p.A.) Model AB139 and AW139 helicopters and Leonardo S.p.a. (Type Certificate previously held by AgustaWestland S.p.A.) Model AW189 helicopters. This proposed AD was prompted by reports of missing lock wire and loose fasteners. This proposed AD would require a one-time inspection of the main rotor (M/R) slip ring and depending on the outcome, removing the M/R slip ring from service, removing screws and washers from service, applying torque, installing lock wire, and re-identifying the M/R slip ring. This proposed AD would also prohibit the installation of certain M/R slip rings. 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 June 3, 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 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For Leonardo Helicopters and Moog service information identified in this NPRM, 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 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 at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0304; 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, the European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) ADs, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Steven Warwick, Aerospace Engineer, Certification Section, Fort Worth ACO Branch, Compliance & Airworthiness Division, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5225; email *steven.r.warwick@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–2021–0304; Project Identifier 2017–SW–108–AD'' 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 this 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 received about this NPRM.

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 Steven Warwick, Aerospace Engineer, Certification Section, Fort Worth ACO Branch, Compliance & Airworthiness Division, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5225; email *steven.r.warwick@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0083, dated May 10, 2017 (EASA AD 2017–0083), to correct an unsafe condition for Leonardo S.p.A. (formerly Finmeccanica S.p.A, AgustaWestland S.p.A., Agusta S.p.A), AgustaWestland Philadelphia Corporation (formerly Agusta Aerospace Corporation) Model AB139 and AW139 helicopters, and EASA AD 2017–0087, dated May 12, 2017 (EASA AD 2017–0087), to correct the same unsafe condition for Leonardo S.p.A. Helicopters (formerly Finmeccanica S.p.A, AgustaWestland S.p.A.) Model AW189 helicopters. EASA advises of reports of missing lock wire and loose fasteners found during inspections of the M/R slip ring of Model AW139 helicopters. EASA also advises that the same part-numbered M/R slip ring may also be installed on Model AW189 helicopters. Model AB139 helicopters may also be affected by this unsafe condition due to having the same type design as Model AW139 helicopters. EASA ADs 2017–0083 and 2017–0087 require a one-time visual inspection of the M/R slip ring fastener installation, and depending on the outcome, replacing the M/R slip ring, replacing fasteners, applying torque, installing lock wire, and re-identifying the M/R slip ring. EASA ADs 2017–0083 and 2017–0087 also prohibit installation of an affected M/R slip ring. EASA states, this condition, if not detected and corrected, could lead to failure of the M/R slip ring bearing inner race, possibly resulting in damage to drive system components and subsequent reduced control of the helicopter.

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 ADs. The FAA is proposing this AD after evaluating all known relevant information and determining that an unsafe condition is likely to exist or develop on other products of the same type designs.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Leonardo Helicopters Alert Service Bulletin (ASB) No. 139–472, dated May 9, 2017 (ASB 139–472), for Model AB139 and AW139 helicopters, and Leonardo Helicopters ASB No. 189–138, dated May 12, 2017 (ASB 189–138), for Model AW189 helicopters. ASB 139–472 and ASB 189–138 specify inspecting the M/R slip ring by following the procedures in Moog Service Bulletin No. SB 16–01, Revision 5, undated (SB 16–01), which is attached as Annex A to both ASB 139–472 and ASB 189–138. ASB 139–472 and ASB 189–138 are proposed for incorporation by reference in this proposed AD. SB 16–01 is not proposed for incorporation by reference in this proposed AD.

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 SB 16–01, which specifies procedures to visually inspect the M/R slip ring upper (connecter) end and lower (pigtail or standpipe) end fastener screws and double-twist lock wire.

Proposed AD Requirements in This NPRM

This proposed AD would require, with the M/R slip ring removed, inspecting each screw and double-twist lock wire of the upper (connecter) end and lower (pigtail or standpipe) end

fasteners of the M/R slip ring. Depending on the outcome, this proposed AD would require:

- Marking the M/R slip ring;
- Removing the M/R slip ring from service; or
- Removing screws and washers, lock wire, and ferrule ended safety cable from service; installing new screws and washers; applying torque; installing double-twist lock wire; and marking the M/R slip ring.

This proposed AD would also prohibit the installation of an affected M/R slip ring unless the proposed requirements have been completed.

Differences Between This Proposed AD and the EASA ADs

EASA ADs 2017–0083 and 2017–0087 include the compliance time of at the next M/R slip ring removal, whereas this proposed AD does not because it could be difficult to track. This proposed AD has a shorter compliance time for all affected M/R slip rings that have accumulated 900 or more total hours time-in-service, whereas EASA AD 2017–0087 allows a longer compliance time for these affected M/R slip rings that are installed on Model AW189 helicopters. EASA ADs 2017–0083 and 2017–0087 specify inspecting for the proper lock wire installed, while this proposed AD specifies inspecting for correct installation of lock wire 0.20 CRES NAS 33540 part number MS20995C20 (double-twist lock wire) and any missing double-twist lock wire. If a screw is missing from the inner diameter (the connector flange) of the upper end of the M/R slip ring, EASA ADs 2017–0083 and 2017–0087 specify replacing the M/R slip ring with a serviceable part, whereas this proposed AD would require removing the M/R slip ring from service instead. If a screw is missing from the outer diameter of the upper end, from the inner diameter of the lower end (shaft extension attachment area), or from the outer diameter of the lower end, this proposed AD would require installing a new screw and washer, applying torque, and installing lock wire, whereas corrective action for this condition is not specified in EASA AD 2017–0083 or 2017–0087.

Costs of Compliance

The FAA estimates that this proposed AD affects 134 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this proposed AD. Labor costs are estimated at $85 per work-hour.

Inspecting an M/R slip ring would take about 10 work-hours for an estimated cost of $850 per helicopter and $113,900 for the U.S. fleet. Marking an M/R slip ring would take a minimal amount of time and parts would cost a nominal amount. Replacing an M/R slip ring would take about 3 work-hours and parts would cost about $65,000 for an estimated cost of $65,255 per helicopter. Removing any ferrule ended safety cable; replacing screws and washers; applying torque; and installing lock wire would take about 1 work-hour and parts would cost a nominal amount for an estimated cost of $85 per helicopter.

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, I certify this 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 adding the following new airworthiness directive:

Leonardo S.p.a. (Type Certificates Previously Held by Agusta S.p.A. and AgustaWestland S.p.A.): Docket No. FAA–2021–0304; Project Identifier 2017–SW–108–AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 3, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. (Type Certificate previously held by Agusta S.p.A.) Model AB139 and AW139 helicopters and Leonardo S.p.a. (Type Certificate previously held by AgustaWestland S.p.A.) Model AW189 helicopters, certificated in any category, with a main rotor (M/R) slip ring part number (P/N) 4G6220V00151 with a serial (S/N) number up to and including S/N 0141, except those marked with an ''L'' following the S/N, installed.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of missing lock wire and loose fasteners. The FAA is issuing this AD to address failure of an M/R slip ring fastener. The unsafe condition, if not addressed, could result in failure of the M/R slip ring bearing inner race, reduced M/R control, and subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) For an M/R slip ring that has accumulated 900 or more total hours time-in-service (TIS), within 50 hours TIS after the effective date of this AD; and for an M/R slip ring that has accumulated less than 900 total hours TIS, within 300 hours TIS after the effective date of this AD or before accumulating 950 total hours TIS, whichever occurs first:

(i) With the M/R slip ring removed, visually inspect for the presence of each screw, the presence of any ferrule ended

safety cable, the correct installation of lock wire 0.20 CRES NAS 33540 P/N MS20995C20 (double-twist lock wire), and any missing double-twist lock wire for each set of upper (connecter) end and lower (pigtail or standpipe) end fasteners of the M/R slip ring as depicted in Figures 1 and 2 of Annex A to Leonardo Helicopters Alert Service Bulletin (ASB) No. 139–472, dated May 9, 2017 (ASB 139–472), or Leonardo Helicopters ASB No. 189–138, dated May 12, 2017 (ASB 189–138), as applicable to your model helicopter. Figures 2 and 3 of Annex A to ASB 139–472 and ASB 189–138 also show examples of a ferrule ended safety cable installed that are not approved.

Note 1 to paragraph (g)(1)(i): Annex A to ASB 139–472 and ASB 189–138 is Moog Service Bulletin No. SB 16–01, Revision 5, undated.

(ii) If all of the screws are present, there is not any ferrule ended safety cable installed, the double-twist lock wire is correctly installed, and none of the double-twist lock wire is missing on each set of upper end and lower end fasteners of the M/R slip ring, before further flight, mark the letter ''L'' following the S/N on the identification label by following the Compliance Instructions, paragraph 3) of Annex A to ASB 139–472 or ASB 189–138, as applicable to your model helicopter.

(iii) If a screw is missing from the inner diameter (the connector flange) of the upper end of the M/R slip ring, before further flight, remove the M/R slip ring from service.

(iv) If a screw is missing from the outer diameter of the upper end, from the inner diameter of the lower end (shaft extension attachment area), or from the outer diameter of the lower end, before further flight, install a new screw and washer, apply a torque to 1–1.25 Nm, and install double-twist lock wire by following the Compliance Instructions, paragraphs 9)a) through g) of Annex A to ASB 139–472 or ASB 189–138, as applicable to your model helicopter.

(v) If any double-twist lock wire is not correctly installed, is missing, or if there is a ferrule ended safety cable installed on any set of upper end or lower end fasters of the M/R slip ring, before further flight, remove the incorrectly installed lock wire or ferrule ended safety cable from service, as applicable, and inspect the fastener torque by applying 1–1.25 Nm of torque.

(A) If the torque of a screw installed in the inner diameter (the connector flange) of the upper end of the M/R slip ring is below 1 Nm of torque, do not remove or replace the screw, before further flight, apply a torque of 1–1.25 Nm.

(B) If the torque of a screw installed in the outer diameter of the upper end, in the inner diameter of the lower end (shaft extension attachment area), or in the outer diameter of the lower end is below 1 Nm of torque, before further flight, remove the affected screw and washer from service, install a new screw and washer, and apply a torque of 1–1.25 Nm.

(C) Install double-twist lock wire by following the Compliance Instructions, paragraphs 9)a) through g) of Annex A to ASB 139–472 or ASB 189–138, as applicable to your model helicopter.

(vi) Mark the letter ''L'' following the S/N on the identification label by following the Compliance Instructions, paragraph 3) of Annex A to ASB 139–472 or ASB 189–138, as applicable to your model helicopter.

(2) As of the effective date of this AD, do not install an M/R slip ring identified in paragraph (c) of this AD unless the requirements of paragraph (g)(1) have been accomplished.

(h) Special Flight Permits

Special flight permits are prohibited.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation 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 International Validation Branch, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@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

(1) For more information about this AD, contact Steven Warwick, Aerospace Engineer, Certification Section, Fort Worth ACO Branch, Compliance & Airworthiness Division, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5225; email *steven.r.warwick@faa.gov.*

(2) Moog Service Bulletin No. SB 16–01, Revision 5, undated, is attached as Annex A to both ASB 139–472 and ASB 189–138. For Leonardo Helicopters and Moog 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. For information on the availability of this material at the FAA, call (817) 222–5110.

(3) The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2017–0083, dated May 10, 2017, and EASA AD 2017–0087, dated May 12, 2017. You may view the EASA ADs on the internet at *https://www.regulations.gov* in the AD Docket.

Issued on April 8, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–07666 Filed 4–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0308; Project Identifier MCAI–2020–00594–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH (AHD) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Helicopters Deutschland GmbH (AHD) Model BO–105A, BO–105C, BO–105S, and BO–105LS A–3 helicopters equipped with a certain hoist system. This AD was prompted by an uncommanded activation of the hoist cable cutter function on an MBB–BK117 C–1 helicopter, which prompted a design review of the BO105 hoist control grip with coiled cable. This proposed AD would require inspections of the hoist control grip with coiled cable and deactivation of the hoist cuter function, as specified in a European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, which is proposed for incorporation by reference (IBR). 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 June 3, 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 material that is proposed for 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–2021–0308.

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–2021–0308; 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. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Blaine Williams, Aerospace Engineer, Cabin Safety & Environmental Systems Section, Los Angeles ACO Branch, Compliance & Airworthiness Division, 3960 Paramount Blvd., Lakewood, CA 90712; telephone (562) 627–5371; email *blaine.williams@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–2021–0308; Project Identifier MCAI–2020–00594–R'' 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 this 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 received about this proposal.

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 Blaine Williams, Aerospace Engineer, Cabin Safety & Environmental Systems Section, Los Angeles ACO Branch, Compliance & Airworthiness Division, 3960 Paramount Blvd., Lakewood, CA 90712; telephone (562) 627–5371; email *blaine.williams@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2015–0017, dated February 4, 2015 (EASA AD 2015–0017) to correct an unsafe condition for all Airbus Helicopters Deutschland GmbH Model BO105 A, BO105 C, BO105 D, BO105 S and BO105 LS A–3 helicopters.

This proposed AD was prompted by uncommanded activation of the hoist cable cutter function on an MBB–BK117 C–1 helicopter which prompted a design review of the BO105 hoist control grip with coiled cable. It was determined that mechanical damage in the harness of the control grip could cause an uncommanded deployment of the cable cutter function. The FAA is proposing this AD to prevent uncommanded cutting of the hoist cable and subsequent injury to persons being lifted by the hoist and injury to persons on the ground. See the EASA AD for additional background information.

Related Service Information Under 1 CFR Part 51

For Model BO105 C, BO105 D, BO105 S and BO105 LS A–3 helicopters, EASA AD 2015–0017 specifies to perform an initial and recurring inspections of the hoist control grip with coiled cable of the hoist and depending on the results, replacing the hoist control grip with coiled cable with a serviceable part. EASA also specifies to replace any hoist control grip with coiled cable that has exceeded 10 years since first installation or since last overhaul and to deactivate the cable cutter function in accordance with referenced service information.

EASA AD 2015–0017 also specifies to not operate the hoist on any of the model BO105 A, BO105 D, variant BO105 D, and BO105 DS helicopters. For most BO105 model helicopters, except for BO105 D, variant BO105 D, and BO105 DS model helicopters, EASA specifies to amend the helicopter flight manual (FM) to incorporate the temporary revision as specified in Table 1 of the EASA AD.

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.

FAA's Determination and Requirements of This Proposed AD

These products have been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the EASA AD referenced above. The FAA is proposing this AD after evaluating all the relevant information and determining the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in EASA AD 2015–0017, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under ''Differences Between this Proposed AD and the EASA AD.'' Additionally, the owner/operator (pilot) may perform the required visual checks but must enter compliance with the applicable paragraph of this AD in the helicopter maintenance records in accordance with 14 CFR 43.9(a)(1) through (4) and 91.417(a)(2)(v). A pilot may perform these checks because they only involve visually checking affected control grips with coiled cable. This action can be performed equally well by a pilot or a mechanic. This check is an exception to the FAA's standard maintenance regulations.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary

source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2015–0017 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2015–0017 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2015–0017 that is required for compliance with EASA AD 2015–0017 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0308 after the FAA final rule is published.

Differences Between This Proposed AD and the EASA AD

Where EASA AD 2015–0017 refers to its effective date, this proposed AD requires using the effective date of the FAA AD. Where EASA AD 2015–0017 specifies this unsafe condition for Airbus Helicopters Deutschland GmbH Model BO105 A, BO105 C, BO105 D, BO105 S and BO105 LS A–3 helicopters, this proposed AD will not include Model BO–105 D helicopters, because this model is not FAA type-certificated. Where EASA AD 2015–0017 specifies replacing an affected part, this proposed AD requires removing the part from service. Where the service information referenced in the EASA AD refers to calendar time for certain actions, this proposed AD uses hours time-in-service instead. The EASA AD allows a tolerance to certain compliance times, whereas this proposed AD does not. The EASA AD requires using service information to accomplish the preflight checks of the control grip with coil cable, whereas this proposed AD would require visually checking the condition of the control grip and coiled cable for mechanical damage including deformed or damaged switches, damaged housing, abrasion, cracks, and cuts instead.

Interim Action

The FAA considers this proposed 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 20 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 proposed AD.

Inspecting the hoist control grip with coiled cable would take up to one quarter work-hour(s) for an estimated cost of $21 per helicopter and $420 for the U.S. fleet, per inspection cycle.

Replacing the hoist control grip would take about 1 work-hour and parts cost $1,956 for an estimated cost of $2,041 per helicopter.

Replacing the coiled cable would take about 2 work-hours and parts cost $1,858 for an estimated cost of $2,028 per helicopter.

Deactivation of the cable cutter function would take about 1 work hour and parts would cost about $26 for an estimated cost $111 per hoist control grip.

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 this proposed regulation:

(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.

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 adding the following new airworthiness directive:

Airbus Helicopters Deutschland GmbH (AHD): Docket No. FAA–2021–0308; Project Identifier MCAI–2020–00594–R.

(a) Comments Due Date

The FAA must receive comments by June 3, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to Airbus Helicopters Deutschland GmbH (AHD) Model BO–105A, BO–105C, BO–105S, and BO–105LS A–3 helicopters, certificated in any category, as identified in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2015–0017 dated February 4, 2015 (EASA AD 2015–0017).

(d) Subject

Joint Aircraft System Component (JASC) Code: 2500, Cabin Equipment/Furnishings.

(e) Reason

This AD was prompted by uncommanded activation of the hoist cable cutter function on an MBB–BK117 C–1 helicopter which prompted a design review of the BO105 hoist control grip with coiled cable. The FAA is issuing this AD to prevent uncommanded cutting of the hoist cable and subsequent injury to persons being lifted by the hoist and injury to persons on the ground.

(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, EASA AD 2015–0017.

(h) Exceptions to EASA AD 2015–0017

(1) Where EASA AD 2015–0017 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Note 1 of EASA AD 2015–0017 specifies a non-cumulative compliance time tolerance of 10% for certain required compliance times, this AD does not allow this tolerance.

(3) Where paragraph (1) of EASA AD 2015–0017 specifies a compliance time of ''not to exceed 30 days'', this AD requires a compliance time of within 13 hours time-in-service.

(4) Where paragraph (4) of EASA AD 2015–0017 specifies a compliance time of ''within 9 months'', this AD requires a compliance time of within 108 hours time-in-service.

(5) Where paragraph (5) of EASA AD 2015–0017 specifies a compliance time of ''within 3 months'', this AD requires a compliance time of within 36 hours time-in-service.

(6) Where paragraph (3) of EASA AD 2015–0017 specifies replacing a part with a serviceable part, this AD requires removing the part from service.

(7) Where the service information referenced in EASA AD 2015–0017 specifies to use tooling, equivalent tooling may be used.

(8) Where the service information referenced in paragraph (2) of EASA AD 2015–0017 specifies a visual check of the control grip coiled cable, this AD requires, before next flight after the effective date of this AD involving a hoist operation, visually checking the control grip with coiled cable for mechanical damage including deformed or damaged switches, damaged housing, abrasion, cracks, and cuts. These visual checks may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9(a)(1) through (4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(9) Where EASA AD 2015–0017 refers to November 10, 2014, the effective date of EASA AD 2014–0235, this AD requires using the effective date of this AD.

(10) The ''Remarks'' section of EASA AD 2015–0017 does not apply to this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation 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 International Validation Branch, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@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

(1) For EASA AD 2015–0017, 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.* 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. 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–2021–0308.

(2) For more information about this AD, contact Blaine Williams, Aerospace Engineer, Cabin Safety & Environmental Systems Section, Los Angeles ACO Branch, Compliance & Airworthiness Division, 3960 Paramount Blvd., Lakewood, CA 90712; telephone (562) 627–5371; email *blaine.williams@faa.gov.*

Issued on April 12, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–07800 Filed 4–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2019–0824]

RIN 1625–AA09

Drawbridge Operation Regulation; Milwaukee, Menomonee, and Kinnickinnic Rivers and Burnham Canals, Milwaukee, WI

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating schedules of the bridges over the Milwaukee, Menomonee, and Kinnickinnic Rivers and South Menomonee and Burnham Canals. The City of Milwaukee requested the regulations to be reviewed and updated to allow for a more balanced flow of maritime and land based transportation.

DATES: Comments and relate material must reach the Coast Guard on or before June 18, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2019–0824 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 Mr. Lee D. Soule, Bridge Management Specialist, Ninth Coast Guard District; telephone 216–902–6085, email *Lee.D.Soule@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
IGLD85 International Great Lakes Datum of 1985
LWD Low Water Datum based on IGLD85
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code

II. Background, Purpose and Legal Basis

The Milwaukee River is approximately 104 miles long. Beginning in Fond du Lac County the river flows easterly to a low head dam just above the Humboldt Avenue Bridge at mile 3.22 in downtown Milwaukee, WI. From here the river flows south to Lake Michigan. This southerly course of the Milwaukee River divides the lakefront area from the rest of the city. The Menomonee River joins the Milwaukee River at Mile 1.01 with the Kinnickinnic River joining the Milwaukee River at Mile 0.39. 21 bridges cross the Milwaukee River from mile 0.19 to mile 3.22. In the early 20th Century, the Milwaukee River was heavily used to support the industries in and around the Great Lakes. Today, the river has been redeveloped as a tourist and recreational destination. From its confluence with the Milwaukee River the Menomonee River flows west for 33 miles. The lower three miles of the Menomonee River is passable by vessels over 600 feet in length. Seven bridges cross the navigable portion of the Menomonee River.

The South Menomonee Canal and the Burnham Canal were both excavated during a waterways improvement project in 1864. Both man-made canals are tributaries of the Menomonee River branching just above its mouth. The South Menomonee Canal is crossed by two bridges and the Burnham Canal is crossed by three bridges. The Kinnickinnic River flows north through the southern portion of the City of

Milwaukee connecting with the Milwaukee River near Lake Michigan. Only the lower 2.30 miles of the river have been improved for vessel use. Five bridges cross the river with the Lincoln Avenue Bridge at the head of navigation. Freighters up to 1,000 feet in length transfer cargoes at the confluence of the Kinnickinnic and Milwaukee Rivers. Most of the recreational vessels in Milwaukee moor in the lake front marinas and only transit the rivers. Boat yards on the Menomonee and Kinnickinnic rivers haul out and store most of the recreational vessels in the fall and winter months and launch the vessels in the spring. This action contributes to a considerable surge in drawbridge openings in the fall and spring.

The following bridges will be included in the proposed rule: The Union Pacific Railroad Bridge, mile 0.59, over the Milwaukee River with a vertical clearance in the closed position of 7 feet above internet Great Lakes Datum of 1985 (IGLD85). The Broadway Street Bridge, mile 0.79, over the Milwaukee River with a vertical clearance in the closed position of 14 feet above IGLD85. The Water Street Bridge, mile 0.94, over the Milwaukee River with a vertical clearance in the closed position of 14 feet above IGLD85. The St. Paul Avenue Bridge, mile 1.21, over the Milwaukee River with a vertical clearance in the closed position of 14 feet above IGLD85. The Clybourn Street Bridge, mile 1.28, over the Milwaukee River with a vertical clearance in the closed position of 14 feet above IGLD85. Michigan Street Bridge, mile 1.37, over the Milwaukee River with a vertical clearance in the closed position of 12 feet above IGLD85. The Wisconsin Avenue Bridge, mile 1.46, over the Milwaukee River with a vertical clearance in the closed position of 12 feet above IGLD85. The Wells Street Bridge, mile 1.61, over the Milwaukee River with a vertical clearance in the closed position of 12 feet above IGLD85. The Kilbourn Avenue Bridge, mile 1.70, over the Milwaukee River with a vertical clearance in the closed position of 14 feet above IGLD85. The State Street Bridge, mile 1.79, over the Milwaukee River with a vertical clearance in the closed position of 14 feet above IGLD85. The Highland Avenue Pedestrian Bridge, mile 1.97, over the Milwaukee River with a vertical clearance in the closed position of 12 feet above IGLD85. The Juneau Avenue Bridge, mile 2.06, over the Milwaukee River with a vertical clearance in the closed position of 14 feet above IGLD85. The Knapp Street/Park Freeway Bridge, mile 2.14, over the Milwaukee River with a vertical clearance in the closed position of 16 feet above IGLD85. The Cherry Street Bridge, mile 2.29, over the Milwaukee River with a vertical clearance in the closed position of 14 feet above IGLD85. The Pleasant Street Bridge, mile 2.58, over the Milwaukee River with a vertical clearance in the closed position of 14 feet above IGLD85. The Canadian Pacific Railroad Bridge, mile 1.05, over the Menomonee River with a vertical clearance in the closed position of 8 feet above IGLD85. The North Plankinton Avenue Bridge, mile 1.08, over the Menomonee River with a vertical clearance in the closed position of 14 feet above IGLD85. The North Sixth Street Bridge, mile 1.37, over the Menomonee River with a vertical clearance in the closed position of 23 feet above IGLD85. The Ember Lane Bridge, mile 1.95, over the Menomonee River with a vertical clearance in the closed position of 12 feet above IGLD85. The Sixteenth Street Bridge, mile 2.14, over the Menomonee River with a vertical clearance in the closed position of 35 feet above IGLD85. The South Sixth Street Bridge, mile 1.51, over the South Menomonee Canal with a vertical clearance in the closed position of 8 feet above IGLD85. The Union Pacific Railroad Bridge, mile 1.19, over the Kinnickinnic River with a vertical clearance in the closed position of 8 feet above IGLD85. The Kinnickinnic Avenue Bridge, mile 1.67, over the Kinnickinnic River with a vertical clearance in the closed position of 8 feet above IGLD85. The Canadian Pacific Railroad Bridge, mile 1.67, over the Kinnickinnic River with a vertical clearance in the closed position of 15 feet above IGLD85. Finally, the South First Street Bridge, mile 1.78, over the Kinnickinnic River with a vertical clearance in the closed position of 14 feet above IGLD85. These bridges currently operate under Title 33 of the Code of Federal Regulations (33 CFR 117.1093).

In response to downtown Milwaukee residents' concerns regarding a pronounced increase in vehicular traffic in the area, the City of Milwaukee has requested a complete review of the bridge regulations in this area. Over the years, these regulations have been amended considerably. This has had the effect of making them difficult to comprehend to the average person. Additionally, the cyclic higher water levels over the past 3 years and increased number of passenger vessels in the downtown area have resulted in significantly more bridge openings. Finally, the conversion of older business building into condominiums have increased the evening vehicle traffic causing major traffic delays when the bridges are lifted. While the Milwaukee River is the primary concern with residents and mariners, this rulemaking proposes changes to the language governing bridges in the entire Milwaukee Harbor area, for the purpose of updating these regulations to accurately reflect the current operational needs of these bridges and make them easier to understand by the general public.

Currently, the Canadian Pacific Railroad Bridge at Mile 1.74 over the Burnham Canal and the Sixth Street Bridge at Mile 1.37 over the Menomonee River are closed by regulation and do not need to open for the passage of vessels. The City of Milwaukee has requested that the Sixteenth Street Bridge, mile 2.14, over the Menomonee River remain closed and not open by regulation. No vessels have requested a bridge opening in at least 10 years and the bridge provides a horizontal clearance of 120 feet and a vertical clearance of 35 feet above IGLD85, allowing most vessels to pass under the bridge without an opening. The Coast Guard is working with the City of Milwaukee to convert the Sixteenth Street Bridge to a fixed structure.

Ice has historically hindered or prevented navigation during the winter months. For the last eight years the Coast Guard has authorized the drawbridges to open on signal with a 12-hour advance notice of arrival for vessels from November 19th to April 16th. After careful review of the drawtender logs provided by the City of Milwaukee, the Coast Guard proposes to allow all bridges to require a 12-hour advance notice for openings from November 1st to April 15th each year.

The City of Milwaukee requested that from 11 p.m. to 7 a.m. daily, the bridges would open on signal with a 2-hour advance notice. During these hours the bridges would not be manned and roving drawtenders would open the bridges for vessels. After reviewing the 2016, 2017, and 2018 drawtender logs it was found that for those hours between April and November of each year an average of 45 vessels requested openings. Of these requests an average of 32 openings were between the hours of 11 p.m. and midnight. From midnight to 7 a.m. there were only 13 vessels that requested openings. After reviewing the data we have concluded that due to a lack of openings from midnight to 7 a.m. that a two-hour advance notice of arrival for a bridge opening meets the reasonable needs of navigation.

The City of Milwaukee also reported receiving several complaints from residents in the downtown area concerning the noise associated with the waterfront. To improve the quality of downtown living we propose to remove the special sound signals listed in the CFR for each bridge. Mariners would request openings by using the standard sound signal of one prolonged blast followed by one short blast or by agreement on VHF–FM Marine Radio or by telephone. From Midnight to 7 a.m. the bridges would require a 2-hour advance notice of arrival provided by VHF–FM Marine Radio or by telephone thus reducing some of the noise associated with the waterfront.

The City of Milwaukee requests to operate the following bridges remotely: North Plankinton Avenue, mile 1.08, North Sixth Street, mile 1.37, and North Ember Lane, mile 1.95, all over the Menomonee River. Each remotely operated bridge will have sufficient equipment to operate as if a drawtender is in attendance at the bridge. No drawtender will be responsible for monitoring or operating more than 3 drawbridges at any time. At a minimum each remotely operated drawbridge will have the capabilities to communicate by 2-way public address system, equipment capable of making appropriate sound signals as required, and have adequate camera systems in place to safely operate the bridge. The current regulation allows for no openings from 7:30 a.m. to 8:30 a.m. and from 4:30 p.m. to 5:30 p.m. for vehicular rush hours. The city has requested to start the evening rush hour at 4 p.m. instead of 4:30 p.m. to help relieve vehicle congestion.

III. Discussion of Proposed Rule

On April 8, 2020 we published a Temporary Deviation, request for comments in FR 2020–06822 and we did not receive any comments. We published a Temporary Final Rule on March 9, 2020 in FR 2020–04659 requesting comments before November 2, 2020. This Temporary Final Rule allowed the city to test the new schedule and allow residents to comment all summer.

Several comments were directed at the operation of the Canadian Pacific Railroad Bridge, mile 1.05, over the Menomonee River. Most of the comments were complaints filed on Coast Guard Delay reports that claims the Canadian Pacific Railroad Bridge, mile 1.05, over the Menomonee River, did, on August 6, 2020 on or about noon that day fail to respond to signals for opening and fail to open the bridge within the 2-hour requirement. The tender stated the request for advance notice for bridge opening was not passed on by the previous drawtender and that priority was given to working on a train and not tending to the bridge. This resulted in three large vessels stuck between bridges waiting for the railroad bridge to open for two hours and forty-five minutes past the arrival time provided by the vessels. We received a separate report that the bridge was out of service for four days, no report was given to the U.S. Coast Guard Command Center and at least one vessel was delayed for four days. We received another report that the bridge was unable to open on October 6, 2020 because the bridge supervisor directed the drawtender to a different location for the day and no other operators were available until the following day. We received a separate report on the same day of October 6, 2020 from a second vessel that was told railroad had been attempting to call in another drawtender from 4:30 a.m. to 8:19 a.m. without success and the bridge would not open for maritime traffic. On or about June 13, 2020 three sailing vessels were observed waiting at the Canadian Pacific Railroad Bridge at 3:23 p.m. and were not provided an opening until after 5:30 p.m.

The second report was a comment submitted to the *Regulations.Gov* portal that requested the schedules to return to the original schedules citing vessels were using excessive speed to go through the river to make the new schedule. The speed limits in the harbor needs to be addressed by the agency responsible for posting the speed limits in the harbor and the author did not consider the needs of all modes of transportation involved with the decision.

On March 30, 2021 we received a report from a public vessel that, the drawtender did inform the vessel that requested an opening that a new law required the bridge to remain closed if ice was present.

Our office did engage with residents verbally over the phone on several occasions to answer questions and encouraged them to leave comments on the *regulations.gov* website.

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. 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).

This regulatory action determination is based on the ability that vessels can still transit the bridge given advanced notice.

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 (Pub. L. 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 with0 the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard 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; DHS Delegation No. 0170.1.

■ 2. Revise § 117.1093 to read as follows:

§ 117.1093 Milwaukee, Menomonee, and Kinnickinnic Rivers and South Menomonee and Burnham Canals.

(a) The draws of the bridges over the Milwaukee River shall operate as follows:

(1) The draws of the North Broadway Street bridge, mile 0.5, and North Water Street bridge, mile 0.6, and Michigan Street bridge, mile 1.1, shall open on signal; except that, from April 16th through November 1st, from 7:30 a.m. to 8:30 a.m. and from 4 p.m. to 5:30 p.m. Monday through Friday, except Federal holidays, the draws need not be opened, and from midnight to 7 a.m. Monday through Saturday except Federal holidays the bridges will open on signal if a 2-hour advance notice is provided.

(2) The draws of all other bridges across the Milwaukee River shall open on signal if at least 2-hours' notice is given except that, from April 16th through November 1st, from 7:30 a.m. to 8:30 a.m. and from 4 p.m. to 5:30 p.m. Monday through Friday, except Federal holidays, the draws need not be opened.

(3) The following bridges are remotely operated, are required to operate a radiotelephone, and shall open as noted in this section; St. Paul Avenue, mile 1.21, Clybourn Street, mile 1.28, Wells Street, mile 1.61, Kilbourn Street, mile 1.70, State Street, mile 1.79, Highland Avenue, mile 1.97, and Knapp Street, mile 2.14.

(4) No vessel documented 12 tons or greater shall be held between any bridge at any time and must be passed as soon as possible.

(5) From November 2nd through April 15th, all drawbridges over the Milwaukee River will open on signal if a 12-hour advance notice is provided.

(b) The draws of bridges across the Menomonee River and South Menomonee Canal operate as follows:

(1) The draw of the North Plankinton Avenue bridge across the Menomonee River, mile 1.08, and the Canadian

National Railroad bridge, mile 1.05, shall open on signal; except that, from April 16th through November 1st, from 7:30 a.m. to 8:30 a.m. and from 4 p.m. to 5:30 p.m. Monday through Friday, except Federal holidays, the draws need not be opened, and from midnight to 7 a.m. Monday through Friday except Federal holidays the bridges will open on signal if a 2-hour advance notice is provided.

(2) The draws of all other bridges across the Menomonee River and South Menomonee Canal shall open on signal if at least 2-hours' notice is given except that, from April 16th through November 1st, from 7:30 a.m. to 8:30 a.m. and from 4 p.m. to 5:30 p.m. Monday through Friday, except Federal holidays, the draws need not be opened.

(3) The following bridges are remotely operated, are required to operate a radiotelephone, and shall open as noted in this section; North Plankinton Avenue, mile 1.08, North Sixth Street, mile 1.37, and North Ember Lane, mile 1.95, all over the Menomonee River and South Sixth Street, mile 1.51, over the South Menomonee Canal.

(4) No vessel documented over 12 tons shall be held between any bridge at any time and must be passed as soon as possible.

(5) From November 2nd through April 15th, all drawbridges over the Menomonee River and South Menomonee Canal will open on signal if a 12-hour advance notice is provided.

(c) The draws of bridges across the Kinnickinnic River operate as follows:

(1) The draw of the Kinnickinnic Avenue bridge, mile 1.5, shall open on signal; except that, from April 16th through November 1st, from 7:30 a.m. to 8:30 a.m. and from 4 p.m. to 5:30 p.m. Monday through Friday, except Federal holidays, the draws need not be opened, and from midnight to 7 a.m. Monday through Friday, except Federal holidays, the bridges will open on signal if a 2-hour advance notice is provided.

(2) The draws of all other bridges across the Kinnickinnic River shall open on signal if at least 2-hours' notice is given except that, from April 16th through November 1st, from 7:30 a.m. to 8:30 a.m. and from 4 p.m. to 5:30 p.m. Monday through Friday, except Federal holidays, the draws need not be opened.

(3) The following bridges are remotely operated, are required to operate a radiotelephone, and shall open as noted in this section; The South First Street Bridge, mile 1.78.

(4) No vessel documented over 12 tons shall be held between any bridge at any time and must be passed as soon as possible. (5) From November 2nd through April 15th, all drawbridges over the Kinnickinnic River will open on signal if a 12-hour advance notice is provided.

(d) The Canadian Pacific Railroad Bridge at Mile 1.74 over the Burnham Canal, and the Sixteenth Street Bridge, mile 2.14, over the Menomonee River are closed by regulation and do not need to open for the passage of vessels.

Dated: April 2, 2021.

D.L. Cottrell,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 2021–07990 Filed 4–16–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter II

[Docket ID ED–2021–OESE–0033]

Proposed Priorities—American History and Civics Education

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Proposed priorities.

SUMMARY: The Department of Education (Department) proposes two priorities for the American History and Civics Education programs, including the Presidential and Congressional Academies for American History and Civics(Academies) and National Activities programs, Assistance Listing Numbers 84.422A and 84.422B. We may use these priorities for competitions in fiscal year (FY) 2021 and later years. We propose these priorities to support the development of culturally responsive teaching and learning and the promotion of information literacy skills in grants under these programs.

DATES: We must receive your comments on or before May 19, 2021.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''FAQ.''

- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about the proposed priorities, address them to Mia Howerton, U.S. Department of Education, 400 Maryland Avenue SW, Room 3C152, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Mia Howerton, U.S. Department of Education, 400 Maryland Avenue SW, Room 3C152, Washington, DC 20202. Telephone: (202) 205–0147. Email: *mia.howerton@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll-free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding the proposed priorities. To ensure that your comments have maximum effect in developing the notice of final priorities, we urge you to clearly identify the specific section of the proposed priorities that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from the proposed priorities. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of our programs.

During and after the comment period, you may inspect all public comments about the proposed priorities by accessing *Regulations.gov*. Due to the novel coronavirus 2019 (COVID–19) pandemic, the Department buildings are currently not open to the public. However, upon reopening you may also inspect the comments in person in Room 3C152, 400 Maryland Avenue SW, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to

review the comments or other documents in the public rulemaking record for the proposed priorities. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Purpose of Programs: The American History and Civics Education programs support efforts to improve: (1) The quality of American history, civics, and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights; and (2) the quality of the teaching of American history, civics, and government in elementary schools and secondary schools, including the teaching of traditional American history.

The Academies program supports the establishment of: (1) Presidential Academies for the Teaching of American History and Civics that offer workshops for both veteran and new teachers to strengthen their knowledge of American history, civics, and government education (Presidential Academies); and (2) Congressional Academies for Students of American History and Civics that provide high school students opportunities to enrich their understanding of these subjects (Congressional Academies).

The purpose of the National Activities program is to promote new and existing evidence-based strategies to encourage innovative American history, civics and government, and geography instruction, learning strategies, and professional development activities and programs for teachers, principals, or other school leaders, particularly such instruction, strategies, activities, and programs that benefit low-income students and underserved populations.

Program Authority: Title II, part B, subpart 3 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), 20 U.S.C. 6662 and 6663.

Proposed Priorities: The Department proposes two priorities to support the development of culturally responsive teaching and learning and the promotion of information literacy skills in grants under the American History and Civics Education programs.

Proposed Priority 1—Projects That Incorporate Racially, Ethnically, Culturally, and Linguistically Diverse Perspectives into Teaching and Learning.

Background: The Department recognizes that COVID–19—with its disproportionate impact on communities of color—and the ongoing national reckoning with systemic racism have highlighted the urgency of improving racial equity throughout our society, including in our education system. As Executive Order 13985 states: ''Our country faces converging economic, health, and climate crises that have exposed and exacerbated inequities, while a historic movement for justice has highlighted the unbearable human costs of systemic racism. Our Nation deserves an ambitious whole-of-government equity agenda that matches the scale of the opportunities and challenges that we face.'' [1]

American History and Civics Education programs can play an important role in this critical effort by supporting teaching and learning that reflects the breadth and depth of our Nation's diverse history and the vital role of diversity in our Nation's democracy. For example, there is growing acknowledgement of the importance of including, in the teaching and learning of our country's history, both the consequences of slavery, and the significant contributions of Black Americans to our society. This acknowledgement is reflected, for example, in the New York Times' landmark ''1619 Project'' and in the resources of the Smithsonian's National Museum of African American History.[2]

Accordingly, schools across the country are working to incorporate anti-racist practices into teaching and learning. As the scholar Ibram X. Kendi has expressed, ''[a]n antiracist idea is any idea that suggests the racial groups are equals in all their apparent differences—that there is nothing right or wrong with any racial group. Antiracist ideas argue that racist policies are the cause of racial inequities.'' [3] It is critical that the teaching of American history and civics creates learning experiences that validate and reflect the diversity, identities, histories, contributions, and experiences of all students.

In turn, racially, ethnically, culturally, and linguistically responsive teaching and learning practices contribute to what has been called an ''identity-safe'' learning environment. According to the authors Dorothy Steele and Becki Cohn-Vargas, ''Identity safe classrooms are those in which teachers strive to assure students that their social identities are an asset rather than a barrier to success in the classroom. And, through strong positive relationships and opportunities to learn, they feel they are welcomed, supported, and valued as members of the learning community.'' [4]

The proposed priority would support projects that incorporate culturally and linguistically responsive learning environments.

Proposed Priority:

Under this priority, the applicants propose projects that incorporate teaching and learning practices that reflect the diversity, identities, histories, contributions, and experiences of all students create inclusive, supportive, and identity-safe learning environments.

In its application, an applicant addressing this priority must describe how its proposed project incorporates teaching and learning practices that—

(a) Take into account systemic marginalization, biases, inequities, and discriminatory policy and practice in American history;

(b) Incorporate racially, ethnically, culturally, and linguistically diverse perspectives and perspectives on the experience of individuals with disabilities;

(c) Encourage students to critically analyze the diverse perspectives of historical and contemporary media and its impacts;

(d) Support the creation of learning environments that validate and reflect the diversity, identities, and experiences of all students; and

(e) Contribute to inclusive, supportive, and identity-safe learning environments.

Proposed Priority 2—Promoting Information Literacy Skills.

Background:

Effective civics education is vital to protecting the Nation's democracy—especially at a time when its core institutions and values are threatened by misinformation. As The Power of Active Citizenship notes: ''Teaching civics should be more than just understanding the structures and functions of government . . . [It] is crucial that students learn how to gather and evaluate sources of information, and then use evidence from that information to develop and support their ideas and advocacy positions. No polity can make wise decisions if its citizens do not know how to separate

[1] 86 FR 7009 (Jan. 25, 2021), *www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government.*

[2] *www.nytimes.com/interactive/2019/08/14/magazine/1619-america-slavery.html.*

[3] Kendi, Ibram X, *How to Be an Antiracist* (New York, One World, 2019).

[4] Steele, Dorothy M., and Becki Cohn-Vargas, *Identify Safe Classrooms* (Thousand Oaks, Corwin, 2013).

fact from opinion, and how to gather and weigh relevant evidence.'' [5]

Ensuring that students have strong information literacy skills is especially important in an age of digital media consumption. According to a 2019 survey from Common Sense Media and Survey Monkey: ''Teens get their news more frequently from social media sites (*e.g.,* Facebook and Twitter) or from YouTube than directly from news organizations. More than half of teens (54%) get news from social media, and 50% get news from YouTube at least a few times a week. Fewer than half, 41%, get news reported by news organizations in print or online at least a few times a week, and only 37% get news on TV at least a few times a week.'' Among teens who got their news from YouTube, two-thirds reported learning about the news from celebrities and influencers, rather than news organizations.[6]

In a 2017 report, the Brookings Institution concluded that, ''Funding efforts to enhance news literacy should be a high priority for governments. This is especially the case with people who are going online for the first time. For those individuals, it is hard to distinguish false from real news, and they need to learn how to evaluate news sources, not accept at face value everything they see on social media or digital news sites. Helping people become better consumers of online information is crucial as the world moves towards digital immersion.'' [7]

Civics education can be an opportunity to help students develop the skills necessary to meaningfully participate in our democracy and distinguish fact from misinformation. Well-designed programs can fuel student engagement in our democracy and provide students with the knowledge and skills to critically evaluate the materials they encounter by developing their information literacy.

Proposed Priority:

In its application, the applicants propose projects that describe how they will foster critical thinking and promote student engagement in civics education through professional development or other activities designed to support students in—

(a) Evaluating sources and evidence using standards of proof;

(b) Understanding their own biases when reviewing information, as well as uncovering and recognizing bias in primary and secondary sources;

(c) Synthesizing information into cogent communications; and

(d) Understanding how inaccurate information may be used to manipulate individuals, and developing strategies to recognize accurate and inaccurate information.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Priorities:

We will announce the final priorities in a document published in the **Federal Register**. We will determine the final priorities after considering responses to the proposed priorities and other information available to the Department. This document does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This document does *not* solicit applications. In any year in which we choose to use the priorities, we invite applications through a notice inviting applications in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, it must be determined whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these

[5] *https://www.aft.org/ae/summer2018/graham_weingarten.*

[6] *https://www.commonsensemedia.org/about-us/news/press-releases/new-survey-reveals-teens-get-their-news-from-social-media-and-youtube.*

[7] Brookings Institution, 12/18/2017, *https://www.brookings.edu/research/how-to-combat-fake-news-and-disinformation/*

techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing the proposed priorities only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on an analysis of anticipated costs and benefits, we believe that the proposed priorities are consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with the Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Potential Costs and Benefits

The Department believes that this proposed regulatory action would not impose significant costs on eligible entities, whose participation in our programs is voluntary, and costs can generally be covered with grant funds. As a result, the proposed priorities would not impose any particular burden except when an entity voluntarily elects to apply for a grant. The proposed priorities would help ensure that the American History and Civics Education programs support the development of culturally responsive teaching and learning practices and promote students' acquisition of critical information literacy skills. We believe these benefits would outweigh any associated costs.

Clarity of the Regulations

Executive Order 12866 and the Presidential memorandum ''Plain Language in Government Writing'' require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make the proposed priorities easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections?
- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?
- What else could we do to make the proposed regulations easier to understand?

To send any comments that concern how the Department could make the proposed priorities easier to understand, see the instructions in the **ADDRESSES** section.

Intergovernmental Review: These programs are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for these programs.

Regulatory Flexibility Act Certification

The Secretary certifies that this proposed regulatory action would not have a significant economic impact on a substantial number of small entities. The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below $7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

The small entities that this proposed regulatory action would affect are institutions of higher education and nonprofit organizations. Of the impacts we estimate accruing to grantees or eligible entities, all are voluntary and related mostly to an increase in the number of applications prepared and submitted annually for competitive grant competitions. Therefore, we do not believe that the proposed priorities would significantly impact small entities beyond the potential for increasing the likelihood of their applying for, and receiving, competitive grants from the Department.

Paperwork Reduction Act

The proposed priorities contain information collection requirements that are approved by OMB under OMB control number 1894–0006; the proposed priorities do not affect the currently approved data collection.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Ruth Ryder,

Deputy Assistant Secretary for Policy and Programs, Office of Elementary and Secondary Education.

[FR Doc. 2021–08068 Filed 4–16–21; 8:45 am]

BILLING CODE 4000–01–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2021–6; Order No. 5864]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is acknowledging a recent filing requesting the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports (Proposal Three). This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 1, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

On April 8, 2021, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports.[1] The Petition identifies the proposed analytical changes filed in this docket as Proposal Three.

II. Proposal Three

Background. In FY 2015, a new price category was created for Marketing Mail Flats on 5-digit pallets.[2] Accordingly, workshare discounts and percentage passthroughs for these ''direct'' 5 digit pallets (containing only Carrier Route or finer presorted bundles) have been calculated and reported separately from those of all other Standard Mail Carrier Route pieces since the FY 2015 Annual Compliance Report (ACR). Petition at 2–3.

As of FY 2017, the Postal Service has utilized the following methodology to calculate dropship workshare discounts for Marketing Mail: [3]

$$\frac{(\text{Pound discount} * \text{Pounds above breakpoint}) + (\text{Piece discount} * \text{Pieces below breakpoint})}{\text{(Avoided cost per pound} * \text{Pounds above and below breakpoint)}}$$

Petition at 5.

This methodology calculates workshare discounts in the same units as are used in the calculation of avoided costs. *Id.* The Postal Service has reported workshare discounts in this fashion in ACR dockets from FY 2017 to the present.[4]

Because this approach includes both the per-piece and per-pound elements of Marketing Mail Flats prices, the Postal Service states that percentage passthroughs for workshare discounts may be different for Carrier Route Flats on ''direct'' pallets and all Carrier Route Flats ''solely because of differences in the mix of pieces above and below the breakpoint weight (currently 4 ounces).'' Petition at 8.

Proposal. With Proposal Three, the Postal Service seeks to ''stop separately calculating and reporting workshare discounts and percentage passthroughs for dropship Marketing Mail Carrier Route Flats on 'direct' pallets'' and instead ''calculate and report workshare discounts and percentage passthroughs for all dropship Marketing Mail Carrier Route Flats together.'' *Id.* at 9. The Postal Service asserts that this approach is intended to ''equalize the cost avoidance calculation across Marketing Mail density tiers (*e.g.,* MADC, ADC, High Density, Saturation)'' as ''Carrier Route Flats is the only Marketing Mail product where the density discount is sub-divided based on preparation characteristics.'' *Id.* at 10. According to the Postal Service, the current methodology can produce anomalous results when ''preparation characteristics are correlated with other characteristics. . .such as weight or entry.'' *Id.* It maintains that ''[b]y combining volumes and calculating workshare discounts and percentage passthroughs for Marketing Mail Carrier Route flats as a single group, Proposal Three would reduce volatility in the calculation of percentage passthroughs for dropshipped Marketing Mail Carrier Route Flats.'' *Id.* The Postal Service states that such an approach would increase rationality and predictability in pricing, ''especially given the new regulations governing workshare discounts.'' *Id.* at 11.

Impact. Under the Postal Service's proposed methodology, avoided costs and passthroughs associated with Marketing Mail Carrier Route Flats would be affected.

III. Notice and Comment

The Commission establishes Docket No. RM2021–6 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission's website at *http://www.prc.gov.* Interested persons may submit comments on the Petition and Proposal Three no later than June 1, 2021. Pursuant to 39 U.S.C. 505, Katalin K. Clendenin is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2021–6 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Three), filed April 8, 2021.

2. Comments by interested persons in this proceeding are due no later than June 1, 2021.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Katalin K. Clendenin to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

[1] Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Three), April 8, 2021 (Petition).

[2] Docket No. R2015–4, Order on Revised Price Adjustments for Standard Mail, Periodicals, and Package Services Products and Related Mail Classification Changes, May 7, 2015, at 43 (Order No. 2472).

[3] Docket No. RM2017–11, Order on Analytical Principles Used in Periodic Reporting (Proposal Seven), November 20, 2017 (Order No. 4227).

[4] *See* Docket No. ACR2017, USPS–FY17–3, December 29, 2017, Excel file ''USPS–FY17–13.MKTG.xlsx,'' tab ''Flats and Parcels Dropship;'' Docket No. ACR2018, USPS–FY18–3, December 28, 2018, Excel file ''USPS–FY18–13.MKTG.xlsx,'' tab ''Flats and Parcels Dropship;'' Docket No. ACR2019, USPS–FY19–3, December 27, 2019, Excel file ''USPS–FY19–13.MKTG.xlsx,'' tab ''Flats and Parcels Dropship;'' Docket No. ACR2020, USPS–FY20–3, Excel file ''USPS–FY17–13.MKTG.xlsx,'' tab ''Flats and Parcels Dropship.''

By the Commission.

Erica A. Barker,

Secretary.

[FR Doc. 2021–07956 Filed 4–16–21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R08–OAR–2020–0741; FRL–10022–27–Region 8]

Approval and Promulgation of Implementation Plans; Montana; Butte PM_{10} Nonattainment Area Limited Maintenance Plan and Redesignation Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to fully approve the Limited Maintenance Plan (LMP) submitted by the State of Montana to EPA on March 23, 2020, for the Butte Moderate nonattainment area (NAA) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}) and concurrently redesignate the NAA to attainment for the 24-hour PM_{10} National Ambient Air Quality Standard (NAAQS). In order to approve the LMP and redesignation, EPA is proposing to determine that the Butte, MT NAA has attained the 1987 24-hour PM_{10} NAAQS of 150 $\mu g/m^3$. This determination is based upon monitored air quality data for the PM_{10} NAAQS during the years 2014–2018. EPA is taking this action pursuant to the Clean Air Act (CAA).

DATES: Written comments must be received on or before May 19, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2020–0741 to the Federal Rulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.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.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically in *www.regulations.gov.* To reduce the risk of COVID–19 transmission, for this action we do not plan to offer hard copy review of the docket. Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

FOR FURTHER INFORMATION CONTACT: Kate Gregory, Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–ARD–QP, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6175, *gregory.kate@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. Background

Description of the Butte NAA

The Butte NAA is the only NAA in Silver Bow County, is irregularly shaped, and generally encompasses the populated areas surrounding the city of Butte, except for the town of Walkerville. Butte was originally designated as a Group I area on August 7, 1987, meaning it was likely to violate the PM_{10} NAAQS, and was subsequently classified as a Moderate NAA for the 1987 24-hour PM_{10} NAAQS on March 15, 1991. *See* 56 FR 11101. States containing initial Moderate PM_{10} NAAs were required to submit, by November 15, 1991, a Moderate NAA State Implementation Plan (SIP) that, among other requirements, implemented Reasonably Available Control Measures (RACM) by December 10, 1993, and demonstrated whether it was practicable to attain the PM_{10} NAAQS by December 31, 1994. *See generally* 57 FR 13498 (April 16, 1992); *see also* 57 FR 18070 (April 28, 1992).

The State of Montana submitted an initial PM_{10} SIP to EPA on July 9, 1992, and a subsequent submission on January 13, 1993. EPA approved the Butte initial control plan on March 11, 1994 (59 FR 11550). Revisions to emissions limits, associated attainment and maintenance demonstrations and contingency measures were submitted to EPA on August 26, 1994. The State of Montana's SIP for the Butte Moderate NAA included, among other things: A comprehensive emissions inventory; RACM; A demonstration that attainment of the PM_{10} NAAQS would be achieved in Butte by December 31, 1994; Reasonable Further Progress (RFP) requirements; and control measures that satisfy the contingency measures requirement of section 172(c)(9) of the CAA. The EPA fully approved the Butte NAA PM_{10} attainment plan on March 22, 1995 (60 FR 15056).

II. Requirements for Redesignation

A. CAA Requirements for Redesignation of NAAs

NAAs can be redesignated to attainment after the area has measured air quality data showing it has attained the NAAQS and when certain planning requirements are met. Section 107(d)(3)(E) of the CAA, and the General Preamble to Title I provide the criteria for redesignation. *See* 57 FR 13498 (April 16, 1992). These criteria are further clarified in a policy and guidance memorandum from John Calcagni, Director, Air Quality Management Division, EPA Office of Air Quality Planning and Standards dated September 4, 1992, ''Procedures for Processing Requests to Redesignate Areas to Attainment.[1] '' The criteria for redesignation are:

(1) The Administrator has determined that the area has attained the applicable NAAQS;

(2) The Administrator has fully approved the applicable SIP for the area under section 110(k) of the CAA;

(3) The state containing the area has met all requirements applicable to the area under section 110 and part D of the CAA;

(4) The Administrator has determined that the improvement in air quality is due to permanent and enforceable reductions in emissions; and

(5) The Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A of the CAA.

[1] The ''Procedures for Processing Requests to Redesignate Areas to Attainment'' (Calcagni memo) outlines the criteria for redesignation (see docket for memo).

B. The LMP Option for PM_{10} NAAs

On August 9, 2001, the EPA issued guidance on streamlined maintenance plan provisions for certain moderate PM_{10} NAAs seeking redesignation to attainment (Memo from Lydia Wegman, Director, Air Quality Standards and Strategies Division, entitled ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas,'' (hereafter the LMP Option memo)).[2] The LMP Option memo contains a statistical demonstration to show that areas meeting certain air quality criteria will, with a high degree of probability, maintain the standard 10 years into the future. Thus, the EPA has already provided the maintenance demonstration for areas meeting the criteria outlined in the LMP Option memo. It follows that future year emission inventories for these areas, and some of the standard analyses to determine transportation conformity with the SIP are no longer necessary.

To qualify for the LMP Option, the area should have attained the 1987 24-hour PM_{10} NAAQS, based upon the most recent 5 years of air quality data at all monitors in the area, and the 24-hour design value should be at or below the Critical Design Value (CDV). The CDV is a calculated design value that indicates that the area has a low probability (1 in 10) of exceeding the NAAQS in the future. For the purposes of qualifying for the LMP option, a presumptive CDV of 98 $\mu g/m^3$ is most often employed, but an area may elect to use a site-specific CDV should the average design value be above 98 $\mu g/m^3$, while demonstrating that the area has a low probability of exceeding the NAAQS in the future. The annual PM_{10} standard was effectively revoked on December 18, 2006 (71 FR 61143), and as such will not be discussed as a requirement for qualifying for the LMP option. In addition, the area should expect only limited growth in on-road motor vehicle PM_{10} emissions (including fugitive dust) and should have passed a motor vehicle regional emissions analysis test. The LMP Option memo also identifies core provisions that must be included in the LMP. These provisions include an attainment year emissions inventory, assurance of continued operation of an EPA-approved air quality monitoring network, and contingency provisions.

C. Conformity Under the LMP Option

The transportation conformity rule (40 CFR parts 51 and 93) and the general conformity rule (40 CFR parts 51 and 93) apply to NAAs and maintenance areas covered by an approved maintenance plan. Under either conformity rule, an acceptable method of demonstrating that a federal action conforms to the applicable SIP is to demonstrate that expected emissions from the planned action are consistent with the emissions budget for the area.

While the EPA's LMP Option does not exempt an area from the need to affirm conformity, it explains that the area may demonstrate conformity without submitting an emissions budget. Under the LMP Option, emissions budgets are treated as essentially not constraining for the length of the maintenance period because it is unreasonable to expect that the qualifying areas would experience so much growth in that period that a violation of the PM_{10} NAAQS would result. For transportation conformity purposes, the EPA would conclude that emissions in these areas need not be capped for the maintenance period; and therefore, a regional emissions analysis would not be required. Similarly, federal actions subject to the general conformity rule could be considered to satisfy the ''budget test'' specified in 40 CFR 93.158(a)(5)(i)(A) for the same reasons that the budgets are essentially considered not limited.

III. Review of Montana's Submittal Addressing the Requirements for Redesignation and Limited Maintenance Plan

A. Has the Butte NAA attained the applicable NAAQS?

States must demonstrate that an area has attained the 24-hour PM_{10} NAAQS through analysis of ambient air quality data from an ambient air monitoring network representing peak PM_{10} concentrations. The data should be stored in the EPA Air Quality System (AQS) database. Today, EPA is proposing to determine that the Butte NAA has attained the PM_{10} NAAQS based on monitoring data from calendar years 2014–2018. The 24-hour standard is attained when the expected number of days with levels above 150 $\mu g/m^3$ (averaged over a 3-year period) is less than or equal to one. *See* 40 CFR 50.6(a). Three consecutive years of air quality data are generally necessary to show attainment of the 24-hour and annual standards for PM_{10}. See 40 CFR part 50, appendix K. A complete year of air quality data, as referred to in 40 CFR part 50, appendix K, is comprised of all four calendar quarters with each quarter containing data from at least 75% of the scheduled sampling days.

The Butte NAA has one State and Local Air Monitoring Station (SLAMS) monitor operated by the Montana Department of Environmental Quality (MDEQ). Table 1 summarizes the PM_{10} data collected from 2014–2019 for the Butte NAA.[3] The EPA deems the data collected from these monitors valid, and the data have been submitted by the MDEQ to be included in AQS.

TABLE 1—SUMMARY OF MAXIMUM 24-HOUR PM_{10} CONCENTRATIONS ($\mu g/m^3$) FOR BUTTE 2014–2019

[Based on data from Greeley School site, AQS identification number (30–093–0005)]

Year	Maximum concentration	2nd Maximum concentration	Number of exceedances	Monitoring site
2014	60	57	0	Greeley School.
2015	118	115	0	Greeley School.
2016	52	51	0	Greeley School.
2017	144	111	0	Greeley School.
2018	72	66	0	Greeley School.
2019	69	56	0	Greeley School.

The PM_{10} concentrations reported at the Butte monitoring site showed no measured exceedances of the 24-hour PM_{10} NAAQS from 2014–2018, and as such, the EPA proposes to determine that the Butte NAA has attained the

[2] The ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' outlines the criteria for development of a PM_{10} limited maintenance plan (see docket for memo).

[3] While the submission from the State for this action includes 2014–2018 monitoring data, the EPA supplied 2019 monitoring data in this action in order to provide an analysis of PM_{10} concentrations in the Butte, MT area using the most current monitoring data available.

standard for the 24-hour PM_{10} NAAQS. Additionally, EPA analysis of PM_{10} concentrations reported at the Butte monitoring site in the year 2019 show no measured exceedances.

B. Does the Butte NAA have a fully approved SIP under CAA section 110(k)?

In order to qualify for redesignation, the SIP for the area must be fully approved under CAA section 110(k) and must satisfy all requirements that apply to the area. Section 189 of the CAA contains requirements and milestones for all initial Moderate NAA SIPs including: (1) Provisions to assure that 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) shall be implemented no later than December 10, 1993; (2) A demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable by no later than December 31, 1994, or, where the state is seeking an extension of the attainment date under section 188(e), a demonstration that attainment by December 31, 1994, is impracticable and that the plan provides for attainment by the most expeditious alternative date practicable (CAA sections 189(a)(1)(A)); (3) Quantitative milestones which are to be achieved every 3 years and which demonstrate RFP toward attainment by December 31, 1994, (CAA sections 172(c)(2) and 189(c)); and (4) Contingency measures to be implemented if the area fails to make RFP or attain by its attainment deadline. These contingency measures are to take effect without further action by the state or the EPA. (CAA section 172(c)(9)).

The EPA approved the Butte Moderate area plan on May 22, 1995 (60 FR 15056). The Butte plan included RACM, an attainment demonstration, emissions inventory, quantitative milestones, and control and contingency measure requirements. As such, the area has a fully approved NAA SIPs under section 110(k) of the CAA.

C. Has the State met all applicable requirements under section 110 and Part D of the CAA?

Section 107(d)(3)(E) of the CAA requires that a state containing a NAA must meet all applicable requirements under section 110 and Part D of the CAA for an area to be redesignated to attainment. The EPA interprets this to mean that the state must meet all requirements that applied to the area prior to, and at the time of, the submission of a complete redesignation request. The following is a summary of how Montana meets these requirements.

1. CAA Section 110 Requirements

Section 110(a)(2) of the CAA contains general requirements for SIPs. These requirements include, but are not limited to, submittal of a SIP that has been adopted by the state after reasonable notice and public hearing; provisions for establishment and operation of appropriate apparatus, methods, systems and procedures necessary to monitor ambient air quality; implementation of a permit program; provisions for Part C—Prevention of Significant Deterioration (PSD) and Part D—New Source Review (NSR) permit programs; criteria for stationary source emission control measures, monitoring and reporting, provisions for modeling; and provisions for public and local agency participation. See the General Preamble for further explanation of these requirements. *See* 57 FR 13498 (April 16, 1992).

For purposes of redesignation, the EPA's review of the Montana SIP shows that the State has satisfied all requirements under section 110(a)(2) of the CAA. Further, in 40 CFR 52.1372, the EPA has approved Montana's plan for the attainment and maintenance of the national standards under section 110.

2. Part D Requirements

Part D contains general requirements applicable to all areas designated nonattainment. The general requirements are followed by a series of subparts specific to each pollutant. All PM_{10} NAAs must meet the general provisions of Subpart 1 and the specific PM_{10} provisions in Subpart 4, ''Additional Provisions for Particulate Matter Nonattainment Areas.'' The following paragraphs discuss these requirements as they apply to the Butte NAA.

3. Subpart 1, Section 172(c)

Subpart 1, section 172(c) contains general requirements for NAA plans. A thorough discussion of these requirements may be found in the General Preamble. *See* 57 FR 13538 (April 16, 1992). CAA section 172(c)(2) requires nonattainment plans to provide for RFP. Section 171(1) of the CAA defines RFP as ''such annual incremental reductions in emissions of the relevant air pollutant as are required by this part (part D of title I) or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date.'' Since EPA is proposing to determine that the Butte NAA is in attainment of the PM_{10} NAAQS, we believe that no further showing of RFP or quantitative milestones is necessary.

4. Section 172(c)(3)—Emissions Inventory Section

Section 172(c)(3) of the CAA requires a comprehensive, accurate, current inventory of actual emissions from all sources in the Butte PM_{10} NAA. Montana included an emissions inventory for the calendar year 2014 with the March 23, 2020 submittal of the LMP for the NAA. The LMP Option memo states that an attainment inventory should represent emissions during the same 5-year period associated with the air quality data used to determine that the area meets the applicability requirements of the LMP option. The Butte LMP includes an emission inventory from 2014, representative of the 2013–2017 5-year period which served as the 5-year period relied upon in the LMPs as meeting the air quality data requirements of the LMP option memo.[4]

5. Section 172(c)(5)—NSR

The 1990 CAA Amendments contained revisions to the NSR program requirements for the construction and operation of new and modified major stationary sources located in NAAs. The CAA requires states to amend their SIPs to reflect these revisions but does not require submittal of this element along with the other SIP elements. The CAA established June 30, 1992, as the submittal date for the revised NSR programs (section 189 of the CAA).

Montana has a fully approved nonattainment NSR program, approved on August 30, 1995 (60 FR 45051). Montana also has a fully approved PSD program, approved on August 30, 1995 (60 FR 45051). Upon the effective date of redesignation of an area from nonattainment to attainment, the requirements of the Part D NSR program will be replaced by the PSD program and the maintenance area NSR program.

[4] The emissions inventory included in the Butte MT submission is the 2014 National Emissions Inventory (NEI). The NEI is a composite of data from many different sources, with PM data coming primarily from EPA models as well as from state, tribal, and local air quality management agencies. Different data sources use different data collection methods, and many of the emissions data are based on estimates rather than actual measurements. The EPA considers the 2014 NEI representative of the period from 2014–2018 because MT provided comparable vehicle miles traveled (VMT) data in their submission. *See* Butte, MT Submission, Appendix C, Montana Department of Transportation Future VMT Projections, p.C–1 in docket.

6. Section 172(c)(7)—Compliance With CAA Section 110(a)(2): Air Quality Monitoring Requirements

Once an area is redesignated, the state must continue to operate an appropriate air monitoring network in accordance with 40 CFR part 58 to verify attainment status of the area. The State of Montana operates one PM_{10} SLAMS in each of the NAAs. The Butte monitoring site meets EPA SLAMS network design and siting requirements set forth at 40 CFR part 58, appendices D and E. In section 3.5 of the LMP that we are proposing to approve, the State commits to continued operation of the monitoring network.

7. Section 172(c)(9)—Contingency Measures

The CAA requires that contingency measures take effect if the area fails to meet RFP requirements or fails to attain the NAAQS by the applicable attainment date. Since the Butte NAA has attained the 1987 24-hour PM_{10} NAAQS, contingency measures are no longer required under section 172(c)(9) of the CAA. However, contingency provisions are required for maintenance plans under section 175(a)(d). We describe the contingency provisions Montana provided in the LMP section below.

8. Part D Subpart 4

Part D subpart 4, section 189(a), (c) and (e) requirements apply to any Moderate NAA before the area can be redesignated to attainment. The requirements which were applicable prior to the submission of the request to redesignate the area must be fully approved into the SIP before redesignating the area to attainment. These requirements include: (a) Provisions to assure that RACM was implemented by December 10, 1993; (b) Either a demonstration that the plan provided for attainment as expeditiously as practicable but not later than December 31, 1994, or a demonstration that attainment by that date was impracticable; (c) Quantitative milestones which were achieved every 3 years and which demonstrate RFP toward attainment by December 31, 1994; and (d) Provisions to assure that the control requirements applicable to major stationary sources of PM_{10} also apply to major stationary sources of PM_{10} precursors except where the Administrator determined that such sources do not contribute significantly to PM_{10} levels which exceed the NAAQS in the area. These provisions were fully approved into the SIP upon the EPA's approval of the PM_{10} Moderate area plan for the Butte NAA on March 22, 1995 (60 FR 15056).

D. Has the State demonstrated that the air quality improvement is due to permanent and enforceable reductions?

The state must be able to reasonably attribute the improvement in air quality to permanent and enforceable emission reductions. In making this showing, the state must demonstrate that air quality improvements are the result of actual enforceable emission reductions. This showing should consider emission rates, production capacities, and other related information. The analysis should assume that sources are operating at permitted levels (or historic peak levels) unless evidence is presented that such an assumption is unrealistic. Permanent and enforceable control measures in the Butte NAA SIP includes RACM. Emission sources in the NAA has been implementing RACM for at least 10 years.

Areas that qualify for the LMP will meet the NAAQS, even under worst case meteorological conditions. Under the LMP option, the maintenance demonstration is presumed to be satisfied if an area meets the qualifying criteria. Thus, by qualifying for the LMP, Montana has demonstrated that the air quality improvements in the Butte NAA is the result of permanent emission reductions and not a result of either economic trends or meteorology. A description of the LMP qualifying criteria and how the Butte area meets these criteria is provided in the following section.

Permanent and enforceable emission reductions in the Butte NAA have reduced emissions 76% since 1990. The primary controls incorporated into the SIP included rules specifying wood combustion control, rules specifying open burning controls, rules specifying fugitive road dust control, permit condition revisions at the Montana Resources mine, crusher, and concentrator and at Rhône-Poulenc industrial sources, and federal tailpipe standards. Based on the 2014 national emissions inventory, PM_{10} emissions in all source areas are below the levels approved in the original control plan.[5]

E. Does the area have a fully approved maintenance plan pursuant to section 175A of the CAA?

In this action, we are proposing to approve the LMP for the Butte NAA in accordance with the principles outlined in the LMP Option.

F. Has the State demonstrated that the Butte NAA qualifies for the LMP Option?

The LMP Option memo outlines the requirements for an area to qualify for the LMP Option. First, the area should be attaining the NAAQS. As stated above in Section III. A., the EPA has determined that the Butte NAA is attaining the PM_{10} NAAQS.

Second, the average design value (ADV) for the past 5 years of monitoring data (2014–2018) must be at or below the CDV. As noted in Section II.B., the CDV is a margin of safety value and is the value at which an area has been determined to have a 1 in 10 probability of exceeding the NAAQS. The LMP Option memo provides two methods for review of monitoring data for the purpose of qualifying for the LMP option. The first method is a comparison of a site's ADV with the CDV of 98 $\mu g/m^3$ for the 24-hour PM_{10} NAAQS. A second method that applies to the 24-hour PM_{10} NAAQS is the calculation of a site-specific CDV and a comparison of the site-specific CDV with the ADV for the past 5 years of monitoring data. Table 2 outlines the design values for the years 2014–2018, and presents the ADC.

Table 3 summarizes the wildfire related events that were excluded from the calculated design values in Table 2. Table 3 include all regionally concurred exceptional events, as well as values between 98 $\mu g/m^3$ and 155 $\mu g/m^3$, which were treated in a manner analogous to exceedance data under the Exceptional Events Rule (EER) for the purpose of determining the LMP option eligibility. The values between 98 $\mu g/m^3$ and 155 $\mu g/m^3$ will remain in the Air Quality System (AQS) database for use in calculating DV's for every purpose besides determining LMP eligibility.[6] The EER can be found in 40 CFR 50.14 and 40 CFR 51.930, and outlines the requirements for the treatment of monitored air quality data that has been heavily influenced by an exceptional event. 40 CFR 50.1(j) defines an exceptional event as an event which affects air quality, is not reasonably controllable or preventable, is an event caused by human activity that is unlikely to recur at a particular location or a natural event and is determined by the Administrator in accordance with 40 CFR 50.14 to be an exceptional event. Exceptional events do not include stagnation of air masses or meteorological inversions,

[5] See Butte, MT submission in docket, Table 2.4—Butte, MT—PM_{10} Emission Summary, p. 18.

[6] Update on Application of the Exceptional Events Rule to the PM_{10} Limited Maintenance Plan Option, U.S. EPA, William T. Harnett, Director, Air Quality Policy Division, OAQPS, May 7, 2009.

meteorological events involving high temperatures or lack of precipitation, or air pollution relating to source noncompliance. 40 CFR 50.14(b) states that the EPA shall exclude data from use in determinations of exceedances and NAAQS violations where a state demonstrates to the EPA's satisfaction that an exceptional event caused a specific air pollution concentration in excess of one or more NAAQS at a particular air quality monitoring location and otherwise satisfies the requirements of section 50.14. Table 3 below includes some exceptional events not formally concurred on by EPA. These exceptional events were excluded by EPA in accordance with the LMP guidance.[7] We have concurred that these values can be excluded for the sole purpose of determining PM_{10} LMP eligibility and supporting documentation of EPA's concurrence with the wildfire related events can be found in the docket.[8]

TABLE 2–SUMMARY OF 24-HOUR PM_{10} DESIGN CONCENTRATIONS (μg/m³) FOR BUTTE 2014–2018

[Based on data from Greeley School site, AQS identification number (30–029–0049)]

Design concentration years	Design concentration (μg/m³)	Monitoring site
2014–2016	60	Greeley School.
2015–2017	85	Greeley School.
2016–2018	80	Greeley School.
Average Design Concentration (Of Most Recent 3 Design Concentrations)		75 μg/m³

TABLE 3–BUTTE 24-HOUR PM_{10} EVENTS EXCLUDED FROM THE 2014–2019 DATA FOR THE PURPOSE OF DETERMINING LMP ELIGIBILITY

Date	24-Hour value (μg/m³)	Monitoring site
8/15/2015	100	Greeley School.
8/20/2015	103	Greeley School.
8/28/2015	115	Greeley School.
8/29/2015	118	Greeley School.
9/2/2017	111	Greeley School.
9/3/2017	144	Greeley School.

These values were excluded by EPA solely for the purpose of determining limited maintenance plan (LMP) eligibility in accordance with LMP guidance. The values remain in AQS and are still used for all other purposes (including calculating the estimated exceedances and official design concentrations).

The ADV for the 24-hour PM_{10} NAAQS for Butte, based on data from the SLAMS monitor for the years 2014–2018 is 75 μg/m³. This value falls below the presumptive 24-hour CDV of 98 μg/m³ and would all meet the first threshold for LMP eligibility.

In addition to having an ADV that is lower than either the presumptive or area specific CDV, and in order to qualify for the LMP, the area must meet the motor vehicle regional emissions analysis test in attachment B of the LMP Option memo. Using the methodology outlined in the memo, based on monitoring data for the period 2014–2018, the EPA has determined that the Butte NAA passes the motor vehicle regional emissions analysis test, with a projected design value of 74.3 μg/m³ after 10 years, respectively, attributable to motor vehicle emission growth. For the calculations used to determine how the Butte NAA passed the motor vehicle regional analysis test, see the supporting documents in the docket.[9]

The monitoring data for the period 2014–2018 shows that Butte has attained the 24-hour NAAQS for PM_{10}, and the 24-hour ADV for the area is less than the 24-hour PM_{10} presumptive and area-specific CDV. Finally, the area has met the regional vehicle emissions analysis test. Thus, the Butte NAA qualifies for the LMP Option described in the LMP Option memo. The LMP Option memo also indicates that once a state selects the LMP Option and it is in effect, the state will be expected to determine, on an annual basis, that the LMP criteria are still being met. If the state determines that the LMP criteria are not being met, it should take action to reduce PM_{10} concentrations enough to requalify for the LMP. One possible approach the state could take is to implement contingency measures. Please see section 3.6 of the Butte LMP for a description of contingency provisions submitted as part of the State's submittal.

G. Does the State have an approved attainment emissions inventory which can be used to demonstrate attainment of the NAAQS?

The state's approved attainment plan should include an emissions inventory (attainment inventory) which can be used to demonstrate attainment of the NAAQS. The inventory should represent emissions during the same 5-year period associated with air quality data used to determine whether the area meets the applicability requirements of the LMP Option. The state should review its inventory every 3 years to ensure emissions growth is incorporated in the attainment inventory if necessary.

[7] See Update on Application of the Exceptional Events Rule to the PM_{10} Limited Maintenance Plan Option, U.S. EPA, William T. Harnett, Director, Air Quality Policy Division, OAQPS, May 7, 2009 and Additional Methods, Determinations, and Analyses to Modify Air Quality Data Beyond Exceptional Events, U.S. EPA, Richard Wayland, Director, Air Quality Assessment Division and Anna Marie Wood, Director, Air Quality Policy Division, April 4, 2019 memos in docket.

[8] February 8, 2019 letter to MDEQ, Re: Exceptional Events Requests Regarding Exceedances of the 24-hour PM_{10} NAAQS and the LMP Eligibility Threshold at Montana Monitoring Sites with PM_{10} Nonattainment Areas; and November 1, 2018 letter to MDEQ, Re: Request for EPA concurrence on exceptional event claims for fine ($PM_{2.5}$) and coarse (PM_{10}) particulate matter data impacted by wildfires in 2015 and 2016. See Butte, MT submission in docket.

[9] See memo to file in docket dated February 16, 2021 titled ''Memo to File—Butte, MT Motor Vehicle Regional Emissions Analysis''.

In this instance, Montana completed an attainment year inventory for the attainment year 2014 for the Butte NAA. The EPA has reviewed the 2014 emissions inventories and determined that they are current, accurate and complete. In addition, the emissions inventory submitted with the LMP for the calendar year 2014 is representative of the level of emissions during the time period used to calculate the ADV since 2014 is included in the 5-year period used to calculate the design values (2014–2018).

H. Does the LMP include an assurance of continued operation of an appropriate epa-approved air quality monitoring network, in accordance with 40 CFR part 58?

The PM_{10} monitoring network for the Butte NAA has been developed and maintained in accordance with federal siting and design criteria in 40 CFR part 58, appendices D and E and in consultation with the EPA Region 8. In Section 3.5 of the Butte LMP, Montana states that it will continue to operate its monitoring network to meet EPA requirements.

I. Does the plan meet the CAA requirements for contingency provisions for maintenance plans?

Section 175A of the CAA states that a maintenance plan must include contingency provisions, as necessary, to promptly correct any violation of the NAAQS which may occur after redesignation of the area to attainment. As explained in the LMP Option memo, these contingency measures do not have to be fully adopted at the time of redesignation. As noted above, CAA section 175A requirements are distinct from CAA section 172(c)(9) contingency measures. Section 3.6 of the Butte LMP describes a process and timeline to identify and evaluate appropriate contingency measures in the event of a quality assured violation of the PM_{10} NAAQS. Upon notification of a PM_{10} exceedance in any of the three areas, the MDEQ and the appropriate local government will develop contingency measures designed to prevent or correct a violation of the PM_{10} standard. This process will be completed within twelve months of the exceedance notification. Upon violating the PM_{10} standard, the MDEQ and local government will determine if the local contingency measures will be adequate to prevent further exceedances or violations. If the agencies determine that local measures will be inadequate, the MDEQ and local government will adopt state-enforceable measures.

The current and proposed contingency provisions in the Butte LMP meet the requirements for contingency provisions as outlined in the LMP Option memo.

J. Has the State met transportation and general conformity requirements?

1. Transportation Conformity

Transportation conformity is required by section 176(c) of the CAA. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS (CAA section 176(c)(1)(B)). The EPA's conformity rule at 40 CFR part 93, subpart A requires that transportation plans, programs and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they conform. To effectuate its purpose, the conformity rule typically requires a demonstration that emissions from the applicable Regional Transportation Plan and the Transportation Improvement Program are consistent with the motor vehicle emission budget (MVEB) contained in the control strategy SIP revision or maintenance plan (40 CFR 93.101, 93.118, and 93.124). The EPA notes that a MVEB is usually defined as the level of mobile source emissions of a pollutant relied upon in the attainment or maintenance demonstration to attain or maintain compliance with the NAAQS in the nonattainment or maintenance areas. MVEBs are, however, treated differently with respect to LMP areas.[10]

Our LMP Option memorandum does not require that MVEBs be identified in the maintenance plan. While the EPA's LMP Option memorandum does not exempt an area from the need to affirm conformity, it explains that the area may demonstrate transportation conformity without identifying and submitting a MVEB. The basis for this provision is that it is unreasonable to expect that an LMP area will experience so much growth during the maintenance period that a violation of the PM_{10} NAAQS would result. Therefore, for transportation conformity purposes, the EPA has concluded that mobile source emissions in LMP areas need not be capped, with respect to a MVEB, for the maintenance period and a regional emissions analysis (40 CFR 93.118), for transportation conformity purposes, is also not required.

However, since LMP areas are still maintenance areas, certain aspects will continue to be required for transportation projects located within the Butte PM_{10} maintenance area. Specifically, for conformity determinations, projects will have to demonstrate that they are fiscally constrained (40 CFR 93.108) and meet the criteria for consultation (40 CFR 93.105 and 40 CFR 93.112) and timely implementation (as applicable) of Transportation Control Measures (40 CFR 93.113). In addition, projects located within the Butte PM_{10} LMP area will be required to be evaluated for potential PM_{10} hot-spot issues in order to satisfy the ''project level'' conformity determination requirements. As appropriate, a project may then need to address the applicable criteria for a PM_{10} hot-spot analysis as provided in 40 CFR 93.116 and 40 CFR 93.123.

Finally, our proposed approval of the Butte PM_{10} LMP may affect future PM_{10} project-level transportation conformity determinations prepared by the Montana Department of Transportation in conjunction with the Federal Highway Administration and the Federal Transit Administration. *See* 40 CFR 93.100. As such, the EPA is proposing to approve the Butte LMP as meeting the appropriate transportation conformity requirements found in 40 CFR part 93, subpart A.

2. General Conformity

Federal actions, other than transportation conformity, that meet specific criteria need to be evaluated with respect to the requirements of 40 CFR part 93, subpart B. The EPA's general conformity rule requirements are designed to ensure that emissions from a federal action will not cause or contribute to new violations of the NAAQS, exacerbate current violations, or delay timely attainment. However, as noted in our LMP Option memorandum and similar to the above discussed transportation conformity provisions, federal actions subject to our general conformity requirements would be considered to satisfy the ''budget test,'' as specified in 40 CFR 93.158(a)(5)(i)(A). As discussed above, the basis for this provision in the LMP Option memorandum is that it is unreasonable to expect that an LMP area will experience so much growth during the maintenance period that a violation of the PM_{10} NAAQS would result. Therefore, for purposes of general conformity, a general conformity PM_{10} emissions budget does not need to be identified in the maintenance plan, nor

[10] Further information concerning the EPA's interpretations regarding MVEBs can be found in the preamble to the EPA's November 24, 1993, transportation conformity rule (see 58 FR 62193–62196).

submitted, and the emissions from federal agency actions are essentially considered to not be limited.

IV. The EPA's Proposed Action

For the reasons explained in Section III, we are proposing to approve the LMP for the Butte NAA and the State's request to redesignate the Butte NAA from nonattainment to attainment for the 1987 24-hour PM_{10} NAAQS. Additionally, the EPA is proposing to determine that the Butte NAA has attained the NAAQS for PM_{10}. This determination is based upon monitored air quality data for the PM_{10} NAAQS during the years 2014–2018. The EPA is proposing to approve the Butte LMP as meeting the appropriate transportation conformity requirements found in 40 CFR part 93, subpart A.

V. Statutory and Executive Order Reviews

Under the CAA, 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 CAA. Accordingly, this 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 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);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- 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 CAA; and
- Does not provide 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, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed 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

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, and Wilderness areas.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: April 8, 2021.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

[FR Doc. 2021–07793 Filed 4–16–21; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

48 CFR Part 532

[GSAR Case 2020–G521; Docket No. 2021–0008; Sequence No. 1]

RIN 3090–AK35

General Services Administration Acquisition Regulation; Remove Office of General Counsel Review for Final Payments

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Proposed rule.

SUMMARY: GSA is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to revise internal agency approval procedures for processing a final payment for construction and building service contracts where, after 60 days, a contracting officer is unable to obtain a release of claims from a contractor.

DATES: Interested parties should submit written comments to the Regulatory Secretariat Division at the address shown below on or before June 18, 2021 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to GSAR Case 2020–G521 to: *Regulations.gov: https://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''GSAR Case 2020–G521''. Select the link ''Comment Now'' that corresponds with GSAR Case 2020–G521. Follow the instructions provided at the ''Comment Now'' screen. Please include your name, company name (if any), and ''GSAR Case 2020–G521'' on your attached document. If your comment cannot be submitted using *https://www.regulations.gov,* call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Please submit comments only and cite GSAR Case 2020–G521 in all correspondence related to this case. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *https://www.regulations.gov* approximately two to three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Mr. Logan Kemp, GSA Acquisition Policy Division, at 202–969–4066 or by email at *gsarpolicy@gsa.gov,* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.* Please cite GSAR Case 2020–G521.

SUPPLEMENTARY INFORMATION:

I. Background

GSA is proposing to amend the General Services Administration Regulations (GSAR) to modify GSAR 532.905–70 so it no longer requires contracting officers to obtain approval of legal counsel before processing final payments for construction and building service contracts where, after 60 days, the contracting officer is unable to

obtain a release of claims from the contractors. Legal review is not a statutory requirement, and the decision to process final payments in such cases is a business decision, rather than a legal one.

II. Authority for This Rulemaking

Title 40 of the United States Code (U.S.C.) Section 121 authorizes GSA to issue regulations, including the GSAR, to control the relationship between GSA and contractors.

III. Discussion and Analysis

Prior to this rule, GSA guidance on final payments for construction and building service contracts provided that, ''in cases where, after 60 days from the initial attempt, the contracting officer is unable to obtain a release of claims from the contractor, the final payment may be processed with the approval of assigned legal counsel.'' GSA is proposing to amend GSAR 532.905–70(c) by removing the legal approval requirement because this is a business decision to be made by the contracting officer, not a legal decision. Therefore, if there is implementation of this proposed rule, a contracting officer may instead process a final payment in such a situation after documenting in the contract file: (i) That the contracting officer requested a release of claims from the contractor and did not receive a response within 60 calendar days; and (ii) approval to process the final payment from one level above the contracting officer.

IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 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). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been reviewed and determined by Office of Management and Budget (OMB) not to be a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

V. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a ''major rule'' may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule has been reviewed and determined by OMB not to be a ''major rule'' under 5 U.S.C. 804(2).

VI. Regulatory Flexibility Act

GSA does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

Therefore, an Initial Regulatory Flexibility Analysis has not been performed. GSA invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

GSA will also consider comments from small entities concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (GSAR Case 2020–G521), in correspondence.

VII. Paperwork Reduction Act

This rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 35, *et seq.*).

List of Subjects in 48 CFR Part 532

Government procurement.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy, General Services Administration.

Therefore, GSA proposes to amend 48 CFR part 532 as set forth below:

PART 532—CONTRACT FINANCING

■ 1. The authority citation for 48 CFR part 532 continues to read as follows:

Authority: 40 U.S.C. 121(c).

■ 2. Amend section 532.905–70 by—

■ a. Removing from paragraph (a) ''amount due the Contractor'' and adding ''amount due to the contractor'' in its place;

■ b. Revising paragraph (b); and

■ c. Removing paragraphs (c) and (d).

The revision reads as follows:

532.905–70 Final payment—construction and building service contracts.

* * * * *

(b) A contracting officer may only process the final payment for a construction or building service contract once:

(1) The contractor submits a properly executed GSA Form 1142, Release of Claims; or

(2) The contracting officer documents in the contract file:

(i) That the contracting officer requested a release of claims from the contractor and did not receive a response within 60 calendar days; and

(ii) Approval to process the final payment from one level above the contracting officer.

[FR Doc. 2021–07817 Filed 4–16–21; 8:45 am]

BILLING CODE 6820–61–P

Notices

Federal Register
Vol. 86, No. 73
Monday, April 19, 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

Forest Service

El Dorado County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The El Dorado County Resource Advisory Committee (RAC) will hold a virtual meeting. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following website: *https://www.fs.usda.gov/main/eldorado/workingtogether/advisorycommittees.*

DATES: The meeting will be held on May 19, 2021, from 4:00–6:00 p.m., Pacific Daylight Time.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held with virtual attendance only. For virtual meeting information, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at: Eldorado National Forest Supervisor's Office, 100 Forni Road, Placerville, CA. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Kristi Schroeder, Public Affairs Specialist by phone at 530–305–6864 or via email at *kristi.schroeder@usda.gov.*

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Daylight Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meetings is to:

1. Review progress of RAC project proposals submitted to Forest Supervisor; and

2. Determine options and needs for RAC monitoring of projects.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing 7 days before the meeting to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Kristi Schroeder, Eldorado National Forest, 100 Forni Road, Placerville, CA 95667; by email to *kristi.schroeder@usda.gov;* or via facsimile to 530–621–5297.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case-by-case basis.

Dated: April 13, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021–07906 Filed 4–16–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

South Central Idaho Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The South Central Idaho Resource Advisory Committee (RAC) will hold a virtual meeting. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following website: *https://www.fs.usda.gov/main/sawtooth/workingtogether.*

DATES: The meeting will be held on Thursday, May 13, 2021 at 9:00 a.m. Mountain Daylight Time.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held virtually via telephone and/or video conference. For virtual meeting information, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Jerome Office for the Sawtooth National Forest: 370 American Avenue, Jerome, Idaho 83338. Please call ahead at to facilitate entry into the building: 208–423–7500.

FOR FURTHER INFORMATION CONTACT: Julie Thomas, RAC Coordinator, by phone at 208–423–7500 or via email at *julie.thomas@usda.gov.*

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Daylight Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Present project proposals, and

2. Discuss, recommend, and approve new Title II projects.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by April 26, 2021, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Julie Thomas, RAC Coordinator, 370 American Avenue, Jerome, Idaho 83338; by email to *julie.thomas@usda.gov,* or via facsimile to 208–423–7510.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case-by-case basis.

Dated: April 13, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021–07955 Filed 4–16–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Eastern Idaho Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Eastern Idaho Resource Advisory Committee (RAC) will meet virtually. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following website: *https://www.fs.usda.gov/main/ctnf/workingtogether/advisorycommittees*.

DATES: The meetings will be held on:

- May 18, 2021 at 9:00 a.m., Mountain Daylight Time; and
- May 19, 2021 at 9:00 a.m., Mountain Daylight Time.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance and information on how to connect to the meeting, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meetings will be held virtually. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Dubois Ranger District Office, 98 N Oakley, Dubois, ID 83420.

FOR FURTHER INFORMATION CONTACT: Bill Davis, RAC Coordinator, by phone at 208–374–5422 or via email at *william.davis6@usda.gov*

Individuals who use telecommunication devices for the hearing-imparied (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Daylight Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Discuss current status of RAC;
2. Elect a Committee Chair; and
3. Discuss and make recommendations on new Secure Rural Schools Title II projects.

The meetings are open to the public. The agendas will include time for individuals to make oral statements of three minutes or less. Individuals wishing to make an oral statement at any of the meetings should request in writing by Friday, April 30, 2021, to be scheduled on the agenda for that particular meeting. Individuals who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Bill Davis, RAC Coordinator, P.O. Box 46, Dubois, ID 83420; by email to *william.davis6@usda.gov,* or via facsimile to 208–374–5623.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case-by-case basis.

Authority: 44 U.S.C. 2101–2118; 50 U.S.C. 6909.

Dated: April 13, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021–07903 Filed 4–16–21; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Georgia Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Georgia Advisory Committee (Committee) will hold a briefing via web conference on Monday, May 10, 2021, at 12:00 p.m. Eastern Time for the purpose of gathering testimony on civil asset forfeiture in Georgia.

DATES: The meeting will be held on Monday, May 10, 2021 at 12:00 p.m.—1:45 p.m. Eastern Time.

ADDRESSES:

Register online (audio/visual): *https://bit.ly/3mvDOh2*.

Join by phone (audio only): 800–360–9505 USA Toll Free; Access code: 199 105 0985.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 202–618–4158.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the above listed toll-free number or online registration link. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captions will be provided. Individuals who are deaf, deafblind, or hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number. Please contact the Commission 10 days prior to the meeting to request other accommodations.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Melissa Wojnaroski at *mwojnaroski@usccr.gov* in the Regional Program Unit Office/Advisory Committee Management Unit. Persons who desire additional information may contact the Regional Programs Unit Office at 202–618–4158.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *https://www.facadatabase.gov* under the Commission on Civil Rights, Georgia Advisory Committee link. Persons interested in the work of this Committee are also directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit office at the above email or phone number.

Agenda

Welcome and Roll Call
Discussion: Civil Rights in Georgia (Civil Asset Forfeiture)
Public Comment
Adjournment

Dated: April 13, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–07968 Filed 4–16–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Office of the Under Secretary for Economic Affairs

Advisory Committee on Data for Evidence Building

AGENCY: Office of the Under Secretary for Economic Affairs, U.S. Department of Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Office of the Under Secretary for Economic Affairs is providing notice of three upcoming meetings of the Advisory Committee on Data for Evidence Building (ACDEB or Committee). These will constitute the eighth, ninth, and tenth meeting of the Committee in support of its charge to review, analyze, and make recommendations on how to promote the use of Federal data for evidence building purposes. At the conclusion of the Committee's first and second year, it will submit to the Director of the Office of Management and Budget, Executive Office of the President, an annual report on the activities and findings of the Committee. This report will also be made available to the public.

DATES: May 21, 2021; June 18, 2021; July 23, 2021. The meetings will begin at approximately 9:00 a.m. and adjourn at approximately 12:00 p.m. (ET).

ADDRESSES: Those interested in attending the Committee's public meetings are requested to RSVP to *Evidence@bea.gov* one week prior to each meeting. Agendas, background material, and meeting links will be accessible 24 hours prior to each meeting at *www.bea.gov/evidence.*

Members of the public who wish to submit written input for the Committee's consideration are welcomed to do so via email to *Evidence@bea.gov.* Additional opportunities for public input will be forthcoming.

The safety and well-being of the public, committee members, and our staff are our top priority. In light of current travel restrictions and social-distancing guidelines resulting from the COVID–19 outbreak, each meeting will be held virtually.

FOR FURTHER INFORMATION CONTACT: Gianna Marrone, Program Analyst, U.S. Department of Commerce, 4600 Silver Hill Road (BE–64), Suitland, MD 20746; phone (301) 278–9282; email *Evidence@bea.gov.*

SUPPLEMENTARY INFORMATION: The Foundations for Evidence-Based Policymaking Act (Pub. L. 115–435, Evidence Act 101(a)(2) (5 U.S.C. 315 (a)), establishes the Committee and its charge. It specifies that the Chief Statistician of the United States shall serve as the Chair and other members shall be appointed by the Director of the Office of Management and Budget (OMB). The Act prescribes a membership balance plan that includes: one agency Chief Information Officer; one agency Chief Privacy Officer; one agency Chief Performance Officer; three members who are agency Chief Data Officers; three members who are agency Evaluation Officers; and three members who are agency Statistical Officials who are members of the Interagency Council for Statistical Policy established under section 3504(e)(8) of title 44. Additionally, at least 10 members are to be representative of state and local governments and nongovernmental stakeholders with expertise in government data policy, privacy, technology, transparency policy, evaluation and research methodologies, and other relevant subjects. Committee members serve for a term of two years. Following a public solicitation and review of nominations, the Director of OMB appointed members per this balance plan and information on the membership can be found at *www.bea.gov/evidence.* Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

The ACDEB is interested in the public's input on the issues it will consider, and requests that interested parties submit statements to the ACDEB via email to *Evidence@bea.gov.* Please use the subject line ''ACDEB Meeting Public Comment.'' All statements will be provided to the members for their consideration and will become part of the Committee's records. Additional opportunities for public input will be forthcoming as the Committee's work progresses.

ACDEB Committee meetings are open, and the public is invited to attend and observe. Those planning to attend are asked to RSVP to *Evidence@bea.gov.* The call-in number, access code, and meeting link will be posted 24 hours prior to each meeting on *www.bea.gov/evidence.* The meetings are accessible to people with disabilities. Requests for foreign language interpretation or other auxiliary aids should be directed to Gianna Marrone at *Evidence@bea.gov* two weeks prior to each meeting.

Dated: March 16, 2021.

Alyssa Holdren,

Designated Federal Official, U.S. Department of Commerce.

[FR Doc. 2021–07984 Filed 4–16–21; 8:45 am]

BILLING CODE 3510–MN–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Bureau of Economic Analysis Advisory Committee Meeting

AGENCY: Bureau of Economic Analysis, U.S. Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, the Bureau of Economic Analysis (BEA) announces a meeting of the Bureau of Economic Analysis Advisory Committee. The meeting will address proposed improvements, extensions, and research related to BEA's economic accounts. In addition, the meeting will include an update on recent statistical developments.

DATES: Friday, May 14, 2021. The meeting begins at 10:00 a.m. and adjourns at 2:30 p.m.

ADDRESSES: The safety and well-being of the public, committee members and staff is the bureau's top priority. In light of the travel restrictions and social-distancing requirements resulting from the COVID–19 outbreak, this meeting will be held virtually.

FOR FURTHER INFORMATION CONTACT: Gianna Marrone, Program Analyst, U.S. Department of Commerce, Bureau of Economic Analysis, Suitland, MD 20746; phone (301) 278–9282.

Public Participation: This meeting is open to the public. Anyone planning to attend the meeting must contact Gianna Marrone at BEA (301) 278–9282 or *gianna.marrone@bea.gov.* The call-in number, access code, and presentation link will be posted 24 hours prior to the meeting on *https://www.bea.gov/about/bea-advisory-committee.* The meeting is accessible to people with disabilities. Requests for foreign language interpretation or other auxiliary aids should be directed to Gianna Marrone at (301) 278–9282 by May 7, 2021.

SUPPLEMENTARY INFORMATION: The Committee was established September 2, 1999. The Committee advises the Director of BEA on matters related to the development and improvement of BEA's national, regional, industry, and international economic accounts, with a focus on new and rapidly growing areas of the U.S. economy. The committee provides recommendations from the perspectives of the economics profession, business, and government.

Dated: March 16, 2021.

Ryan Noonan,

Designated Federal Officer, Bureau of Economic Analysis.

[FR Doc. 2021–07965 Filed 4–16–21; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–893–001; A–400–001]

Silicon Metal From Bosnia and Herzegovina and Iceland: Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing antidumping duty orders on silicon metal from Bosnia and Herzegovina (Bosnia) and Iceland.

DATES: Applicable April 19, 2021.

FOR FURTHER INFORMATION CONTACT: Brittany Bauer (Bosnia) and Emily Halle (Iceland), AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3860 and (202) 482–0176, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on February 26, 2021, Commerce published its affirmative final determinations in the less-than-fair-value (LTFV) investigations of silicon metal from Bosnia and Iceland.[1] On April 12, 2021, the ITC notified Commerce of its final affirmative determinations that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of LTFV imports of silicon metal from Bosnia and Iceland.[2]

Scope of the Orders

The products covered by these orders are silicon metal. For a complete description of the scope of the orders, *see* the appendix to this notice.

Antidumping Duty Orders

On April 12, 2021, in accordance with sections 735(b)(1)(A)(i) and 735(d) of the Act, the ITC notified Commerce of its final determinations that an industry in the United States is materially injured by reason of imports of silicon metal from Bosnia and Iceland. Therefore, in accordance with sections 735(c)(2) and 736 of the Act, Commerce is issuing these antidumping duty orders. Because the ITC determined that imports of silicon metal from Bosnia and Iceland are materially injuring a U.S. industry, unliquidated entries of such merchandise from Bosnia and Iceland, which are entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(b)(1) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of silicon metal from Bosnia and Iceland. Antidumping duties will be assessed on unliquidated entries of silicon metal from Bosnia and Iceland which are entered, or withdrawn from warehouse, for consumption on or after December 11, 2020, the date of publication of the *Preliminary Determinations.*[3]

Continuation of Suspension of Liquidation

In accordance with section 736 of the Act, Commerce will instruct CBP to continue to suspend liquidation on all relevant entries of silicon metal from Bosnia and Iceland as described in the appendix to this notice which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's notice of final determinations in the **Federal Register**. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits for estimated antidumping duties equal to the rates listed below. Accordingly, effective on the date of publication in the **Federal Register** of the ITC's final affirmative injury determinations, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the cash deposit rates listed below.[4] The relevant all-others rate applies to all producers or exporters not specifically listed, as appropriate.

Estimated Weighted-Average Dumping Margins

The dumping margins for each antidumping duty order are as follows:

Exporter or producer	Dumping margin (percent)
Bosnia and Herzegovina	
R-S Silicon D.O.O	21.41
All Others	21.41
Iceland	
PCC Bakki Silicon hf	47.54
All Others	37.83

Critical Circumstances

With regard to the ITC's negative critical circumstances determination on imports of silicon metal from Iceland, we will instruct CBP to lift suspension and to refund any cash deposits made

[1] *See Silicon Metal from Bosnia and Herzegovina and Iceland: Final Affirmative Determinations of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances for Iceland,* 86 FR 11720 (February 26, 2021).

[2] *See* ITC's Letter, ITC Notification, dated April 12, 2021 (ITC Letter).

[3] *See Silicon Metal from Bosnia and Herzegovina and Iceland: Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 85 FR 80009 (December 11, 2020) (*Preliminary Determinations*).

[4] *See* section 736(a)(3) of the Act.

to secure the payment of estimated antidumping duties with respect to entries of the subject merchandise entered or withdrawn from warehouse, for consumption on or after September 12, 2020 (*i.e.,* 90 days prior to the date of the publication of the *Preliminary Determinations*), but before December 11, 2020 (*i.e.,* the date of publication of the *Preliminary Determinations*).

Provisional Measures

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request Commerce extended the four-month period to no more than six-months. Commerce published the *Preliminary Determinations* on December 11, 2020. Commerce's *Final Determinations* were not extended and were published on February 26, 2021. Therefore, the four-month period beginning on the date of publication of the *Preliminary Determinations* ended on April 9, 2021. Furthermore, section 737(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 733(d) of the Act, we will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of silicon metal from Bosnia and Iceland entered, or withdrawn from warehouse, for consumption after April 9, 2021, the date on which the provisional measures expired, until and through the day preceding the date of publication of the ITC's final injury determinations in the **Federal Register**. Suspension of liquidation will resume on the date of publication of the ITC's final determinations in the **Federal Register**.

Notifications to Interested Parties

This notice constitutes the antidumping duty orders with respect to silicon metal from Bosnia and Iceland pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

These orders are published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: April 14, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Orders

The scope of these orders covers all forms and sizes of silicon metal, including silicon metal powder. Silicon metal contains at least 85.00 percent but less than 99.99 percent silicon, and less than 4.00 percent iron, by actual weight. Semiconductor grade silicon (merchandise containing at least 99.99 percent silicon by actual weight and classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2804.61.0000) is excluded from the scope of these orders.

Silicon metal is currently classifiable under subheadings 2804.69.1000 and 2804.69.5000 of the HTSUS. While the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

[FR Doc. 2021–08112 Filed 4–16–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–834–811]

Silicon Metal From the Republic of Kazakhstan: Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing a countervailing duty order on silicon metal from the Republic of Kazakhstan (Kazakhstan).

DATES: Applicable April 19, 2021.

FOR FURTHER INFORMATION CONTACT: Justin Neuman, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0486.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 705(a), 705(d), and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on February 26, 2021, Commerce published its affirmative final determination that countervailable subsidies are being provided to producers and exporters of silicon metal from Kazakhstan.[1] On April 12, 2021, the ITC notified Commerce of its affirmative final determination that pursuant to sections 705(b)(1)(A)(i) and 705(d) of the Act, an industry in the United States is materially injured by reason of subsidized imports of silicon metal from Kazakhstan.[2]

Scope of the Order

The product covered by this order is silicon metal from Kazakhstan. For a complete description of the scope of the order, *see* the Appendix to this notice.

Countervailing Duty Order

On April 12, 2021, in accordance with sections 705(b)(1)(A)(i) and 705(d) of the Act, the ITC notified Commerce of its final determination that an industry in the United States is materially injured by reason of subsidized imports of silicon metal from Kazakhstan.[3] Therefore, in accordance with section 705(c)(2) of the Act, Commerce is issuing this countervailing duty order. Because the ITC determined that imports of silicon metal from Kazakhstan are materially injuring a U.S. industry, unliquidated entries of such merchandise from Kazakhstan, which are entered or withdrawn from warehouse for consumption, are subject to the assessment of countervailing duties.

Therefore, in accordance with section 706(a) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, countervailing duties for all relevant entries of silicon metal from Kazakhstan. Countervailing duties will be assessed on unliquidated entries of silicon metal from Kazakhstan which are entered, or withdrawn from warehouse, for consumption on or after December 3, 2020, the date of publication of the *Preliminary Determination,*[4] but will not include entries occurring after the expiration of the provisional measures period and before the publication of the ITC's final injury determination under section 705(b) of the Act, as further described below.

[1] *See Silicon Metal from the Republic of Kazakhstan: Final Affirmative Countervailing Duty Determination,* 86 FR 11725 (February 26, 2021) (*Final Determination*) and accompanying Issues and Decision Memorandum.

[2] *See* ITC's Letter, ITC Notification, dated April 12, 2021 (ITC Notification Letter).

[3] *Id.*

[4] *See Silicon Metal from the Republic of Kazakhstan: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination,* 85 FR 78122 (December 3, 2020) (*Preliminary Determination*).

Suspension of Liquidation and Cash Deposits

In accordance with section 706 of the Act, Commerce will instruct CBP to reinstitute the suspension of liquidation of silicon metal from Kazakhstan, as described in the appendix to this notice, effective on the date of publication of the ITC's notice of final determination in the **Federal Register**, and to assess, upon further instruction by Commerce, pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rates below. On or after the date of publication of the ITC's final injury determinations in the **Federal Register**, CBP must require, at the same time as importers would deposit estimated normal customs duties on this merchandise, a cash deposit equal to the rates noted below. The all-others rate applies to all producers or exporters not specifically listed below.

Company	Subsidy rate (percent)
Tau-Ken Temir LLP and JSC NMC Tau-Ken Samruk[5]	160.00
All Others	160.00

Provisional Measures

Section 703(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months. In the underlying investigation, Commerce published the *Preliminary Determination* on December 3, 2020. Therefore, the four-month period beginning on the date of the publication of the *Preliminary Determination* ended on April 1, 2021. Furthermore, section 707(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 703(d) of the Act, we instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of silicon metal from Kazakhstan entered, or withdrawn from warehouse, for consumption, on or after April 2, 2021, the date the provisional measures expired, until and through the day preceding the date of publication of the ITC's final injury determination in the **Federal Register**. Suspension of liquidation will resume on the date of publication of the ITC's final determination in the **Federal Register**.

Notification to Interested Parties

This notice constitutes the countervailing duty order with respect to silicon metal from Kazakhstan pursuant to section 706(a) of the Act. Interested parties can find a list of countervailing duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.* This order is issued and published in accordance with section 706(a) of the Act and 19 CFR 351.211(b).

Dated: April 14, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Order

The scope of this order covers all forms and sizes of silicon metal, including silicon metal powder. Silicon metal contains at least 85.00 percent but less than 99.99 percent silicon, and less than 4.00 percent iron, by actual weight. Semiconductor grade silicon (merchandise containing at least 99.99 percent silicon by actual weight and classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2804.61.0000) is excluded from the scope of this order.

Silicon metal is currently classifiable under subheadings 2804.69.1000 and 2804.69.5000 of the HTSUS. While the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

[FR Doc. 2021–08111 Filed 4–16–21; 8:45 am]

BILLING CODE 3510–DS–P

[5] As discussed in the Issues and Decision Memorandum, Commerce has found the following companies to be cross-owned with Tau-Ken Temir LLP and JSC NMC Tau-Ken Samruk: Silicon Metal LLP, Metallurgical Combine KazSilicon LLP, National Welfare Fund ''Samruk-Kazyna'' JSC, ''Ekibastuz GRES–2 station'' JSC, and JSC KEGOC.

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Safety and Health Information Collection

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice of Information Collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before June 18, 2021.

ADDRESSES: Interested persons are invited to submit written comments by mail to Maureen O'Reilly, Management Analyst, NIST, by email to *PRAcomments@doc.gov.* Please reference OMB Control Number 0693–0080 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Jeni Kostick, Office of Safety, Health, and Environment, NIST, 100 Bureau Drive, Gaithersburg, MD 20899, (301) 975–3263 or *jennifer.kostick@nist.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Institute of Standards and Technology (NIST) is a unique federal campus which hosts daily a range of non-federal individuals. Non-federal individuals may include NIST Associates, volunteers, students, and visitors. In order to provide these individuals with proper health care and health documentation, NIST is pursuing approval of three health unit forms. The information is collected for the following purposes:

1. For medical treatment, testing, or recording of medical or safety equipment or incidents.

2. To refer information required by applicable law to be disclosed to a Federal, State, or local public health service agency, concerning individuals who have contracted certain communicable diseases or conditions. Such information is used to prevent further outbreak of the disease or condition.

3. To disclose information to the appropriate Federal, State, or local agencies responsible for investigation of an accident, disease, medical condition, or injury as required by pertinent legal authority.

4. To disclose to the Office of Workers' Compensation Programs about a claim for benefits filed.

II. Method of Collection

Information will be collected in paper format, electronically via internal web applications, and through interviews.

III. Data

OMB Control Number: 0693–0080.

Form Number(s): None.

Type of Review: Extension of a current information collection.

Affected Public: Some associates, volunteers, and visitors to NIST.

Estimated Number of Respondents: 1,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 166.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Voluntary.

Legal Authority:

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. 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 may 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.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–07972 Filed 4–16–21; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Evaluation of Public Visitors' Experience at the National Marine Sanctuaries Visitor Centers and Exhibits

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before June 18, 2021.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0582 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Dr. Giselle Samonte, Economist, NOAA Office of National Marine Sanctuaries, 1305 East West Highway, SSMC4, 11th Floor, Silver Spring, MD 20910; email address: *Giselle.Samonte@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Office of National Marine Sanctuaries (ONMS) is requesting revision and extension of a currently approved information collection. This information collection is revised to include the collection instruments approved under OMB Control Number 0648–0777, after which that control number will be discontinued. The title of this collection is being changed to encompass both collections.

The evaluation of visitor demographics, experiences, and opinions about visitor centers and exhibits is needed to support the conservation, education, and management goals of ONMS to strengthen and improve the stewardship, sustainable use, and protection of natural, cultural, and historical resources. Under the jurisdiction of ONMS and to satisfy legal mandates, the National Oceanic and Atmospheric Administration (NOAA) is authorized to conduct evaluations, such as this information collection, under the American Innovation and Competitiveness Act (section 314(c)) to ensure education programs have measurable objectives and milestones as well as clear, documented metrics for evaluating its programs.

For example, the Mokupāpapa Discovery Center (Center) is an outreach arm of Papahānaumokuākea Marine National Monument that reaches more than 75,000 people each year in Hilo, Hawai'i. The Center was created almost two decades ago to help raise support for the creation of a national marine sanctuary in the Northwestern Hawaiian Islands. Since that time, the area has been proclaimed a marine national monument and the main messages we are trying to share with the public have changed to better reflect the new monument status, UNESCO World Heritage status, and the joint management by the three co-trustees of the monument.

ONMS recently updated its Strategic Plan and has identified a lack of information on the effectiveness of its education, outreach, and communications initiatives as they relate to sanctuary/monument visitor centers, exhibits (permanent or traveling/temporary), kiosks, and educational programming conducted by its visitor centers and partner facilities.

We therefore are seeking to determine if people visiting ONMS' visitor centers and exhibits are receiving our new messages by conducting an optional exit survey. ONMS is requesting to conduct a survey to evaluate patron acuity to determine successful concept attainment. Conducting thorough evaluations will aid in vital decisions regarding exhibit renovation, new exhibits, interpretation programs, and educational content.

II. Method of Collection

Information collection is voluntary via completion of an ONMS Visitor Center and Exhibit Survey provided at the ONMS and Partner Outreach Facilities.

III. Data

OMB Control Number: 0648–0582.

Form Number(s): None.

Type of Review: Regular (Revision and extension of current information collection.)

Affected Public: Individuals or households.

Estimated Number of Respondents: 8,750.

Estimated Time per Response: Center Survey: 8 minutes; Visitor and Exhibit Survey: 12 minutes.

Estimated Total Annual Burden Hours: 1,734.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Voluntary.

Legal Authority: National Marine Sanctuary Act.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. 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 may 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.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–07904 Filed 4–16–21; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG21–121–000.
Applicants: Kei Mass Energy Storage I, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Kei Mass Energy Storage I, LLC.
Filed Date: 4/12/21.
Accession Number: 20210412–5882.
Comments Due: 5 p.m. ET 5/3/21.

Docket Numbers: EG21–122–000.
Applicants: Niyol Wind, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Niyol Wind, LLC.
Filed Date: 4/13/21.
Accession Number: 20210413–5203.
Comments Due: 5 p.m. ET 5/4/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–2379–002.
Applicants: Sugar Creek Wind One LLC.
Description: Notice of Non-Material Change in Status of Sugar Creek Wind One LLC.
Filed Date: 4/12/21.
Accession Number: 20210412–5886.
Comments Due: 5 p.m. ET 5/3/21.

Docket Numbers: ER21–679–001.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing: 2021–04–13_Compliance Filing re Spinning Reserves to be effective 6/1/2021.
Filed Date: 4/13/21.
Accession Number: 20210413–5207.
Comments Due: 5 p.m. ET 5/4/21.

Docket Numbers: ER21–1663–000.
Applicants: Old Dominion Electric Cooperative, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revised SA No. 3746, NITSA Among PJM and Old Dominion Electric Cooperative to be effective 4/1/2021.
Filed Date: 4/12/21.
Accession Number: 20210412–5770.
Comments Due: 5 p.m. ET 5/3/21.

Docket Numbers: ER21–1664–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 6007; Queue No. AD2–115 to be effective 3/15/2021.
Filed Date: 4/13/21.
Accession Number: 20210413–5054.
Comments Due: 5 p.m. ET 5/4/21.

Docket Numbers: ER21–1665–000.
Applicants: AEP Texas Inc..
Description: § 205(d) Rate Filing: AEPTX-Wind Energy Transmission Texas Interconnection Agreement to be effective 4/1/2021.
Filed Date: 4/13/21.
Accession Number: 20210413–5069.
Comments Due: 5 p.m. ET 5/4/21.

Docket Numbers: ER21–1666–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: § 205(d) Rate Filing: Rev to List the Min Ethics Stndards for Mkt Monitoring w/out Ref Code of Conduct to be effective 6/12/2021.
Filed Date: 4/13/21.
Accession Number: 20210413–5070.
Comments Due: 5 p.m. ET 5/4/21.

Docket Numbers: ER21–1667–000.
Applicants: Tri-State Generation and Transmission Association, Inc..
Description: Tariff Cancellation: Notice of Cancellation of Rate Schedule FERC No. 257 to be effective 4/14/2021.
Filed Date: 4/13/21.
Accession Number: 20210413–5078.
Comments Due: 5 p.m. ET 5/4/21.

Docket Numbers: ER21–1668–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to WMPA, First Revised SA No. 4644; Queue No. AB1–163 (amend) to be effective 2/8/2017..
Filed Date: 4/13/21.
Accession Number: 20210413–5103.
Comments Due: 5 p.m. ET 5/4/21.

Docket Numbers: ER21–1669–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2021–04–13_SA 3423 ATC–WPSC 1st Rev GIA (J870) to be effective 3/30/2021.
Filed Date: 4/13/21.
Accession Number: 20210413–5104.
Comments Due: 5 p.m. ET 5/4/21.

Docket Numbers: ER21–1670–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2021–04–13_SA 3424 ATC-Wisconsin Electric Power 1st Rev GIA (J871) to be effective 3/30/2021.
Filed Date: 4/13/21.
Accession Number: 20210413–5140.
Comments Due: 5 p.m. ET 5/4/21.

Docket Numbers: ER21–1671–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA, SA No. 5596; Queue Position AD1–020 to be effective 4/29/2020.

Filed Date: 4/13/21.
Accession Number: 20210413–5195.
Comments Due: 5 p.m. ET 5/4/21.
Docket Numbers: ER21–1672–000.
Applicants: Alabama Power Company.
Description: § 205(d) Rate Filing: Neoen U.S. (Lydia Solar) LGIA filing to be effective 3/30/2021.
Filed Date: 4/13/21.
Accession Number: 20210413–5197.
Comments Due: 5 p.m. ET 5/4/21.
Docket Numbers: ER21–1673–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Submission of Normalization Filing to be effective 6/12/2021.
Filed Date: 4/13/21.
Accession Number: 20210413–5206.
Comments Due: 5 p.m. ET 5/4/21.

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: April 13, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–07982 Filed 4–16–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Number: PR21–41–000.
Applicants: EasTrans, LLC.
Description: Tariff filing per 284.123(b),(e)/: EasTrans SOC 5.0.0 Cashout Amendment to be effective 3/8/2021 under PR21–41.
Filed Date: 4/7/2021.
Accession Number: 202104075119.
Comments/Protests Due: 5 p.m. ET 4/28/2021.
Docket Number: PR21–42–000.
Applicants: Columbia Gas of Ohio, Inc.
Description: Tariff filing per 284.123(b),(e)/: COH Rates effective March 30, 2021 to be effective 3/30/2021.
Filed Date: 4/9/2021.
Accession Number: 202104095262.
Comments/Protests Due: 5 p.m. ET 4/30/2021.
Docket Number: PR21–43–000.
Applicants: Valley Crossing Pipeline, LLC.
Description: Tariff filing per 284.123(b),(e)/: Valley Crossing SOC Contact Person Update to be effective 4/14/2021 under PR21–43.
Filed Date: 4/9/2021.
Accession Number: 202104095275.
Comments/Protests Due: 5 p.m. ET 4/30/2021.
Docket Numbers: RP21–702–001.
Applicants: Natural Gas Pipeline Company of America.
Description: Tariff Amendment: Amendment Filing to a Negotiated Rate Agreement—Sempra Gas & Power to be effective 4/1/2021.
Filed Date: 4/8/21.
Accession Number: 20210408–5290.
Comments Due: 5 p.m. ET 4/20/21.
Docket Numbers: RP21–730–000.
Applicants: Guardian Pipeline, L.L.C.
Description: § 4(d) Rate Filing: Updated Negotiated Rate PAL Agreements—February 2021 to be effective 5/10/2021.
Filed Date: 4/9/21.
Accession Number: 20210409–5065.
Comments Due: 5 p.m. ET 4/21/21.
Docket Numbers: RP21–731–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: April 9 21 Neg Rate Agmts to be effective 4/9/2021.
Filed Date: 4/9/21.
Accession Number: 20210409–5085.
Comments Due: 5 p.m. ET 4/21/21.
Docket Numbers: RP21–732–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Negotiated Rate Agreements Filing—Macquarie Energy to be effective 4/10/2021.
Filed Date: 4/9/21.
Accession Number: 20210409–5140.
Comments Due: 5 p.m. ET 4/21/21.
Docket Numbers: RP21–733–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: REX 2021–04–09 Administrative Changes to be effective 5/10/2021.
Filed Date: 4/9/21.
Accession Number: 20210409–5188.
Comments Due: 5 p.m. ET 4/21/21.

The filings are accessible in the Commission's eLibrary system by clicking on the links or 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: April 13, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–07983 Filed 4–16–21; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Thursday, April 22, 2021 at 10:00 a.m.

PLACE: Virtual Meeting. Note: Because of the COVID–19 pandemic, we will conduct the open meeting virtually. IF you would like to access the meeting, see the instructions below.

STATUS: This meeting will be open to the public. to access the virtual meeting, go to the commission's website *www.fec.gov* and click on the banner to be taken to the meeting page.

MATTERS TO BE CONSIDERED:

Proposed Amendment to Directive 17
Draft Statement of Policy Regarding Closing the File at the Initial Stage in the Enforcement Process
Draft Notice of Availability in REG 2021–01 (Candidate Salaries)
OIG FY 2022 Appropriations Language
Proposed Commission Actions to Address ''SCAM PACs''
Management and Administrative Matters

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Authority: Government in the Sunshine Act, 5 U.S.C. 552b

Laura E. Sinram,

Acting Secretary and Clerk of the Commission.

[FR Doc. 2021–08134 Filed 4–15–21; 4:15 pm]

BILLING CODE 6715–01–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 May 3, 2021.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Suzanne Rooney, Hobe Sound, Florida; Michael Rooney, Hinsdale, Illinois; and Therese Rooney, Hinsdale, Illinois;* together with Phillip Rooney, Hobe Sound, Florida, previously approved, to form the Rooney Family Control Group, a group acting in concert, to retain voting shares of FNBC of LaGrange and thereby indirectly retain voting shares of FNBC Bank and Trust, both of LaGrange, Illinois.

2. *John R. Madden, as trustee of the Lenore Madden Marital Trust and the John R. Madden Revocable Trust, all of LaGrange, Illinois; Kiera Kelly, Evanston, Illinois; and Mary Hayes, LaGrange Park, Illinois;* to join the Madden Family Control Group, a group acting in concert, to retain voting shares of Schaumburg Bancshares, and thereby indirectly retain voting shares of Heritage Bank of Schaumburg, both of Schaumburg, Illinois.

B. Federal Reserve Bank of St. Louis (Holly A. Rieser, Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org*:

1. *Kimberly B. Brown and Barry K. Brown, both of Princeton, Kentucky;* to retain voting shares of Fredonia Valley Bancorp, Inc., and thereby indirectly retain voting shares of Fredonia Valley Bank, both of Fredonia, Kentucky.

Board of Governors of the Federal Reserve System, April 13, 2021.

Ann Misback,

Secretary of the Board.

[FR Doc. 2021–07905 Filed 4–16–21; 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 May 4, 2021.

A. Federal Reserve Bank of Boston (Prabal Chakrabarti, Senior Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210–2204. Comments can also be sent electronically to *BOS.SRC.Applications.Comments@bos.frb.org:*

1. *The Vanguard Group, Inc., Malvern, Pennsylvania; on behalf of itself, its subsidiaries and affiliates, including investment companies registered under the Investment Company Act of 1940, other pooled investment vehicles, and institutional accounts that are sponsored, managed, or advised by Vanguard;* to acquire additional voting shares of Webster Financial Corporation, and thereby indirectly acquire additional voting shares of Webster Bank, National Association, both of Waterbury, Connecticut.

B. Federal Reserve Bank of New York (Ivan Hurwitz, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001. Comments can also be sent electronically to *Comments.applications@ny.frb.org:*

1. *The Vanguard Group, Inc., Malvern, Pennsylvania; on behalf of itself, its subsidiaries and affiliates, including investment companies registered under the Investment Company Act of 1940, other pooled investment vehicles, and institutional accounts that are sponsored, managed, or advised by Vanguard;* to acquire additional voting shares of Sterling Bancorp, and thereby indirectly acquire additional voting shares of Sterling National Bank, both of Pearl River, New York.

C. Federal Reserve Bank of Cleveland (Mary S. Johnson, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566. Comments can also be sent electronically to *Comments.applications@clev.frb.org:*

1. *The Vanguard Group, Inc., Malvern, Pennsylvania; on behalf of itself, its subsidiaries and affiliates, including investment companies registered under the Investment Company Act of 1940, other pooled investment vehicles, and institutional accounts that are sponsored, managed, or advised by Vanguard;* to acquire additional voting shares of Huntington Bancshares Incorporated, and thereby indirectly acquire additional voting shares of Huntington National Bank, both of Columbus, Ohio.

Board of Governors of the Federal Reserve System, April 14, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–08015 Filed 4–16–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact Lisa L. Reyes, Clerk of Court, United States Court of Federal Claims, 717 Madison Place NW, Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 08N146B, Rockville, Maryland 20857; (301) 443–6593, or visit our website at: *http://www.hrsa.gov/vaccinecompensation/index.html.*

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the United States Court of Federal Claims and to serve a copy of the petition to the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.'' Set forth below is a list of petitions received by HRSA on March 1, 2021, through March 31, 2021. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

a. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by'' one of the vaccines referred to in the Table, or

b. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the United States Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, 5600 Fishers Lane, 08N146B, Rockville, Maryland 20857. The Court's caption (*Petitioner's Name* v. *Secretary of HHS*) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Diana Espinosa,

Acting Administrator.

List of Petitions Filed

1. Ronny Ball, Jamestown, Pennsylvania, Court of Federal Claims No: 21–1007V
2. Stacey Gooding, Washington, District of Columbia, Court of Federal Claims No: 21–1009V
3. Camille Nyboer, Baton Rouge, Louisiana, Court of Federal Claims No: 21–1010V
4. Currin M. Hamilton, Louisville, Kentucky, Court of Federal Claims No: 21–1012V
5. Jessica Soileau Canning on behalf of N.S., Phoenix, Arizona, Court of Federal Claims No: 21–1016V
6. M.K.S., Dubuque, Iowa, Court of Federal Claims No: 21–1018V
7. Norma Perez, Zapata, Texas, Court of Federal Claims No: 21–1022V
8. Sou Moua, Charlotte, North Carolina, Court of Federal Claims No: 21–1023V
9. Kim Gentry, Mountain Home, Tennessee, Court of Federal Claims No: 21–1024V
10. Dawn Johnson, Washington, District of Columbia, Court of Federal Claims No: 21–1025V
11. Sam Masangcay, Washington, District of Columbia, Court of Federal Claims No: 21–1027V
12. Aaron Cook, Salem, Virginia, Court of Federal Claims No: 21–1029V
13. Charles Hess, Manhattan, Kansas, Court of Federal Claims No: 21–1031V
14. Nora Wyman, Washington, District of Columbia, Court of Federal Claims No: 21–1032V
15. Bridget Bailey, San Antonio, Texas, Court of Federal Claims No: 21–1034V
16. Tina Marie Moore, Newark, Ohio, Court of Federal Claims No: 21–1038V
17. Mary Cama, Washington, District of Columbia, Court of Federal Claims No: 21–1039V
18. Tara Nowakowski on behalf of A.N., Duluth, Georgia, Court of Federal Claims No: 21–1040V
19. Kenneth Fields, Somerset, Kentucky, Court of Federal Claims No: 21–1042V
20. Patricia Watkins, Houston, Texas, Court of Federal Claims No: 21–1044V
21. Naho Miyachi, Princeton, Minnesota, Court of Federal Claims No: 21–1046V
22. Aurea Maria Ortiz Viera, San Juan, Puerto Rico, Court of Federal Claims No: 21–1049V
23. Philip Wisniewski, Washington, District of Columbia, Court of Federal Claims No: 21–1052V
24. Vanessa Baker, Bellingham, Washington, Court of Federal Claims No: 21–1054V

25. Brett Cassese, Washington, District of Columbia, Court of Federal Claims No: 21–1055V
26. Rachel Garcia, Boulder, Colorado, Court of Federal Claims No: 21–1056V
27. Kayla Smith, Cheyenne, Wyoming, Court of Federal Claims No: 21–1059V
28. Elaine Letizia, Hilton Head, South Carolina, Court of Federal Claims No: 21–1062V
29. Deborah Gross, Washington, District of Columbia, Court of Federal Claims No: 21–1063V
30. Marna Brickman, Washington, District of Columbia, Court of Federal Claims No: 21–1066V
31. Katherine Murphy, Salt Lake City, Utah, Court of Federal Claims No: 21–1069V
32. Tori Jonet, Luxemburg, Wisconsin, Court of Federal Claims No: 21–1071V
33. Leah Carter, Washington, District of Columbia, Court of Federal Claims No: 21–1077V
34. Ethel M. Britt on behalf of Estate of James E. Britt, Murfreesboro, Tennessee, Court of Federal Claims No: 21–1078V
35. Adrienne Falzon on behalf of Estate of Paul Giaccio, Deceased, Atlanta, Georgia, Court of Federal Claims No: 21–1082V
36. Elizabeth Fordahl, Bismarck, North Dakota, Court of Federal Claims No: 21–1086V
37. Hogla Prado, Beaverton, Oregon, Court of Federal Claims No: 21–1087V
38. Lisa Myers, Winston-Salem, North Carolina, Court of Federal Claims No: 21–1088V
39. Brandi Rose Wilson, Lenexa, Kansas, Court of Federal Claims No: 21–1090V
40. Antonio Jackson, Black River Falls, Wisconsin, Court of Federal Claims No: 21–1091V
41. Sungjin Choi, Prospect Heights, Illinois, Court of Federal Claims No: 21–1092V
42. Jennifer Counceller, Connersville, Indiana, Court of Federal Claims No: 21–1093V
43. Shawntel Denmark, Washington, District of Columbia, Court of Federal Claims No: 21–1094V
44. Abram Gamino, Washington, District of Columbia, Court of Federal Claims No: 21–1096V
45. Rachel Page, Washington, District of Columbia, Court of Federal Claims No: 21–1097V
46. Arianna Reddicks, Phoenix, Arizona, Court of Federal Claims No: 21–1099V
47. Italo A. Miceli, Rocky Hill, Connecticut, Court of Federal Claims No: 21–1100V
48. Alice Henningsen, Wichita, Kansas, Court of Federal Claims No: 21–1101V
49. Randall Schutz, Chicago, Illinois, Court of Federal Claims No: 21–1103V
50. Camille Dumentat, Severna Park, Maryland, Court of Federal Claims No: 21–1104V
51. Melanie Muhlstock and Todd Muhlstock on behalf of A.M., Phoenix, Arizona, Court of Federal Claims No: 21–1106V
52. Stephen Ziegler, Lincoln, Nebraska, Court of Federal Claims No: 21–1109V
53. Bernetta Polley, Mankato, Minnesota, Court of Federal Claims No: 21–1111V
54. Carol Lloyd, Sicklerville, New Jersey, Court of Federal Claims No: 21–1112V
55. Andrea Jordan, Hillsboro, Oregon, Court of Federal Claims No: 21–1113V
56. Greta Sessoms, Virginia Beach, Virginia, Court of Federal Claims No: 21–1120V
57. Ruth Williams, Washington, District of Columbia, Court of Federal Claims No: 21–1121V
58. Paulette Penzvalto, Washington, District of Columbia, Court of Federal Claims No: 21–1122V
59. Rebecca Hawes, Nitro, West Virginia, Court of Federal Claims No: 21–1124V
60. Jennifer Puckett, Montgomery, Alabama, Court of Federal Claims No: 21–1125V
61. Sheryl Young, Washington, District of Columbia, Court of Federal Claims No: 21–1126V
62. Harold Sykes, Washington, District of Columbia, Court of Federal Claims No: 21–1127V
63. Sharon Dunn, Washington, District of Columbia, Court of Federal Claims No: 21–1128V
64. Matthew Caruso on behalf of L.C., Hollidaysburg, Pennsylvania, Court of Federal Claims No: 21–1131V
65. Donald Holmberg, Erie, Pennsylvania, Court of Federal Claims No: 21–1132V
66. Roman Gelevan, Bronx, New York, Court of Federal Claims No: 21–1133V
67. Jimmy Zavala, Boscobel, Wisconsin, Court of Federal Claims No: 21–1134V
68. Taylor Wickline, Phoenix, Arizona, Court of Federal Claims No: 21–1135V
69. Michael Wakileh, Costa Mesa, California, Court of Federal Claims No: 21–1136V
70. Barbara McNair, New Lenox, Illinois, Court of Federal Claims No: 21–1139V
71. Kerrie Burkett, Phoenix, Arizona, Court of Federal Claims No: 21–1140V
72. Ngoc H. Lam, Greenville, South Carolina, Court of Federal Claims No: 21–1141V
73. Donald Olson, Seattle, Washington, Court of Federal Claims No: 21–1142V
74. Ashton Schultz, Englewood, New Jersey, Court of Federal Claims No: 21–1144V
75. Kotana Cromartie, Washington, District of Columbia, Court of Federal Claims No: 21–1145V
76. Jennifer Soileau, Englewood, New Jersey, Court of Federal Claims No: 21–1146V

[FR Doc. 2021–07970 Filed 4–16–21; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; The Maternal, Infant, and Early Childhood Home Visiting Program Performance Measurement Information System, OMB No. 0906–0017, Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with of the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30 day comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than May 19, 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 Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: The Maternal, Infant, and Early Childhood Home Visiting Program Performance Measurement Information System, OMB NO. 0906–0017, Revision.

Abstract: This clearance request is for continued approval of the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program Performance Measurement Information System, as updated. The MIECHV Program, administered by HRSA in partnership with the Administration for Children and Families, supports voluntary, evidence-based home visiting services to pregnant women and to parents with young children up to kindergarten entry. States, certain non-profit organizations, and tribal entities are eligible to receive funding from the MIECHV Program and have the flexibility to tailor the program to serve the specific needs of their communities.

A 60-day notice published in the **Federal Register** on December 18, 2020, vol. 85, No. 244; pp. 82490–91. There were 24 public comments.

These comments provided suggestions to improve clarity, protect privacy, and reduce reporting burden related to information complexity in Form 1. Comments also suggested ways to enhance the quality, utility, and clarity of existing guidance in Form 2

and suggested that the implementation of two newly proposed measures related to substance use screening and referrals would require updates to training activities and data collection.

HRSA appreciates these comments and recommended revisions to the information collection. HRSA has responded to the recommended revisions by revising certain demographic categories, removing a proposed table on father and caregiver engagement, making the reporting of proposed measures on substance use screening and referrals optional, and increasing the estimated burden on respondents due to the inclusion of two new optional measures (Form 2) for substance use and referral that are being introduced through this revision. HRSA intends for the following proposed revisions to the data collection for the MIECHV Program to further improve clarity, protect privacy, and address increased reporting burden:

- Form 1, Table 1: Update table to include reporting for gender non-binary participants and unknown/did not report participant gender.
- Form 1, Tables 3, 5, 6, 7, 18, 19, and 20: Update tables to remove index child gender reporting.
- Form 1, Tables 3, 4, 6, 7, 8, 9, 10, 11, and 18: Update tables to remove adult participant gender reporting.
- Form 1, Table 15: Change table title to ''Home Visits.''
- Form 1, Table 15: Update table to collect the number of home visits completed virtually.
- Form 1, Tables 4, 9, 10, and 18: Update tables to include reporting for new and continuing adult participants.
- Form 1, Tables 5, 19, and 20: Update tables to include reporting for new and continuing index children.
- Form 2, Measure 13: Change measure name to ''Behavioral Concern Inquiries.''
- Form 2, Measure 16: Update measure to reflect caregiver health insurance coverage status.
- Form 2, Measures 17, 18, and 19: Update missing data guidance.
- Form 2: Inclusion of two optional measures to collect information on subtance use screening and referrals.

Need and Proposed Use of the Information: HRSA uses performance information to demonstrate program accountability and continuously monitor and provide oversight to MIECHV Program awardees. The information is also used to provide quality improvement guidance and technical assistance to awardees and help inform the development of early childhood systems at the national, state, and local level. HRSA is seeking to revise and extend demographic, service utilization, and select clinical indicators for participants enrolled in home visiting services. In addition, HRSA will collect a set of standardized performance and outcome indicators that correspond with the statutorily identified benchmark areas.

This information will be used to demonstrate awardees' compliance with legislative and programmatic requirements. It will also be used to monitor and provide continued oversight for awardee performance and to target technical assistance resources to awardees. In the future, HRSA anticipates that MIECHV funding decisions may be allocated, in part, based on awardee performance, including on benchmark performance areas. This notice is subject to the appropriation of funds, and is a contingency action taken to ensure that, should funds become available for this purpose, information can be collected in a timely manner.

Likely Respondents: MIECHV Program awardees that are states, territories, and, where applicable, nonprofit organizations providing home visiting services within states.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL 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
Form 1: Demographic, Service Utilization, and Select Clinical Indicators	56	1	56	440	24,640
Form 2: Performance Indicators and Systems Outcome Measures	56	1	56	360	20,160
Total	56		56		44,800

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021–07971 Filed 4–16–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: National Survey of Organ Donation Attitudes and Practices, OMB No. 0915–0290—Extension

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate below or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than June 18, 2021.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, 14N136B, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: National Survey of Organ Donation Attitudes and Practices, OMB No. 0915–0290—Extension.

Abstract: HRSA is requesting approval by OMB for a revision of a previously approved collection of information (OMB control number 0915–0290). The National Survey of Organ Donation Attitudes and Practices (NSODAP) is conducted approximately every 6–7 years and serves a critical role in providing HRSA and the donation community with data regarding why Americans choose to donate organs, current barriers to donation, and possible paths to increasing donations. Survey data and derived analytic insights help HRSA develop and target appropriate messages for public outreach and educational initiatives.

Need and Proposed Use of the Information: HRSA is the primary federal entity responsible for oversight of the solid organ and blood stem cell transplant systems and initiatives to increase organ donor registration and donation in the United States. This survey is the primary method by which HRSA can obtain information from Americans about organ donation attitudes and beliefs. OMB previously approved this survey and HRSA fielded it during 2005, 2012, and 2019. Results of the data collected from this survey will help develop appropriate messages for future public outreach and educational initiatives to increase awareness about organ donation and ultimately the number of registered donors.

Likely Respondents: A nationally representative sample of adults over the age of 18 with a higher number of responses from populations of interest such as racial-ethnic minorities, including African American, Asian, Native American, and Hispanic respondents, as well as respondents of all age groups and education levels.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for collecting, validating, verifying, processing and maintaining information, and disclosing and providing information; to train personnel and be able to respond to a collection of information; to search data sources; to complete and review the collection of information, and to transmit or otherwise disclose the information. A summary of the total annual burden hours estimated for this ICR is in the table below.

TOTAL 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
NSODAP Revised Survey—Telephone	2,000	1	2,000	0.37	740
NSODAP Revised Survey—Online Panel	8,000	1	8,000	0.27	2,160
Total	10,000		10,000		2,900

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021–07996 Filed 4–16–21; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the COVID–19 Health Equity Task Force

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice of meeting.

SUMMARY: As required by the Federal Advisory Committee Act, the U.S. Department of Health and Human Services (HHS) is hereby giving notice that the COVID–19 Health Equity Task Force (Task Force) will hold a virtual meeting on April 30, 2021. The purpose of this meeting is to consider interim recommendations specific to mental and behavioral health across the life course. This meeting is open to the public and will be live-streamed at *www.hhs.gov/live.* Information about the meeting will be posted on the HHS Office of Minority Health website: *www.minorityhealth.hhs.gov/healthequitytaskforce/* prior to the meeting.

DATES: The Task Force meeting will be held on Friday, April 30, 2021, from 2 p.m. to approximately 6 p.m. ET (date and time are tentative and subject to change). The confirmed time and agenda will be posted on the COVID–19 Health Equity Task Force web page: *www.minorityhealth.hhs.gov/healthequitytaskforce/* when this information becomes available.

FOR FURTHER INFORMATION CONTACT: Minh Wendt, Designated Federal Officer for the Task Force; Office of Minority Health, Department of Health and Human Services, Tower Building, 1101 Wootton Parkway, Suite 100, Rockville, Maryland 20852. Phone: 240–453–6160; email: *COVID19HETF@hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background: The COVID–19 Health Equity Task Force (Task Force) was established by Executive Order 13995, dated January 21, 2021. The Task Force is tasked with providing specific recommendations to the President, through the Coordinator of the COVID–19 Response and Counselor to the President (COVID–19 Response Coordinator), for mitigating the health inequities caused or exacerbated by the COVID–19 pandemic and for preventing such inequities in the future. The Task Force shall submit a final report to the COVID–19 Response Coordinator addressing any ongoing health inequities faced by COVID–19 survivors that may merit a public health response, describing the factors that contributed to disparities in COVID–19 outcomes, and recommending actions to combat such disparities in future pandemic responses.

The meeting is open to the public and will be live-streamed at *www.hhs.gov/live.* No registration is required. A public comment session will be held during the meeting. Pre-registration is required to provide public comment during the meeting. To pre-register, please send an email to *COVID19HETF@hhs.gov* and include your name, title, and organization by close of business on Friday, April 23, 2021. Comments will be limited to no more than three minutes per speaker and should be pertinent to the meeting discussion. Individuals are encouraged to provide a written statement of any public comment(s) for accurate minute-taking purposes. If you decide you would like to provide public comment but do not pre-register, you may submit your written statement by emailing *COVID19HETF@hhs.gov* no later than close of business on Thursday, May 6, 2021. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact: *COVID19HETF@hhs.gov* and reference this meeting. Requests for special accommodations should be made at least 10 business days prior to the meeting.

Dated: April 5, 2021.

Minh Wendt,

Designated Federal Officer, COVID–19 Health Equity Task Force.

[FR Doc. 2021–08002 Filed 4–16–21; 8:45 am]

BILLING CODE 4150–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; NIH Research Enhancement Award (R15) in Oncological Sciences.

Date: May 26, 2021.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Svetlana Kotliarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, Bethesda, MD 20892, 301–594–7945, *kotliars@mail.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Cancer Prevention Study Section.

Date: June 17–18, 2021.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Svetlana Kotliarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, Bethesda, MD 20892, 301–594–7945, *kotliars@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 14, 2021.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–07981 Filed 4–16–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Advisory Committee for Women's Services (ACWS); Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Advisory Committee for Women's Services (ACWS) on May 5, 2021.

The meeting will include discussions on assessing SAMHSA's current strategies, including the mental health and substance use needs of the women and girls population. Additionally, the ACWS will be addressing priorities regarding the impact of COVID–19 on the behavioral health needs of women and children and directions around behavioral health services and access for women and children.

The meeting is open to the public and will be held virtually. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions should be forwarded to the contact person by April 30, 2021. Oral presentations from the public will be scheduled at the conclusion of the

meeting. Individuals interested in making oral presentations are encouraged to notify the contact person on or before April 30, 2021. Five minutes will be allotted for each presentation.

The meeting may be accessed via telephone or web meeting. To obtain the call-in number and access code, submit written or brief oral comments, or request special accommodations for persons with disabilities, please register on-line at *http://snacregister.samhsa.gov/MeetingList.aspx,* or communicate with SAMHSA's Designated Federal Officer, Ms. Valerie Kolick.

Substantive meeting information and a roster of ACWS members may be obtained either by accessing the SAMHSA Committees' Web *https://www.samhsa.gov/about-us/advisory-councils/meetings,* or by contacting Ms. Kolick.

Committee Name: Substance Abuse and Mental Health Services Administration, Advisory Committee for Women's Services (ACWS).

Date/Time/Type: Wednesday, May 5, 2021, from: 1:00 p.m. to 4:30 p.m. EDT (OPEN).

Place: SAMHSA, 5600 Fishers Lane, Rockville, MD 20857 (Virtual).

Contact: Valerie Kolick, Designated Federal Officer, SAMHSA's Advisory Committee for Women's Services, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (240) 276–1738, Email: *Valerie.kolick@samhsa.hhs.gov.*

Dated: April 14, 2021.

Carlos Castillo,

CAPT, USPHS, Committee Management Officer, Substance Abuse and Mental Health, Services Administration.

[FR Doc. 2021–07994 Filed 4–16–21; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket Number USCG–2021–0191]

Waterways Commerce Cutter Acquisition Program; Preparation of a Programmatic Environmental Impact Statement

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent to prepare a Programmatic Environmental Impact Statement (PEIS); notice of virtual public meeting; and request for comments.

SUMMARY: The United States Coast Guard (Coast Guard), as the lead agency, announces its intent to prepare a Programmatic Environmental Impact Statement (PEIS) for the Waterways Commerce Cutter (WCC) Program's acquisition and operation of up to 30 WCCs. The Coast Guard has determined that a PEIS is the most appropriate type of National Environmental Policy Act document for this action because of the scope and complexity of the proposed acquisition and operation of up to 30 WCCs. Notice is hereby given that the public scoping process has begun for the preparation of a PEIS that will address the reasonable alternatives and potential environmental impacts associated with implementing the Proposed Action. The scoping process solicits public comments regarding the range of issues, information, and analyses relevant to the Proposed Action, including potential environmental impacts and reasonable alternatives to address in the PEIS. Your comments may cause a change in the scope of the PEIS.

DATES: Comments and related material must be received by the Coast Guard on or before June 11th, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2021–0191 using the Federal Decision-Making Portal at *https://www.regulations.gov.* See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: For information about this document, email *HQS-SMB-CG-WaterwaysCommerceCutter@uscg.mil.*

SUPPLEMENTARY INFORMATION: This Notice of Intent briefly summarizes the proposed project, including the purpose and need and possible alternatives. As required by the National Environmental Policy Act of 1969 (NEPA) and Council on Environmental Quality (CEQ) implementing regulations (40 CFR 1502.3), a Federal agency must prepare an Environmental Impact Statement (EIS) if it is proposing a major Federal action to analyze the environmental consequences of implementing each of the alternatives, if carried forward for full review following public scoping, by assessing the effects of each alternative on the human environment. The Coast Guard has determined that a PEIS is the most appropriate type of EIS for this action because of the scope and complexity of the proposed acquisition and operation of up to 30 WCCs.

Abbreviations

ATON Aids to Navigation
AUTEC Atlantic Undersea Test and Evaluation Center
CEQ Council on Environmental Quality
CFR Code of Federal Regulations
DHS Department of Homeland Security
EIS Environmental Impact Statement
ESA Endangered Species Act
FR Federal Register
GoMEX Gulf of Mexico
ICW Intracoastal Waterway
IW&WR Inland Waterways and Western Rivers
MBTA Migratory Bird Treaty Act
MMPA Marine Mammal Protection Act
NEPA National Environmental Policy Act
nm nautical miles
PEIS Programmatic Environmental Impact Statement
PNW Pacific Northwest
SEAK Southeast Alaska
U.S.C. United States Code
WCC Waterways Commerce Cutter
WLI WCC inland buoy tenders
WLIC WCC inland construction tenders
WLR WCC river buoy tenders
USEC-MidATL U.S. East Coast Mid-Atlantic
USEC-South U.S. East Coast-South

Purpose and Need for the Proposed Action

The Coast Guard has a statutory mission to establish, maintain, and operate aids to navigation (ATON) in the Inland Waterways and Western Rivers (IW&WR). The IW&WR includes the Gulf and Atlantic Intracoastal Waterway (ICW); the Mississippi, Missouri, Alabama, Tennessee, Columbia, and Ohio Rivers, their associated tributaries and other connecting waterways; portions of the Alaska Inside Passage; portions of the Great Lakes; and several other navigable waterways around the United States. The 35 cutters and associated 27 barges that comprise the current inland tender fleet servicing the IW&WR are, on average, more than 54 years old and all have significantly exceeded their design service life of 30 years. There is no redundant vessel capability within the Coast Guard, Department of Homeland Security (DHS), or other government agencies. Without replacement of the current inland tender fleet, the Coast Guard could face an increasing risk of failure to maintain the capability to execute its ATON mission and provide timely ATON services in the IW&WR and other navigable waters around the United States.

Due to obsolescence, hull limitations, and asset age, service life extension and modernization efforts are increasingly difficult, expensive to maintain, and cannot be justified. To maintain the Coast Guard's vital inland waterways mission and continue to provide a consistent and reliable presence in the IW&WR, the Coast Guard is proposing to replace the current aging tender fleet. WCCs would be designed to replace the

capabilities of the existing inland fleet; therefore, the purpose of the Proposed Action is the acquisition and operation of up to 30 WCCs to replace the capabilities of the current inland tender fleet, thereby enabling the safe navigation of waters that support the nation's economy through maritime commerce throughout the Marine Transportation System.

Preliminary Proposed Action and Alternatives

Coast Guard has identified a proposed action and preliminary alternatives for potential consideration in the draft EIS. Both a no-action and several preliminary action alternatives are presented for consideration for public review and comment. Six proposed action areas that the WCCs would support have been identified.

(1) The U.S. East Coast Mid-Atlantic (USEC-MidATL) proposed action area includes state and territorial waters extending 12 nautical miles (nm; 19 kilometers [km]) from New Jersey (where it borders with New York) to the border of North Carolina (where it borders with South Carolina) and also extends into certain inland waterways.

(2) The U.S. East Coast-South (USEC-South), including Florida and the Bahamas proposed action area includes state and territorial waters extending 12 nm (19 km) from South Carolina (where it borders with North Carolina) to Florida (where it borders with Alabama) and extends to the Florida Keys and Dry Tortugas off the southwest coast of Florida. This proposed action area also includes inland waterways, such as the St John's River and the Caloosahatchee River and the Department of Defense-owned ATON near the Atlantic Undersea Test and Evaluation Center (AUTEC) in the Bahamas.

(3) The Great Lakes proposed action area includes waters off northern Michigan to the border between the United States and Canada. This proposed action area includes the northern portion of Lake Michigan extending into St. Mary's River, Munuscong Lake, and Lake Nicolet. Of note, no oceanic waters are part of the Great Lakes proposed action area.

(4) The Gulf of Mexico and U.S. Inland States, including the Mississippi River and its Tributaries, (GoMEX and Mississippi River) proposed action area includes state and territorial waters extending 12 nm (19 km) from Alabama (where it borders with Florida) to Texas (where it borders with Mexico). This proposed action area also includes inland waterways and their tributaries along the Ohio and Tennessee Rivers, the Cumberland River in Kentucky and Tennessee, Tombigbee River in Alabama and Mississippi; the Mississippi River in Louisiana, Mississippi, and Arkansas; and the Ouachita River in Louisiana and Arkansas.

(5) The Pacific Northwest (PNW) proposed action area includes state and territorial waters extending 12 nm (19 km) from southern Washington State to northern Oregon where they border each other along the Columbia River. The proposed action area includes the Columbia River from the mouth at the Pacific Ocean to where it joins the Snake River and ends at the border of Washington and Idaho and also includes a northern segment of the Willamette River that joins with and the Columbia River in Oregon. The Pacific Ocean is not a part of the PNW proposed action area.

(6) The Southeast Alaska (SEAK) proposed action areas includes state and territorial waters extending 12 nm (19 km) from Baranof and Prince of Wales Islands and consists primarily of a portion of the inside passage from Juneau south to Revillagigedo Island. This proposed action area includes only coastal passages of the Pacific Ocean.

Alternative 1: Replacement of Up to 30 WCCs

Under Alternative 1, the Coast Guard would acquire and operate up to 30 WCCs with planned design lives of 30 years each to fulfill mission requirements in the proposed action areas in IW&WR, portions of the Alaska Inside Passage; portions of the Great Lakes, and several other navigable waterways around the United States.

Similar to the current fleet's operations, the Alternative 1 would include vessel operations to establish, operate, and maintain the lighted and unlighted buoys and beacons to maintain the United States Visual ATON System. This mission contributes to protecting national interests by ensuring safe and efficient flow of commercial vessel traffic through our nation's waters. Although it is expected that the WCCs, similar to the current inland tender fleet, would be capable of performing non-ATON missions such as Ports, Waterways and Coastal Security; Search and Rescue; Marine Environmental Protection; and Marine Safety, their primary focus would be on the ATON mission.

Full operational capability would be achieved when all planned WCCs have been produced and are operational. Coast Guard WCC operations and training would occur after delivery of each WCC from the shipbuilder to the Coast Guard. For example, the first WCC delivery to the Coast Guard is expected in 2023 and the cutter would then be operational in 2024. The last WCC is expected to be delivered and operational in 2030.

The Proposed Action would include WCC operation, maintenance, and decommissioning of up to 11 WCC construction class (WCC WLIC) tenders to replace the current capabilities of 13 inland construction tenders (WLIC); up to 16 WCC River Buoy class (WCC WLR) tenders to replace the capabilities of the river buoy tenders (WLR); and up to three Inland Buoy class (WCC WLI) tenders to replace the capabilities of the inland buoy tenders (WLI). Although there are three classes proposed and design specifications are not final, the design would maximize commonality between the three classes to reduce sustainment costs, training needs, and other associated requirements

The WCC WLIC would be specifically designed for establishing and replacing fixed ATON and would be equipped with impact and vibratory pile driving and extraction equipment and spuds. The WCC WLR an WCC WLI would have capability to deploy and retrieve buoy mooring equipment from the seabed or riverbed using a water jet system would also be equipped to move buoys, and move and recover sinkers, chain, wire rope, synthetic rope, and other materials without a crane.

All WCCs would have the ability to tow one vessel (of equivalent displacement) in either a side tow or stern tow. Each WCC would also have the capability to be towed by the bow, pushed ahead from the stern, and towed alongside from either port or starboard. Vessels would be towed according to specifications in the Cutter Towing Operations Tactics, Techniques, and Procedures (CGTTP 3–91.15 issued March 2017). All WCCs would also recover stray, stranded, and scrap buoys.

Vessel performance testing for a WCC would be similar to testing conducted for the current inland tender fleet. Scheduled maintenance would likely occur within close proximity to each WCC's homeport; however, the exact locations of all the homeports for all WCCs are not known at this time.

Alternative 2, Reduced Acquisition of Coast Guard Owned and Operated Systems

The Coast Guard would explore hybrid government and contracted options for mission performance. Ship platforms would meet similar technical specifications discussed in Alternative 1. Potential scenarios could include: Contractor-owned (commercial entity funds ship construction, overhaul and

maintenance) and government-operated (Coast Guard provides the personnel); government-owned (government funds ship construction, overhaul and maintenance) and contractor-operated (a commercial operating company provides the crew); or contractor-owned and contractor-operated systems (Coast Guard provides neither platforms or personnel).

Alternative 3, Mixed Fleet

The mixed fleet solution would be a combination of cutters and shore-based assets (including ATON team units), electronic ATON, and contracted ATON services. To accomplish a mixed fleet solution, additional Coast Guard ATON personnel and teams would be required. To accommodate the additional ATON teams, existing facilities would require expansion and construction of new shore based facilities could be necessary. Use of electronic ATON instead of physical ATON could also prove necessary.

No Action Alternative

The evaluation of a No Action Alternative is required by the regulations implementing NEPA. Under the No Action Alternative, the Coast Guard would fulfill its statutory missions in the IW&WR using the existing inland tender fleet. The existing assets would continue to age, causing a decrease in efficiency, increasing operational costs, and increasing risk of equipment failure or damage due to significant systems and parts no longer being available.

Summary of Expected Impacts

While the Coast Guard must work toward environmental compliance during the design and acquisition of WCCs, each vessel is not expected to impact the environment (biological, physical, or socioeconomic resources) until it is operational. In addition, vessel construction in commercial shipyards is not expected to impact any physical or biological resources.

The three action alternatives being considered would all reduce the size of the overall fleet. As such, the PEIS analyzes the potential impact of the range of up to 30 WCCs, as this would be the highest number projected to be operational in the Coast Guard's proposed action areas. Acoustic and physical stressors associated with the Proposed Action may potentially impact the physical and biological environment in the proposed action areas. Potential acoustic stressors include: The depth-sounder, navigation system, vessel noise, ATON signal noise, tool noise, and pile driving noise. Potential physical stressors include: Vessel movement, bottom disturbance, ground disturbance (removal of brush), pile driving, debris, and ATON retrieval devices and tow lines.

Since the WCC fleet would service a broad geographic area, stressors associated with the Proposed Action may potentially impact physical resources (including air quality, ambient sound, bottom habitat and sediments, and water quality), biological resources (including critical habitat), and socioeconomic resources. The PEIS evaluates the likelihood that a resource would be exposed to or encounter a stressor and identifies the impact associated with that exposure or encounter. The likelihood of an exposure or encounter is based on the stressor, location, and timing relative to the spatial and temporal distribution each biological resource or critical habitat.

Under the Proposed Action, the depth-sounder, navigation system, vessel noise, ATON signal noise, tool noise, pile driving noise, vessel movement, anchoring, spud placement, debris, ATON retrieval devices and tow lines, and pile driving associated with the Proposed Action are not expected to result in significant impact to the following resources: Air quality, ambient sound, bottom habitat and sediments, water quality, amphibians, aquatic and terrestrial vegetation, birds, invertebrates, insects, fish, Essential Fish Habitat, reptiles, terrestrial and marine mammals, commercial fishing, marine construction, mineral extraction, oil and gas extraction, recreation and tourism, renewable energy, research, transportation and shipping, and subsistence fishing and hunting. The Proposed Action may affect, but is not likely to adversely affect, any Endangered Species Act (ESA)-listed amphibians, aquatic and terrestrial vegetation, birds, invertebrates, insects, fish, reptiles, and terrestrial and marine mammals.

The Proposed Action is not expected to result in the destruction or adverse modification of federally-designated critical habitat that may be found in any of the proposed action areas. Pursuant to the Migratory Bird Treaty Act (MBTA; 16 U.S.C 703–712 *et seq.*), the Proposed Action would not result in a significant adverse effect on migratory bird populations. Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801–1882), depth-sounder/navigation system noise, vessel noise, vessel movement, and pile driving associated with the Proposed Action would not adversely affect the quality or quantity of Essential Fish Habitat within the Coast Guard's proposed action areas.

Anticipated Permits and Authorizations

The Coastal Zone Management Act (16 U.S.C 1451 *et seq.*) was enacted to protect the coastal environment from demands associated with residential, recreational, and commercial uses. The Coast Guard would determine the impact of the Proposed Action and provide a Coastal Consistency Determination or Negative Determination to the appropriate state agency for anticipated concurrence once the homeports are selected for the WCCs.

The ESA of 1973 (16 U.S.C 1531 *et seq.*) provides for the conservation of endangered and threatened species and the ecosystems on which they depend. The Coast Guard anticipates consulting under Section 7 of the ESA with the services, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, that have jurisdiction over the species (50 CFR 402.14(a)).

The Marine Mammal Protection Act (MMPA; 16 U.S.C 1361 *et seq.*) established, with limited exceptions, a moratorium on the ''taking'' of marine mammals in waters or on lands under U.S. jurisdiction, and on the High Seas by vessels or persons under U.S. jurisdiction. The MMPA further regulates ''takes'' of marine mammals in U.S. waters and by U.S. citizens on the High Seas. The term ''take,'' as defined in Section 3 (16 U.S.C. 1362) of the MMPA, means ''to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal''. ''Harassment'' was further defined in the 1994 amendments to the MMPA as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (that is, Level A Harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (that is, Level B Harassment). Where appropriate, the Coast Guard anticipates requesting a Letter of Authorization to ''take'' marine mammals, defined as Level B harassment.

Schedule for the Decision-Making Process

Following the scoping period announced in this Notice of Intent, and after consideration of all comments received during scoping, Coast Guard will prepare a Draft PEIS for the acquisition and operation of up to 30

WCCs. Once the Draft EIS is completed, it will be made available for a 45-day public review and comment period. Coast Guard will announce the availability of the Draft EIS in the **Federal Register** and local media outlets. Coast Guard expects the Draft EIS will be available for public review and comment in 2021. In meeting CEQ regulations requiring EISs to be completed within 2 years the Coast Guard anticipates the final PEIS would be available in 2022, which would be published in the **Federal Register**. Should new information become available after the completion of the draft or final PEIS, supplemental NEPA documentation may be prepared in support of new information or changes in the Proposed Action considered under the PEIS.

Public Scoping Process

The Notice of Intent initiates the scoping process, which guides the development of a PEIS. The Coast Guard is seeking comments on the potential environmental impacts that may result from the Proposed Action or preliminary program alternatives. The PEIS would include, among other topics, discussions of the purpose and need for the Proposed Action, a description of alternatives, a description of the affected environment, and an evaluation of the environmental impact of the Proposed Action and alternatives.

The Coast Guard intends to follow the CEQ regulations implementing the NEPA (40 CFR 1500–1508) by scoping through public comments. Scoping, which is integral to the process for implementing NEPA, provides a process to ensure that (1) issues are identified early and properly studied; (2) issues of little significance do not consume substantial time and effort; (3) the draft PEIS is thorough and balanced; and (4) delays caused by an inadequate PEIS are avoided.

Public scoping is a process for determining the scope of issues to be addressed in this PEIS and for identifying the issues related to the Proposed Action that may have a significant effect on the environment. The scoping process begins with publication of this notice and ends after the Coast Guard has:

- Invited the participation of federal, state, and local agencies, any affected Indian tribe, and other interested persons;
- Consulted with affected Federally Recognized Tribes on a government-to-government basis, and with affected Alaska Native corporations, in accordance with Executive Order 13175 and other policies. Native American concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given appropriate consideration;
- Determined the scope and the issues to be analyzed in depth in the PEIS;
- Indicated any related environmental assessments or environmental impact statements that are not part of the PEIS;
- Identified other relevant environmental review and consultation requirements, such as Coastal Zone Management Act consistency determinations, and threatened and endangered species and habitat impacts; and
- Indicated the relationship between timing of the environmental review and other aspects of the application process.

With this Notice of Intent, the Coast Guard is asking federal, state, and local agencies with jurisdiction or special expertise with respect to environmental issues in the project area to formally cooperate with us in the preparation of the PEIS.

Once the scoping process is complete, the Coast Guard will prepare a draft PEIS, and will publish a **Federal Register** notice announcing its public availability. The Coast Guard will provide the public with an opportunity to review and comment on the draft PEIS. After the Coast Guard considers those comments, we will prepare the final PEIS and similarly announce its availability, as well as solicit public review and comment. Comments received during the draft PEIS review period will be available in the public docket.

Public Participation

Pursuant to the CEQ regulations, the Coast Guard invites public participation in the NEPA process. This notice requests public participation in the scoping process, establishes a public comment period, and provides information on how to participate.

The 45-day public scoping period begins April 27th, 2021 and ends June 11th, 2021. Comments and related material must be received by the Coast Guard on or before June 11th, 2021.

The Coast Guard encourages comments submitted through the Federal Decision-Making portal at *http://www.regulations.gov,* using the search function for Waterways Commerce Cutter or by docket number. If your material cannot be submitted using *http://www.regulations.gov,* contact U.S. Coast Guard Headquarters, ATTN: LCDR S. Krolman (CG–9327), 2703 Martin Luther King Jr. Ave. SE, Stop 7800, Washington DC 20593–7800 or Coast Guard at *HQS-SMB-CG-WaterwaysCommerceCutter@uscg.mil.* A phone message may be left at 202–475–3104. In your submission, please include the docket number for this notice of intent and provide a reason for each suggestion or recommendation.

The Coast Guard reviews all comments received but will only post comments that address the topic of this notice. The Coast Guard may choose not to post off-topic, inappropriate, or duplicate comments that we receive. If you visit the online docket and sign up for email alerts, you will be notified when comments are posted or when the Coast Guard publishes another notice, such as the meeting notice mentioned below.

The Coast Guard accepts anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and the docket, 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 notice of intent as being available in the docket, and public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions.

Public Meeting

Coast Guard does not plan to hold in-person public meetings during the scoping period due to the ongoing COVID–19 pandemic; however, the Coast Guard does plan to host virtual meetings May 11th and May 12th, 2021. The times and virtual meeting registration information will be announced in a separate notice published in the **Federal Register**. Meeting information will also be posted on *https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-Engineering-Logistics-CG-4-/Program-Offices/Environmental-Management/Environmental-Planning-and-Historic-Preservation/,* no later than April 27th, 2021.

Dated: April 13, 2021.

Aileen Sedmak,

Waterways Commerce Cutter Program Manager.

[FR Doc. 2021–07969 Filed 4–16–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4512–DR; Docket ID FEMA–2021–0001]

Virginia; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Virginia (FEMA–4512–DR), dated April 2, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07915 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4526–DR; Docket ID FEMA–2021–0001]

Delaware; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Delaware (FEMA–4526–DR), dated April 5, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07933 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4503–DR; Docket ID FEMA–2021–0001]

Alabama; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Alabama (FEMA–4503–DR), dated March 29, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of

the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07913 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4545–DR; Docket ID FEMA–2021–0001]

Seminole Tribe of Florida; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Seminole Tribe of Florida (FEMA–4545–DR), dated May 8, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07944 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4523–DR; Docket ID FEMA–2021–0001]

Nevada; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Nevada (FEMA–4523–DR), dated April 4, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07930 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4590–DR; Docket ID FEMA–2021–0001]

Louisiana; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Louisiana (FEMA–4590–DR), dated March 9, 2021, and related determinations.

DATES: The declaration was issued March 9, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 9, 2021, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in the State of Louisiana resulting from severe winter storms during the period of February 11 to February 19, 2021, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Louisiana.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas; assistance for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program and Hazard Mitigation throughout the state; and any other forms of assistance under the Stafford Act that you deem appropriate subject to completion of Preliminary Damage Assessments (PDAs).

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and Other Needs Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, John E. Long, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Louisiana have been designated as adversely affected by this major disaster:

Avoyelles, Bienville, Bossier, Caddo, Calcasieu, Catahoula, Claiborne, Concordia, DeSoto, East Baton Rouge, Franklin, Grant, LaSalle, Madison, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Webster, West Carroll, and Winn Parishes for Individual Assistance.

Emergency protective measures (Category B), including direct federal assistance for all 64 parishes within the State of Louisiana.

All areas within the State of Louisiana are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07950 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4586–DR;Docket ID FEMA–2021–0001]

Texas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Texas (FEMA–4586–DR), dated February 19, 2021, and related determinations.

DATES: The declaration was issued February 19, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 19, 2021, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in the State of Texas resulting from severe winter storms beginning on February 11, 2021, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Texas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas; assistance for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program and Hazard Mitigation throughout the State; and any other forms of assistance under the Stafford Act that you deem appropriate subject to completion of Preliminary Damage Assessments (PDAs).

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and Other Needs Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Jerry S. Thomas, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Texas have been designated as adversely affected by this major disaster:

Angelina, Aransas, Bastrop, Bee, Bell, Bexar, Blanco, Brazoria, Brazos, Brown, Burleson, Caldwell, Calhoun, Cameron, Chambers, Collin, Comal, Comanche, Cooke, Coryell, Dallas, Denton, DeWitt, Ellis, Falls, Fort Bend, Galveston, Gillespie, Grimes, Guadalupe, Hardin, Harris, Hays, Henderson, Hidalgo, Hood, Jasper, Jefferson, Johnson, Kaufman, Kendall, Lavaca, Liberty, Madison, Matagorda, Maverick, McLennan, Montague, Montgomery, Nacogdoches, Nueces, Orange, Palo Pinto, Panola, Parker, Polk, Rockwall, Sabine, San Jacinto, San Patricio, Scurry, Shelby, Smith, Stephens, Tarrant, Travis, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Wharton, Wichita, Williamson, Wilson, and Wise Counties for Individual Assistance.

Emergency protective measures (Category B), including direct federal assistance under the Public Assistance program for all 254 counties in the State of Texas.

All areas within the State of Texas are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07947 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4533–DR; Docket ID FEMA–2021–0001]

Alaska; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Alaska (FEMA–4533–DR), dated April 9, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07940 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4528–DR; Docket ID FEMA–2021–0001]

Mississippi; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Mississippi (FEMA–4528–DR), dated April 5, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals

and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07935 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4522–DR; Docket ID FEMA–2021–0001]

Maine; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Maine (FEMA–4522–DR), dated April 4, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07929 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4508–DR; Docket ID FEMA–2021–0001]

Montana; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Montana (FEMA–4508–DR), dated March 31, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07923 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4515–DR; Docket ID FEMA–2021–0001]

Indiana; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Indiana (FEMA–4515–DR), dated April 3, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase

Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07918 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4504–DR; Docket ID FEMA–2021–0001]

Kansas; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4504–DR), dated March 29, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant).

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07914 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4517–DR; Docket ID FEMA–2021–0001]

West Virginia; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA–4517–DR), dated April 3, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals

and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant).

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07925 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4589–DR; Docket ID FEMA–2021–0001]

Idaho; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Idaho (FEMA–4589–DR), dated March 4, 2021, and related determinations.

DATES: The declaration was issued March 4, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 4, 2021, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Idaho resulting from straight-line winds on January 13, 2021, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Idaho.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the state. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Thomas J. Dargan, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Idaho have been designated as adversely affected by this major disaster:

Benewah, Bonner, Kootenai, and Shoshone Counties for Public Assistance.

All areas within the State of Idaho are eligible for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07949 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4537–DR; Docket ID FEMA–2021–0001]

American Samoa; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the territory of American Samoa (FEMA–4537–DR), dated April 17, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant).

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07943 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4516–DR; Docket ID FEMA–2021–0001]

New Hampshire; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New Hampshire (FEMA–4516–DR), dated April 3, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07919 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4527–DR; Docket ID FEMA–2021–0001]

South Dakota; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of South Dakota (FEMA–4527–DR), dated April 5, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07934 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4511–DR; Docket ID FEMA–2021–0001]

Commonwealth of the Northern Mariana Islands; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of the Northern Mariana Islands (FEMA–4511–DR), dated April 1, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07909 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4529–DR; Docket ID FEMA–2021–0001]

New Mexico; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New Mexico (FEMA–4529–DR), dated April 5, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant).

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07936 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4534–DR; Docket ID FEMA–2021–0001]

Idaho; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Idaho (FEMA–4534–DR), dated April 9, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07941 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4509–DR; Docket ID FEMA–2021–0001]

North Dakota; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of North Dakota (FEMA–4509–DR), dated April 1, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07924 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4511–DR; Docket ID FEMA–2021–0001]

Commonwealth of the Northern Mariana Islands; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of the Northern Mariana Islands (FEMA–4511–DR), dated April 1, 2020, and related determinations.

DATES: This amendment was issued March 19, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of the Northern Mariana Islands is hereby amended to include Individual Assistance limited to the Crisis Counseling Program for those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of April 1, 2020.

Individual Assistance limited to the Crisis Counseling Program for all islands in the Commonwealth of the Northern Mariana Islands (already designated for emergency protective measures [Category B] not authorized under other Federal statutes, including direct Federal assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07908 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4507–DR; Docket ID FEMA–2021–0001]

Ohio; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Ohio (FEMA–4507–DR), dated March 31, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals

and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07922 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4502–DR; Docket ID FEMA–2021–0001]

District of Columbia; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the District of Columbia (FEMA–4502–DR), dated March 29, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07912 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4530–DR; Docket ID FEMA–2021–0001]

Oklahoma; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Oklahoma (FEMA–4530–DR), dated April 5, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07937 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4535–DR; Docket ID FEMA–2021–0001]

Wyoming; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Wyoming (FEMA–4535–DR), dated April 11, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of

the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07942 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4513–DR; Docket ID FEMA–2021–0001]

Virgin Islands; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the territory of the U.S. Virgin Islands (FEMA–4513–DR), dated April 2, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07916 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4588–DR; Docket ID FEMA–2021–0001]

North Carolina; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of North Carolina (FEMA–4588–DR), dated March 3, 2021, and related determinations.

DATES: The declaration was issued March 3, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 3, 2021, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of North Carolina resulting from Tropical Storm Eta during the period of November 12 to November 15, 2020, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of North Carolina.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the state. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Myra M. Shird, of FEMA is appointed to act as the Federal

Coordinating Officer for this major disaster.

The following areas of the State of North Carolina have been designated as adversely affected by this major disaster:

Alexander, Alleghany, Ashe, Beaufort, Burke, Caldwell, Davidson, Davie, Duplin, Edgecombe, Hertford, Iredell, Robeson, Rowan, Sampson, Stokes, Wilkes, Wilson, and Yadkin Counties for Public Assistance.

All areas within the State of North Carolina are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07948 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4532–DR; Docket ID FEMA–2021–0001]

Vermont; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Vermont (FEMA–4532–DR), dated April 8, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07939 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4531–DR; Docket ID FEMA–2021–0001]

Minnesota; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Minnesota (FEMA–4531–DR), dated April 7, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07938 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4505–DR; Docket ID FEMA–2021–0001]

Rhode Island; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Rhode Island (FEMA–4505–DR), dated March 30, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07920 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4520–DR; Docket ID FEMA–2021–0001]

Wisconsin; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Wisconsin (FEMA–4520–DR), dated April 4, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07927 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4514–DR; Docket ID FEMA–2021–0001]

Tennessee; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Tennessee (FEMA–4514–DR), dated April 2, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of

the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07917 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4584–DR; Docket ID FEMA–2021–0001]

Washington; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Washington (FEMA–4584–DR), dated February 4, 2021, and related determinations.

DATES: This amendment was issued March 19, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Washington is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of February 4, 2021.

Ferry County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07946 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4518–DR; Docket ID FEMA–2021–0001]

Arkansas; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Arkansas (FEMA–4518–DR), dated April 3, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07926 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4524–DR; Docket ID FEMA–2021–0001]

Arizona; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Arizona (FEMA–4524–DR), dated April 4, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07931 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4582–DR; Docket ID FEMA–2021–0001]

Navajo Nation; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Navajo Nation (FEMA–4582–DR), dated February 2, 2021, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07945 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4510–DR; Docket ID FEMA–2021–0001]

Hawaii; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Hawaii (FEMA–4510–DR), dated April 1, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals

and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07907 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4501–DR; Docket ID FEMA–2021–0001]

Georgia; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4501–DR), dated March 29, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07911 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4506–DR; Docket ID FEMA–2021–0001]

Pennsylvania; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Pennsylvania (FEMA–4506–DR), dated March 30, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07921 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4525–DR; Docket ID FEMA–2021–0001]

Utah; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Utah (FEMA–4525–DR), dated April 4, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase

Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07932 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4500–DR; Docket ID FEMA–2021–0001]

Connecticut; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Connecticut (FEMA–4500–DR), dated March 28, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07910 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4521–DR; Docket ID FEMA–2021–0001]

Nebraska; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4521–DR), dated April 4, 2020, and related determinations.

DATES: This amendment was issued February 2, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the President's Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID–19 and to Increase Reimbursement and Other Assistance Provided to States, dated January 21, 2021 and the President's Memorandum on Maximizing Assistance from the Federal Emergency Management Agency, dated February 2, 2021 FEMA is amending the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the ''Stafford Act'') for all of the COVID–19 emergency and major disaster declarations. FEMA is amending this declaration as follows:

Federal funds for emergency protective measures (Category B), including direct Federal assistance, under the Public Assistance program (Section 403) are authorized at 100 percent of total eligible costs for work performed from January 20, 2020 through September 30, 2021.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals

and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Robert J. Fenton,

Senior Official Performing the Duties of the Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–07928 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2684–21; DHS Docket No. USCIS–2021–0004]

RIN 1615–ZB87

Identifying Barriers Across U.S. Citizenship and Immigration Services (USCIS) Benefits and Services; Request for Public Input

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Request for public input.

SUMMARY: The Department of Homeland Security (DHS) is seeking comments from the public on how U.S. Citizenship and Immigration Services (USCIS) can reduce administrative and other barriers and burdens within its regulations and policies, including those that prevent foreign citizens from easily obtaining access to immigration services and benefits. This effort will help DHS identify process improvements for USCIS, with benefits for state, local, and tribal governments, for businesses (including small businesses and startups), for educational institutions of all kinds, for nonprofits, and for individuals.

DATES: Written comments are requested on or before April 19, 2021. Late-filed comments will be considered to the extent practicable.

ADDRESSES: You may submit comments, identified by docket number USCIS–2021–0004, through the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Comments submitted in a manner other than the one listed above, including emails or letters sent to DHS or USCIS officials, may not be reviewed by DHS. Please note that DHS and USCIS cannot accept any comments that are hand delivered or couriered. In addition, USCIS cannot accept comments contained on any form of digital media storage devices, such as CDs/DVDs and USB drives. Due to COVID–19, USCIS is also not accepting mailed comments at this time. If you cannot submit your comment by using *http://www.regulations.gov,* please contact Samantha Deshommes, Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by telephone at 240–721–3000 for alternate instructions.

FOR FURTHER INFORMATION CONTACT: Samantha Deshommes, Regulatory Coordination Division Chief, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, DHS, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone 240–721–3000 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone numbers above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD).

SUPPLEMENTARY INFORMATION:

I. Public Participation

Interested persons are invited to comment on this notice by submitting written data, views, or arguments using the method identified in the **ADDRESSES** section.

Instructions: All submissions must include the agency name and docket number for this notice. All comments received will be posted without change to *http://www.regulations.gov including any personal information provided.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov.*

II. Background

On February 2, 2021, President Biden issued Executive Order (E.O.) 14012, ''Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans.'' [1] In E.O. 14012, President Biden announced his objective to encourage ''full participation by immigrants'' and directed responsible Federal agencies to identify strategies that promote ''integration, inclusion, and citizenship'' and ''identify barriers that impede access to immigration benefits and fair, efficient adjudications of these benefits.'' Executive Order 13707, ''Using Behavioral Science Insights to Better Serve the American People'' (Sept. 18, 2015), states that ''the Federal Government should design its policies and programs to reflect our best understanding of how people engage with, participate in, use, and respond to those policies and programs.'' [2] President Biden's Memorandum on Restoring Trust in Government through Scientific Integrity and Evidence-Based Policymaking (Jan. 27, 2021), refers to Executive Order 13707 and calls for ''the evidence-based and iterative development and the equitable delivery of policies, programs, and agency operations,'' including approaches ''that may be informed by the social and behavioral sciences and data science.'' [3]

To achieve President Biden's objectives, DHS is soliciting public input to better understand and identify administrative barriers and burdens (including paperwork requirements, waiting time, and other obstacles) that impair the functions of the USCIS process and unnecessarily impede access to USCIS immigration benefits. The relevant burdens might be imposed on state, local, and tribal governments; businesses, including small businesses and startups; educational institutions; nonprofits; households; and individuals. DHS is also seeking input to help identify current USCIS processes or those previously in place that promote equity and inclusion and learn how USCIS might leverage and incorporate those successes and lessons learned in other immigration benefits and adjudication processes.

Independent of the current Request for Public Input, DHS continually evaluates its regulatory program for rules that are candidates for retrospective review. DHS does so through legally mandated retrospective review requirements (for example, Unified Agenda of Planned Regulatory Actions reviews and reviews under section 610 of the Regulatory Flexibility Act, 5 U.S.C. 610) and through other informal and long-established mechanisms (for example, use of Advisory Councils, feedback from DHS field personnel, input from internal working groups, and outreach to regulated entities). Today's notice is separate from these existing DHS retrospective review efforts.

III. Request for Input

A. Importance of Public Feedback

To achieve the objectives outlined in E.O. 14012, E.O. 13707, and the Presidential Memorandum on Restoring

[1] ''Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans,'' 86 FR 8277 (Feb. 5, 2021).

[2] ''Using Behavioral Science Insights to Better Serve the American People,'' 80 FR 56365 (Sept. 18, 2015).

[3] ''Restoring Trust in Government through Scientific Integrity and Evidence-Based Policymaking,'' 86 FR 8845 (Feb. 10, 2021).

Trust in Government through Scientific Integrity and Evidence-Based Policymaking, it is critical that public input helps drive process improvements in strategies, processes, and planning. Because the impacts and effects of immigration benefits tend to be widely dispersed in society, members of the public—especially regulated stakeholders and those that typically participate in USCIS rulemakings—are likely to have useful information, data, and perspectives on the benefits and burdens of our existing processes. When processes are especially burdensome, members of the public may have unique knowledge. Given that unique knowledge, a primary factor that will improve the USCIS immigration process is public feedback.

B. Maximizing the Value of Public Feedback

This notice contains a list of questions, the answers to which will assist DHS in identifying potential USCIS immigration processes that may benefit from DHS review with the goal of reducing burdens on the public, saving costs for both the public and USCIS, increasing navigability, saving time, reducing confusion and frustration, promoting simplification, improving efficiency, and/or removing barriers that unnecessarily impede access to immigration benefits. DHS encourages public comment on these questions and seeks any other information or data commenters believe are relevant to this notice. The type of feedback that is most useful to DHS will identify *specific regulations and/or processes,* and include *actionable* information and/or *data* and/or provide *viable alternatives,* that meet statutory obligations and regulatory objectives and requirements. Public feedback that simply states that a stakeholder feels strongly that USCIS should change its processes but does not contain specific information on what change should be considered or how a proposed change will reduce barriers, or otherwise improve existing processes, is less useful to USCIS.

We highlight a few of those points here, noting that comments that will be most useful to DHS are those that are guided by the below principles. Commenters should consider these principles as they answer and respond to the questions in this notice:

- Commenters should identify, with specificity, the regulation or immigration process at issue, providing the Code of Federal Regulation (CFR) and/or USCIS Policy Manual citation where available or applicable. (If a new regulation is being suggested addressing a subject matter that is not currently codified in regulations, it should be identified with as much specificity as possible and with references to the program/process and statutory authority.)
- Commenters should provide, in as much detail as possible, an explanation why a USCIS regulation, form or information collection, or immigration process should be modified, streamlined, expanded, or repealed, as well as specific suggestions about how USCIS can better achieve its regulatory objectives and reduce unnecessary burdens on public institutions, the private sector, households, individuals, or other stakeholders.
- To the extent feasible, commenters should provide specific data that document the costs, burdens, and benefits of existing requirements and/or how proposed changes would reduce costs and burdens, and/or increase benefits to USCIS or the public. Commenters might also address how USCIS can best obtain and consider accurate, objective information and data about existing regulations, processes and procedures, and whether there are existing sources of data that USCIS can use to evaluate the post-promulgation effects of DHS regulations USCIS administers over time to help identify inefficiencies and actually or potentially unwarranted barriers to those interacting with or affected by USCIS.
- Comments should emphasize any burdensome processes that have been in effect for enough time to warrant a fair evaluation, in most cases for more than one year.
- Comments that reiterate substantive issues already raised in public comments submitted on recently issued rules will be less useful, unless they provide new information—by, for example, pointing to new studies or data, or offering novel alternatives.

C. List of Questions for Commenters

The below non-exhaustive list of questions is meant to assist members of the public in formulating comments, and is not intended to restrict the feedback that members of the public may provide:

(1) Are there any regulations; policies; precedents or adopted decisions; adjudicatory practices; forms, form instructions, or information collections; or other USCIS procedures or requirements that you consider to be unjustified or excessive barriers that impede easy access to legally authorized immigration benefits and fair, efficient adjudications of these benefits? Please provide specific examples identifying the specific program or subject matter (for example, adjustment of status, naturalization, H–1B nonimmigrant status, refugee status, asylum, parole).

(a) With respect to the identified regulations; policies; precedents or adopted decisions; adjudicatory practices; forms, form instructions, or information collections; or other USCIS procedures or requirements that you have identified as potential barriers, are the barriers you perceive created by duplication, overlap, or inconsistency of requirements? If so, please specify.

(2) Are there any USCIS regulations or processes that are not tailored to impose the least burden on society, consistent with achieving the regulatory objectives?

(3) Are there USCIS regulations or processes that disproportionally burden disadvantaged, vulnerable, or marginalized communities? If so, please specify the regulation and/or process, to include any applicable CFR and/or USCIS Policy Manual citation, providing a description of the specific burden to the relevant communities.

(4) Are there USCIS regulations or processes that disproportionally burden a specific industry or sector of the economy, geographic location within the US, or government type (*e.g.* a specific tribal or territorial government or a specific local government)?

(5) What aspects of the immigrant and nonimmigrant perspectives or experiences should USCIS be aware of that could better inform our qualitative and quantitative analyses when identifying actually or potentially excessive administrative burdens, or when evaluating regulatory impacts in general?

(6) Are there existing sources of data that USCIS can use to evaluate the post-promulgation effects of regulations and administrative burdens over time?

(7) Are there instances where the costs of USCIS regulations to the public far surpass the benefits, for reasons that were not anticipated or discussed during the rulemaking process?

(8) Are there instances where the administrative burdens imposed in USCIS regulations are not cost-effective, in the sense that a different approach would achieve regulatory goals with significantly lower burdens?

(9) Are there instances where current regulations may have added unintended or unanticipated costs, or imposed unintended or unanticipated administrative barriers, and in which those costs and barriers may not have been adequately considered in previous assessments of the regulation's direct costs?

(10) Are there USCIS regulations that are still necessary, but have not

operated as well as expected, such that a modified approach is justified to reduce unnecessary administrative burdens? For example, are there current regulations, policies, or procedures, specifically related to citizenship and naturalization, family-based immigration (including intercountry adoptions), educational opportunities in the United States, employment-based immigrant/nonimmigrant programs, adjustment of status, or humanitarian programs that could be modernized, streamlined, or otherwise improved?

(11) Is there information you believe USCIS currently collects that it does not need or that USCIS does not use effectively to achieve regulatory objectives?

(12) Are there data-sharing activities in which individual DHS components (for example, USCIS, U.S. Customs and Border Protection, and/or U.S. Immigration and Customs Enforcement) should engage, so that repetitive collections of the same data do not occur from one component to the next?

(13) Are there data-sharing activities in which DHS components should engage with other Federal Government agencies (such as the Departments of State, Justice, Labor, or Health and Human Services) so that repetitive collections of the same data do not occur from one agency to the next?

(14) Are there areas where DHS components' regulations (including those of USCIS) create duplicative, conflicting, or difficult to navigate situations for individuals also navigating regulatory requirements of another Federal Government agency (such as those from the Departments of State, Justice, Labor, or Health and Human Services), such that consideration of greater cooperation or coordination would be warranted?

(15) Are there regulations or forms that have been overtaken by technological developments or that should be amended as part of USCIS' eProcessing initiative?[4]

(16) Are there new technologies that USCIS should consider leveraging to modify, streamline, or do away with existing regulatory or form requirements?

(17) Are there ''bright spots,'' in the form of existing USCIS regulations and/or processes—or processes previously in place—that are not burdensome, and that you recommend DHS/USCIS look to as examples it can emulate in other program areas?

IV. Review of Public Feedback

DHS will use the public's feedback to help initiate strategic plans, consider reforms, and execute reports pursuant to President Biden's requests of DHS outlined in E.O. 14012. DHS will also use the public's feedback to consider reduction of administrative burdens more broadly. This notice is issued solely for information and program-planning purposes. Public input provided in response to this notice does not bind DHS to any further actions, to include publishing a formal response or agreement to initiate a recommended change. DHS will consider the feedback and make changes or process improvements at its sole discretion. Commenting on this notice is not a substitute for commenting on other ongoing DHS rulemaking efforts. To be considered as part of a specific rulemaking effort, comments on DHS rules must be received during the comment period identified in the relevant rule published in the **Federal Register**, and in the manner specified therein. Finally, comments submitted in response to this notice will not be considered as petitions for rulemaking submitted pursuant to 5 U.S.C. 553(e) unless they comply with DHS regulations at 6 CFR part 3, *Petitions for Rulemaking.*

Tracy L. Renaud,

Senior Official Performing the Duties of the Director, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security.

[FR Doc. 2021–07987 Filed 4–16–21; 8:45 am]

BILLING CODE 9111–97–P

[4] USCIS' eProcessing initiative aims to increase public availability to digital services and forms across USCIS benefits and better integrate existing USCIS systems for filing, storage, and adjudication; *see* Citizenship and Immigration Services Ombudsman, U.S. Dep't of Homeland Security, ''Annual Report 2019,'' pages 62–69, (July 12, 2019), *https://www.dhs.gov/sites/default/files/publications/cisomb/cisomb_2019-annual-report-to-congress.pdf* (last viewed Feb. 23, 2021); *see also* U.S. Citizenship and Immigration Servs., U.S. Dep't of Homeland Security, ''USCIS Accelerates Transition to Digital Immigration Processing'' (May 22, 2019), *https://www.uscis.gov/news/news-releases/uscis-accelerates-transition-to-digital-immigration-processing* (last viewed Feb. 24, 2021).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6255–N–02]

Notice of Intent To Prepare a Draft Environmental Impact Statement (EIS) for the One San Pedro Specific Plan Project in Los Angeles City, California; Correction

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS), correction.

SUMMARY: On April 5, 2021, HUD published a Notice of Intent in the **Federal Register** entitled ''Notice of Intent To Prepare a Draft Environmental Impact Statement (EIS) for the One San Pedro Specific Plan Project in Los Angeles City, California.'' The Notice of Intent, as required by the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), notified the public of a second Public Scoping Meeting on April 27, 2021 to discuss a combined Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) for the Rancho San Pedro public housing redevelopment project, located in Los Angeles, California. The notice provided the incorrect Zoom link and call-in information for the Public Scoping Meeting. Today's notice provides the correct Zoom link and call-in information for the public to use for the Tuesday, April 27, 2021 Public Scoping Meeting.

DATES: The Public Scoping Meeting to satisfy NEPA requirements will be held virtually on Tuesday, April 27, 2021, from 5 p.m. to 6:30 p.m. Pacific Time, at *https://zoom.us/j/92936528288?pwd=RmN5NFJ0bVlVYi8wS2JLWXd1ekpnZz09* or by calling (669) 900–6833 (Meeting ID: 929 3652 8288, Passcode: 392390).

FOR FURTHER INFORMATION CONTACT: With respect to this technical correction, contact Aaron Santa Anna, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 7th Street SW, Room 10238, Washington, DC 20410; telephone number 202–708–1793 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: On April 5, 2021 (86 FR 17621) (FR Doc. 2021–06929), HUD published a Notice of Intent in the **Federal Register** entitled ''Notice of Intent To Prepare a Draft Environmental Impact Statement (EIS) for the One San Pedro Specific Plan Project in Los Angeles City, California.'' For projects that require an Environmental Impact Statement (EIS), the Responsible Entity, as defined in 24 CFR 58.2(a)(7), must provide a Notice of Intent (NOI) to begin the public scoping process in accordance with the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 431 *et. seq.* (NEPA); the Council of Environmental Quality (CEQ) NEPA Regulations at 40 CFR parts 1500–1508; and HUD

implementing regulations at 24 CFR part 58. The April 5, 2021 NOI provided notice that the Housing Authority of the City of Los Angeles (HACLA) proposes to carry out a Section 18/Rental Assistance Demonstration (RAD) demolition/disposition through a ground lease and to use a combination of RAD Project-Based Vouchers (PBV), Tenant Projection Vouchers (TPV), and PBV authorized by the U.S. Housing Act of 1937, as amended (USHA), to redevelop the Rancho San Pedro public housing project site.

The City of Los Angeles, through the City of Los Angeles's Housing and Community Investment Department (HCID), is acting as the Responsible Entity for the Rancho San Pedro public housing project. As the California Environmental Quality Act (CEQA) similarly requires an Environmental Impact Report (EIR), HACLA and HCID intend to produce a combined EIR/EIS for the project. A Public Scoping Meeting for CEQA issues was held on February 6, 2021. The April 5, 2021 NOI gave notice of the next Public Scoping Meeting, specifically about NEPA issues, to be held virtually on April 27, 2021. The NOI provided an incorrect Zoom link and incorrect call-in information. This notice provides the correct Zoom link and call-in information.

Corrections: In the **Federal Register** of April 5, 2021, in FR Doc. 2021–06929 on page 17621, in the second column, replace the first paragraph of the Dates section to read: ''The next Public Scoping Meeting to satisfy NEPA requirements will be held virtually on Tuesday, April 27, 2021, from 5 p.m. to 6:30 p.m. Pacific Time, at *https://zoom.us/j/92936528288?pwd=RmN5NFJ0bVlVYi8wS2JLWXd1ekpnZz09* or by calling (669) 900–6833 (Meeting ID: 929 3652 8288, Passcode: 392390).''

On page 17624 of the same notice, in the first column, replace the fourth full sentence of that column to read ''The date, time, and location of the next Public Scoping Meeting to satisfy NEPA requirements is as follows: Tuesday, April 27, 2021, 5 p.m. to 6:30 p.m. Pacific Time, *https://zoom.us/j/92936528288?pwd=RmN5NFJ0bVlVYi8wS2JLWXd1ekpnZz09* or call (669) 900–6833 (Meeting ID: 929 3652 8288, Passcode: 392390).''

Aaron Santa Anna,

Associate General Counsel for Legislation and Regulations.

[FR Doc. 2021–08011 Filed 4–16–21; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7034–N–21]

30-Day Notice of Proposed Information Collection: Continuum of Care (CoC) Program Registration OMB Control No: 2506–0182

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: Comments Due Date: May 19, 2021

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_submission@omb.eop.gov* or *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: Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email her at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on December 17, 2020, at 85 FR 81946.

A. Overview of Information Collection

Title of Information Collection: Continuum of Care (CoC) Program Registration.

OMB Approval Number: 2506–0182.

Type of Request: Revision of currently approved collection.

Form Number: None.

Description of the need for the information and proposed use: This submission is to request an extension of an existing collection in use without an OMB Control Number for the Recordkeeping for HUD's Continuum of Care Program. Continuum of Care program recipients will be expected to implement and retain the information collection for the recordkeeping requirements. The statutory provisions and implementing interim regulations govern the Continuum of Care Program recordkeeping requirements for recipient and subrecipients and the standard operating procedures for ensuring that Continuum of Care Program funds are used in accordance with the program requirements. To see the regulations for the new CoC program and applicable supplementary documents, visit HUD's Homeless Resource Exchange at *https://www.onecpd.info/resource/2033/hearth-coc-program-interim-rule/.*

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
CoC Registration—Basic	405	1	405	1	405	$41.78	$16,920.90
CoC Registration—UFA designation request*	20	1	20	15	300	41.78	12,534.00
CoC Registration—HPC designation request*	5	1	5	10	50	41.78	2,089.00

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Grant Inventory Worksheet	405	1	405	8	3,240	41.78	135,367.20
Total	405	1	835	5	3,995		166,911.10

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) 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) If the information will be processed and used in a timely manner;

(3) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(4) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(5) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Anna P. Guido,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2021–07953 Filed 4–16–21; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[212A2100DD/AAKC001030// A0A501010.999900; OMB Control Number 1076–0169]

Agency Information Collection Activities; Probate of Indian Estates, Except for Members of the Osage Nation and Five Civilized Tribes

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 18, 2021.

ADDRESSES: Please send written comments on this information collection request (ICR) to Ms. Charlene Toledo, Bureau of Indian Affairs, Office of Trust Services, Division of Probate Services, 2600 N Central Ave., STE MS 102, Phoenix, AZ 85004: or email to *Charlene.Toledo@bia.gov.* Please reference OMB Control Number 1076–0169 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Ms. Charlene Toledo by telephone at (505) 563–3371 or email at *charlene.toledo@bia.gov.* You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. 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.

Abstract: The Secretary of the Interior (Secretary) probates the estates of individual Indians owning trust or restricted property in accordance with 25 U.S.C. 372–373. In order to compile the probate file, the BIA must obtain the family heirship data regarding the deceased from individuals and the tribe. This section contains the procedures that the Secretary of the Interior follows to initiate the probate of the trust estate for a deceased person who owns an interest in trust or restricted property. The Secretary must perform the necessary research of family heirship data collection requests in this part to obtain the information necessary to compile an accurate and complete probate file. This file will be forwarded to the Office of Hearing and Appeals (OHA) for disposition. Responses to these information collection requests are required to create a probate file for the decedent's estate so that OHA can determine the heirs of the decedent and order distribution of the trust assets in the decedent's estate.

Title of Collection: Probate of Indian Estates, Except for Members of the Osage Nation and Five Civilized Tribes.

OMB Control Number: 1076–0169.

Form Number: None.

Type of Review: Extension without change of currently approved collection.

Respondents/Affected Public: Indians, businesses, and tribal authorities.

Total Estimated Number of Annual Respondents: 36,906 per year.

Total Estimated Number of Annual Responses: 41,139 per year.

Estimated Completion Time per Response: Varies from 0.5 hours to 45 hours.

Total Estimated Number of Annual Burden Hours: 617,486 per year.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Once per respondent per year.

Total Estimated Annual Nonhour Burden Cost: $0.

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2021–08014 Filed 4–16–21; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[212A2100DD/AAKC001030/ A0A501010.999900253G]

Bureau of Indian Education School Reopening Plans

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of public meetings.

SUMMARY: The Bureau of Indian Education (BIE) is seeking stakeholder input on its plans to rely upon the latest U.S. Department of Education (ED) and the Centers for Disease Control and Prevention (CDC) guidance regarding reopening its K–12 schools, residential facilities, and post-secondary schools for safe delivery of in-person and hybrid instruction and determine if BIE schools should include additional guidelines.

DATES: Public meetings addressing K–12 and residential facilities will be held from 4 p.m. to 5 p.m. Eastern Time (ET) on May 10, 2021. Public meetings addressing post-secondary institutions will be held 4 p.m. to 5 p.m. ET on May 11, 2021. Written comments must be received by 11:59 p.m. ET, May 14, 2021.

ADDRESSES: Please register in advance for each session using the links listed in the **SUPPLEMENTARY INFORMATION** section of this notice. Written comments may be emailed to *comments@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Tamarah Pfeiffer, Chief Academic Officer, Bureau of Indian Education; telephone: (505) 563–3020, fax: (505) 563–3043 or email *Tamarah.Pfeiffer@bie.edu.*

SUPPLEMENTARY INFORMATION: BIE is working on reopening schools for safe delivery of in-person and hybrid instruction based on the latest guidance from the U.S. Department of Education and the Centers for Disease Control and invites stakeholders to provide input regarding additional needs and resources to ensure the safety and wellbeing of students at BIE schools. Among the items BIE is specifically considering as it undertakes reopening schools are:

- What is needed to ensure student safety when using commercial transportation services before students travel to a residential facility and when they travel home?
- Would you recommend that students be vaccinated before arriving on campus if vaccinations are available?
- What are your recommendations to serve students that plan to attend residential facilities and post-secondary institutions from communities with high rates of COVID–19?
- Are there any recommendations for grades K–12 and residential facilities not already addressed by ED and CDC reopening guidance that requires additional clarification or guidance by BIE?

BIE-operated schools include three categories, each of which BIE will plan for separately:

1. Schools serving grades K–12;
2. BIE residential facilities; and
3. Post-secondary institutions (specifically, Haskell Indian Nations University and Southwest Indian Polytechnic Institute (SIPI)).

The intended purpose of this stakeholder engagement is to ensure that BIE is meeting the needs of its students, schools, and Tribal communities during the COVID–19 Pandemic recovery. BIE has invited Tribes to Tribal consultation sessions by letter.

Public webinar sessions are scheduled for:

K–12 and Residential Facilities

May 10, 2021

4 p.m.—5 p.m. Eastern Time (ET)
Please register in advance for this meeting at: https://www.zoomgov.com/meeting/register/vJItfuqorzguH3fGaQXG26Nbu4mFiy4IJ_Q

Post-Secondary Institutions

May 11, 2021

4 p.m.–5 p.m. Eastern Time (ET)
Please register in advance for this meeting at: *https://www.zoomgov.com/meeting/register/vJItcOCtpzgvHT5ZmlDobA8nzJlx9jJgEhw*

Once registered, you will receive a confirmation email containing information about joining the session. Each day of public sessions will be preceded by a Tribal consultation session from 3 p.m.–4 p.m. ET. Tribes have been invited by letter to the Tribal consultation sessions.

Bryan Newland,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 2021–07460 Filed 4–16–21; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[212D0102DM, DS6CS00000, DLSN00000.000000, DX6CS25; OMB Control Number 1090–0011]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; DOI Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Office of the Secretary are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 19, 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 Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to the Jeffrey Parrillo, 1849 C Street NW, Washington, DC 20240; or by email to *DOI-PRA@ios.doi.gov.* Please reference OMB Control Number 1090–0011 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jeffrey Parrillo, 1849 C Street NW, Washington, DC 20240; or by email to *DOI-PRA@ios.doi.gov.* Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to

comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

On November 20, 2020, we published in the **Federal Register** (85 FR 74374) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on January 19, 2021. We received no comments to that notice.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this 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) How might the agency 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 response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. 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.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback, we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management. Requests under this generic clearance will be submitted to OMB via Form DI–4011, ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.''

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Title of Collection: DOI Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 1090–0011.

Form Number: DI–4011.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals/households; businesses; and, State, local, and Tribal governments.

Total Estimated Number of Annual Respondents: 95,000.

Total Estimated Number of Annual Responses: 95,000.

Estimated Average Completion Time per Response: 10 minutes.

Total Estimated Number of Annual Burden Hours: 15,833.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Jeffrey Parrillo,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–08007 Filed 4–16–21; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[212D0102DM, DS6CS00000, DLSN00000.000000, DX6CS25; OMB Control Number 1040–0001]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; DOI Programmatic Clearance for Customer Satisfaction Surveys

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Office of the Secretary are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 19, 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 Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to the Jeffrey Parrillo, 1849 C Street NW, Washington, DC

20240; or by email to *DOI-PRA@ios.doi.gov.* Please reference OMB Control Number 1040–0001 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jeffrey Parrillo, 1849 C Street NW, Washington, DC 20240; or by email to *DOI-PRA@ios.doi.gov.* Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

On November 20, 2020, we published in the **Federal Register** (85 FR 74376) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on January 19, 2021. We received no comments in response to that notice.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this 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) How might the agency 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 response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. 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.

Abstract: The Government Performance and Results Act of 1993 (GPRA) (Pub. L. 103–62) requires agencies to ''improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction.'' To fulfill this responsibility, DOI bureaus and offices must collect data from their respective user groups to better understand the needs and desires of the public and to respond accordingly. Executive Order 12862 ''Setting Customer Service Standards'' also requires all executive departments to ''survey customers to determine . . . their level of satisfaction with existing services.'' We use customer satisfaction surveys to help us fulfill our responsibilities to provide excellence in government by proactively consulting with those we serve. This programmatic clearance provides an expedited approval process for DOI bureaus and offices to conduct customer research through external surveys such as questionnaires and comment cards.

The proposed renewal covers all of the organizational units and bureaus in DOI. Information obtained from customers by bureaus and offices will be provided voluntarily. No one survey will cover all the topic areas; rather, these topic areas serve as a guide within which the bureaus and offices will develop questions. Questions may be asked in languages other than English (*e.g.,* Spanish) where appropriate. Topic areas include:

(1) Delivery, quality and value of products, information, and services. Respondents may be asked for feedback regarding the following attributes of the information, service, and products provided:

(a) Timeliness.

(b) Consistency.

(c) Accuracy.

(d) Ease of Use and Usefulness.

(e) Ease of Information Access.

(f) Helpfulness.

(g) Quality.

(h) Value for fee paid for information/product/service.

(2) Management practices. This area covers questions relating to how well customers are satisfied with DOI management practices and processes, what improvements they might make to specific processes, and whether or not they feel specific issues were addressed and reconciled in a timely, courteous, and responsive manner.

(3) Mission management. We will ask customers to provide satisfaction data related to DOI's ability to protect, conserve, provide access to, provide scientific data about, and preserve natural, cultural, and recreational resources that we manage, and how well we are carrying out our trust responsibilities to American Indians.

(4) Rules, regulations, policies. This area focuses on obtaining feedback from customers regarding fairness, adequacy, and consistency in enforcing rules, regulations, and policies for which DOI is responsible. It will also help us understand public awareness of rules and regulations and whether or not they are explained in a clear and understandable manner.

(5) Interactions with DOI Personnel and Contractors. Questions will range from timeliness and quality of interactions to skill level of staff providing the assistance, as well as their courtesy and responsiveness during the interaction.

(6) General demographics. Some general demographics may be gathered to augment satisfaction questions so that we can better understand the customer and improve how we serve that customer. We may ask customers how many times they have used a service, visited a facility within a specific timeframe, their ethnic group, or their race.

All requests to collect information under the auspices of this proposed renewal will be carefully evaluated to ensure consistency with the intent, requirements, and boundaries of this programmatic clearance. Interior's Office of Policy Analysis will conduct an administrative and technical review of each specific request in order to ensure statistical validity and soundness. All information collections are required to be designed and deployed based upon acceptable statistical practices and sampling methodologies, and procedures that account for and minimize non-response bias, in order to obtain consistent, valid

data and statistics that are representative of the target populations.

Title of Collection: DOI Programmatic Clearance for Customer Satisfaction Surveys.

OMB Control Number: 1040–0001.

Form Number: DI–4010.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: DOI customers. We define customers as anyone who uses DOI resources, products, or services. This includes internal customers (anyone within DOI) as well as external customers (*e.g.,* the American public, representatives of the private sector, academia, and other government agencies). Depending upon their role in specific situations and interactions, citizens and DOI stakeholders and partners may also be considered customers. We define stakeholders to mean groups or individuals who have an expressed interest in and who seek to influence the present and future state of DOI's resources, products, and services. Partners are those groups, individuals, and agencies who are formally engaged in helping DOI accomplish its mission.

Total Estimated Number of Annual Respondents: 65,000.

Total Estimated Number of Annual Responses: 65,000.

Average Completion Time per Response: 10 minutes.

Total Estimated Number of Annual Burden Hours: 10,833.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Jeffrey Parrillo,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–08006 Filed 4–16–21; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[212.LLAZA01000.L11700000.PH000]

Notice of Temporary Closure on Public Lands in Mohave County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of temporary closure.

SUMMARY: Notice is hereby given of a temporary closure of certain public lands administered by the Arizona Strip Field Office, Bureau of Land Management (BLM).

DATES: This temporary closure will be in effect from June 16 through July 3 in 2021 and 2022.

FOR FURTHER INFORMATION CONTACT: Lorraine Christian, BLM Arizona Strip Field Manager, telephone 435–688–3200; address—BLM, Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790–6714; email—*lmchrist@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Pursuant to 43 CFR 8364.1, the BLM is temporarily closing the Virgin River corridor, including roads and trails which provide access to the river and the Virgin River Canyon Recreation Area, from June 16 to July 3 in 2021 and 2022 to ensure public safety while the Arizona Game and Fish Department (AGFD) conducts a rotenone treatment on the Virgin River to eliminate red shiner, a highly invasive fish. AGFD requested a temporary closure of the affected public lands to provide for the safety of Virgin River users and other public land users by preventing exposure to rotenone and potassium permanganate during the treatment effort.

The closure area is approximately 15 miles long, extending from two miles downstream of the Virgin River Gorge fish barrier up to the Utah/Arizona border. Closure signs will be posted at main entry points to this area. A map of the temporary closure area will be made available on the project website at: *https://eplanning.blm.gov/public_projects/1504321/200362749/20033212/250039411/MAP_FRN_Virgin_River_Rotenone_Closure_20210114.pdf.* The temporary closure order will be posted in the Arizona Strip District Office at 345 East Riverside Drive, St. George, Utah 84790–6714. Other documents associated with this temporary closure are also available upon request and by appointment at the Arizona Strip District Office.

Under the authority of Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a), 43 CFR 8360.0–7, and 43 CFR 8364.1), the BLM will enforce the following closure within the are described above: all public, whether motorized, on foot, or otherwise, is prohibited.

Exemptions to Closure: The following persons are exempt from this action: Any Federal, State, local, and/or military employee acting within the scope of their official duties; members of any medical, organized rescue, or firefighting force in performance of an official duty; and any person authorized, in writing, by the BLM authorized officer.

Enforcement: Any person who violates the temporary closure may be tried before a United States magistrate and fined in accordance with 18 U.S.C. 3571, imprisoned no more than 12 months under 43 U.S.C. 1733(a) and 43 CFR 8360.0–7, or both. In accordance with 43 CFR 8365.1–7, State or local officials may also impose penalties for violations of Arizona law.

Authority: 43 CFR 8364.1.

Lorraine M. Christian,

Arizona Strip Field Manager.

[FR Doc. 2021–07958 Filed 4–16–21; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR03250000, 21XR0680G1, RX15232000WMENVIR]

Notice of Intent To Prepare an Environmental Impact Statement, White Mountain Apache Tribe Rural Water System Project, Apache County, Arizona

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent; request for comments.

SUMMARY: The Bureau of Reclamation (Reclamation), as the lead Federal agency, intends to prepare an Environmental Impact Statement (EIS) to evaluate the effects of the construction and operation of the proposed White Mountain Apache Tribe (WMAT) Rural Water System Project. The WMAT, Bureau of Indian Affairs (BIA), and U.S. Army Corps of Engineers (USACE) have been identified as cooperating agencies. Reclamation requests comments concerning the scope of the analysis and identification of relevant information, studies, and analyses.

DATES: Submit comments on or before May 19, 2021. The draft EIS is scheduled for December 2021 and the final EIS is scheduled for November

2022 with a Record of Decision issued in January 2023.

ADDRESSES: Send written comments on the EIS to the Phoenix Area Office, Bureau of Reclamation (Attn: WMAT Rural Water System EIS), 6150 West Thunderbird Road, Glendale, AZ 85306. Comments may also be sent via email to *dgraziani@usbr.gov,* or via the Project website at: *https://www.wmat-rws-eis.com/.*

FOR FURTHER INFORMATION CONTACT: Mr. Dominic Graziani at (623) 773–6216 or via email at *dgraziani@usbr.gov.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Pursuant to the WMAT Water Rights Quantification Act (Title III of the Claims Resolution Act of 2010) (Act), the U.S. Congress authorized the Secretary of the Interior (Secretary), through an Indian Self-Determination and Education Assistance Act agreement with the WMAT, to plan, design, and construct a project to divert, store, and distribute water from the North Fork of the White River for the use and benefit of the WMAT. The Proposed Action would fulfill Reclamation's statutory mandate under the Act and would provide a long-term, dependable, and sustainable water supply for residents and businesses on the Fort Apache Indian Reservation. This notice also opens public scoping to identify potential issues, concerns, and alternatives to be considered in the EIS. Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. 4321–4347; the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA, 40 CFR parts 1500–1508; and the Department of the Interior's regulations, 43 CFR part 46, Reclamation, as the lead federal agency, intends to prepare an EIS. The proposed Project would construct and operate a dam, storage reservoir, pumping plant, treatment facilities, and a distribution system that would provide water to communities located on the Fort Apache Indian Reservation. Reclamation first issued a Notice of Intent to prepare an EIS for this project on September 6, 2013, but the EIS was put on hold in August 2015 due to project complications.

Purpose and Need for the Proposed Action

The Proposed Action would provide a long-term, dependable, and sustainable water supply for residents and businesses on the Fort Apache Indian Reservation, Arizona.

The Proposed Action would fulfill Reclamation's statutory mandate under the WMAT Water Rights Quantification Act (Title III of the Claims Resolution Act of 2010) (Act) to plan, design, and construct, as well as to operate, maintain, and replace the WMAT Rural Water System until the date the Project is transferred to the WMAT as provided in the Act.

Preliminary Proposed Action and Alternatives

The Proposed Action consists of construction and operation of the Project as authorized by the Act. The Proposed Action would include construction and operation of a dam, storage reservoir, water pumping plant, water treatment facilities, and a distribution system that would provide water to the communities of Whiteriver, Fort Apache, Canyon Day, Cedar Creek, Carrizo, and Cibecue located on the Fort Apache Indian Reservation. After completion of construction and operation of the new facilities for a period of three years by Reclamation, the WMAT would become the titled owner and operator of the completed water system. The proposed Miner Flat Reservoir would hold approximately 8,350 acre-feet of water and the dam would be 163 feet high and 407 feet in length. Water from the Miner Flat Reservoir would be released to the North Fork of White River, diverted from the stream channel upstream of the community of Whiteriver, and subsequently treated and conveyed via pipeline to downstream Fort Apache Indian Reservation communities. Construction of the distribution system would include 50 miles of new water transmission pipeline. As required by NEPA, the EIS will include and consider a Proposed Action and a reasonable range of alternatives, including a No Action Alternative. Implementation of one of the NEPA Action Alternatives would meet current and future water needs for the WMAT per the Act and would fulfill Reclamation's statutory requirements under the Act.

Reasonable alternatives to the Proposed Action may include a combination of various reservoir operations and priorities, including: (a) Meeting projected Rural Water System demands; (b) accommodating continuing water diversions for agricultural irrigation; and, (c) maintaining instream flow.

Summary of Expected Impacts

The EIS will identify and describe the effects that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives, including those effects that occur at the same time and place as the proposed action or alternatives and may include effects that are later in time or farther removed in distance from the proposed action or alternatives (40 CFR 1508.1(g)). All potentially relevant environmental resource areas were initially considered for analysis. Expected impacts include, but are not limited to, positive and/or negative impacts to water resources, soils and geology, biological resources, cultural resources, Indian Trust Assets, transportation, socioeconomics, air quality, climate change, noise, land use, visual resources, hazardous materials and waste, and utilities and infrastructure. The effects of these expected impacts will be considered in the EIS and the range of issues and alternatives addressed may be expanded or reduced based on comments received in response to this notice and at the virtual public scoping meeting.

Anticipated Permits and Authorizations

The Proposed Action *may* require the following permits, certifications, and/or determinations:

- Biological Opinion from the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act
- Concurrence from the Tribal Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act
- Section 404 permit from the USACE pursuant to Section 404 of the Clean Water Act (CWA)
- Water quality certification pursuant to Section 401 of the CWA
- National Pollutant Discharge Elimination System permit for the water treatment plant pursuant to Section 402 of the CWA
- General permit for stormwater discharges from construction activity pursuant to Section 402 of the CWA, and preparation of a Storm Water Pollution Prevention Plan
- BIA Road Encroachment Permit for construction work along BIA Route 61 (Alchesay Fish Hatchery Road) and BIA Route 12
- BIA Federal easement granted to Reclamation for construction of the Rural Water System
- Arizona Department of Highway Encroachment Permit for construction work inside the right-of-way of State Highway 73

Schedule for the Decision-Making Process

Reclamation will conduct an environmental review to analyze the effects of the Proposed Action, along with other alternatives considered and the associated impacts of each alternative for the development of a Draft EIS. Following completion of the environmental review, Reclamation will publish a notice of availability and request for public comments on the Draft EIS, which is expected to be made public in December 2021. In preparing the Final EIS, which is planned for issuance in 2022, Reclamation will respond to comments received on the Draft EIS. At least 30 days after the Final EIS is available, the Record of Decision will be issued in accordance with applicable timeframes established in 40 CFR 1506.11.

Public Scoping Process

This notice of intent initiates the scoping process, which guides the development of the EIS. Reclamation invites interested parties to participate in the scoping process to help identify the range of reasonable alternatives and the environmental issues to be analyzed.

A virtual public scoping meeting will be held on May 1, 2021, to solicit comments on the scope of the EIS and the issues and alternatives that should be analyzed. Detailed information for the virtual scoping meeting process will be announced in advance through local media, newspapers, and the project website at: *https://www.wmat-rws-eis.com/.* At the time of this publication, the dates and log-in information for the scoping meeting will be available on the project website.

Additional opportunities to review project materials, ask questions, and submit comments will be provided on the project website (*https://www.wmat-rws-eis.com/*) or at the phone number above. It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the EIS. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. Comments received, including names and addresses of those who comment, will be part of the public record for this Proposed Action.

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.

Request for Identification of Potential Alternatives, Information, and Analyses Relevant to the Proposed Action

Reclamation requests assistance with identifying potential alternatives to the Proposed Action to be considered. As suggested alternatives should still meet the purpose and need for the Proposed Action, please be as descriptive as possible with the suggested alternative. Reclamation also requests that potential impacts that should be analyzed be identified. Impacts should be a result of the action; therefore, please identify the activity and the potential impact that should be analyzed. Information that reviewers have that would assist in the development of alternatives or analysis of resource issues is also helpful.

Lead and Cooperating Agencies

Reclamation is the lead Federal agency and the WMAT, BIA, and USACE are cooperating agencies in the preparation of this EIS.

Decision Maker

The responsible official is Reclamation's Regional Director, Interior Region 8: Lower Colorado Basin, as delegated by the Secretary of the Interior.

Nature of Decision To Be Made

In accordance with the Act, ''the Secretary shall carry out all necessary environmental compliance activities required by Federal law in implementing the Agreement [WMAT Water Rights Quantification Agreement dated January 13, 2009].'' Following completion of a final EIS, the responsible official will approve a Record of Decision.

Karl Stock,

Acting Regional Director, Interior Region 8: Lower Colorado Basin, Bureau of Reclamation.

[FR Doc. 2021–07974 Filed 4–16–21; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–567 (Advisory Opinion Proceeding 2)]

Certain Foam Footwear; Notice of the Issuance of an Advisory Opinion; Termination of the Advisory Opinion Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to issue an advisory opinion in the above-captioned investigation. The Commission also terminates the advisory opinion proceeding.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2310. 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, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the underlying investigation on May 11, 2006, based on a complaint, as amended, filed by Crocs, Inc. (''Crocs'') of Niwot, Colorado. 71 FR 27514–15 (May 11, 2006). The complaint alleged, *inter alia,* violations of section 337 of the Tariff Act of 1930, as amended (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 foam footwear, by reason of infringement of claims 1–2 of U.S. Patent No. 6,993,858 (''the '858 patent'') and U.S. Patent No. D517,789 (''the '789 patent''). The notice of investigation named several respondents, including Double Diamond Distribution Ltd. (''Double Diamond'') of Saskatoon, Canada.

On July 25, 2008, the Commission issued a final determination finding no violation of section 337. 73 FR 45073–74 (Aug. 1, 2008). On July 15, 2011, after an appeal to the U.S. Court of Appeals for the Federal Circuit and subsequent

remand vacating the Commission's previous finding of no violation, the Commission found a violation of section 337 based on infringement of the asserted claims of the patents and issued a general exclusion order (''GEO'') and, *inter alia,* a cease and desist order (''CDO'') directed against Double Diamond. 76 FR 43723–24 (July 21, 2011).

On March 28, 2020, the '789 patent expired. Accordingly, the GEO and CDO, by their terms, are only directed to articles that infringe one or more of claims 1 and 2 of the '858 patent. On December 8, 2020, Double Diamond submitted a request for institution of an expedited advisory opinion proceeding to determine whether its new Original Beach DAWGS™ shoes with plastic washers are subject to the GEO or CDO. On December 18, 2020, Crocs opposed Double Diamond's request for an expedited advisory opinion proceeding. On December 22, 2020, Double Diamond moved for leave to file a reply to Crocs' opposition, and on December 23, 2020, Crocs responded to Double Diamond's motion for leave to reply.

On January 7, 2021, the Commission instituted an advisory opinion proceeding to determine whether Double Diamond's new Original Beach DAWGS™ shoes with plastic washers fell within the scope of the GEO or CDO. 86 FR 2696 (January 13, 2021). Concurrent with the notice, the Commission ordered supplemental information and a product sample from Double Diamond. Comm'n Order (Jan. 7, 2021). On January 14, 2021, Double Diamond submitted its response to the Commission Order. On January 28, 2021, Crocs submitted its reply to Double Diamond's submission.

Having considered the record evidence including the parties' filings, the Commission has determined that Double Diamond's new Original Beach DAWGS™ shoes with permanent plastic washers that prevent all direct contact between the strap and the base of the shoe do not fall within the scope of the GEO or CDO and therefore should not be excluded. The reasons for the Commission's determination are set forth in the accompanying Advisory Opinion, and the advisory opinion proceeding is hereby terminated.

The Commission vote for this determination took place on April 13, 2021.

The authority for the Commission's determination is contained in 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: April 13, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–07966 Filed 4–16–21; 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 *In the Matter of Certain Fitness Devices, Streaming Components Thereof, and Systems Containing Same, DN 3544;* 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 DISH DBS Corporation, DISH Technologies L.L.C., and Sling TV L.L.C on April 13, 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 fitness devices, streaming components thereof, and systems containing same. The complainant names as respondents: ICON Health & Fitness, Inc. of Logan, UT; FreeMotion Fitness, Inc. of Logan, UT; NordicTrack, Inc. of Logan, UT; lululemon athletica inc. of Canada; Curiouser Products Inc. d/b/a MIRROR of New York, NY; and Peloton Interactive, Inc. of New York, NY. 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. 3544'') 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: April 14, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–07988 Filed 4–16–21; 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.*

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Prohibited Transaction Exemption 2021–01; Exemption Application No. D–12018]

Exemption for Certain Prohibited Transaction Restrictions Involving DWS Investment Management Americas, Inc. (DIMA or the Applicant) and Certain Current and Future Asset Management Affiliates of Deutsche Bank AG (each a DB QPAM) Located in New York, New York

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of exemption.

SUMMARY: This document is a notice of exemption issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). The exemption allows entities with specified relationships to Deutsche Bank AG to continue to rely on the exemptive relief provided by Prohibited Transaction Class Exemption 84–14, if certain conditions are met.

DATES: This exemption will be in effect for a period of up to three (3) years beginning on April 18, 2021.

FOR FURTHER INFORMATION CONTACT: Frank Gonzalez of the Department at (202) 693–8553. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 12, 2021, the Department published a notice of proposed exemption in the **Federal Register** at 86 FR 9376, for certain qualified professional asset managers within the corporate family of Deutsche Bank AG (Deutsche Bank), including DWS Investment Management Americas Inc. (DIMA or the Applicant), to continue relying on the class exemptive relief granted in Prohibited Transaction Exemption (PTE) 84–14 (PTE 84–14 or the QPAM Class Exemption), for up to three years, notwithstanding the 2017 criminal conviction of DB Group Services (UK) Limited (the U.S. Conviction). The Department is granting this exemption to ensure that Covered Plans with assets managed by an asset manager within the corporate family of Deutsche Bank may continue to benefit from the relief provided by PTE 84–14, with the protection of this exemption's additional conditions.[1]

The grant of this three-year exemption does not imply that the Department will grant additional relief for the DB QPAMs to continue to rely on the relief in PTE 84–14 beyond the end of this exemption's three-year term. This exemption provides only the relief specified in the text of the exemption, and only with respect to the criminal convictions or criminal conduct described herein. It provides no relief from violations of any law other the prohibited transaction provisions of ERISA and the Code.

The Department intends for the terms of this exemption to promote adherence to basic fiduciary standards under ERISA and the Code. This exemption also aims to ensure that Covered Plans can terminate relationships in an orderly and cost-effective fashion in the event the fiduciary of a Covered Plan determines it is prudent to terminate the relationship with a DB QPAM. The Department makes the requisite findings under ERISA section 408(a) based on adherence to all the conditions of the exemption. Accordingly, affected parties should be aware that the conditions incorporated in this exemption are,

[1] For purposes of this exemption, a ''Covered Plan'' is a plan subject to Part 4 of Title 1 of ERISA (''ERISA-covered plan'') or a plan subject to section 4975 of the Code (''IRA'') with respect to which a DB QPAM relies on PTE 84–14, or with respect to which a DB QPAM (or any Deutsche Bank affiliate) has expressly represented that the manager qualifies as a QPAM or relies on the QPAM class exemption (PTE 84–14). A Covered Plan does not include an ERISA-covered plan or IRA to the extent the DB QPAM has expressly disclaimed reliance on QPAM status or PTE 84–14 in entering into its contract, arrangement, or agreement with the ERISA-covered plan or IRA. Notwithstanding the above, a DB QPAM may disclaim reliance on QPAM status or PTE 84–14 in a written modification of a contract, arrangement, or agreement with an ERISA-covered plan or IRA, where: The modification is made in a bilateral document signed by the client; the client's attention is specifically directed toward the disclaimer; and the client is advised in writing that, with respect to any transaction involving the client's assets, the DB QPAM will not represent that it is a QPAM, and will not rely on the relief described in PTE 84–14.

taken as a whole, necessary for the Department to grant the relief requested by the Applicant. Absent these or similar conditions, the Department would not have granted this exemption.

The Applicant requested an individual exemption pursuant to section 408(a) of ERISA and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011). Effective December 31, 1978, section 102 of the Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue administrative exemptions under section 4975(c)(2) of the Code to the Secretary of Labor. Accordingly, the Department grants this exemption under its sole authority.

Department's Comment

The Department cautions that the relief in this exemption will terminate immediately if an entity within the Deutsche Bank corporate structure is convicted of a crime described in Section I(g) of PTE 84–14 (other than the judgment of conviction against DB Group Services (UK) Limited for one (1) count of wire fraud, as further defined below) during the Exemption Period. Although the DB QPAMs could apply for a new exemption in that circumstance, the Department would not be obligated to grant the exemption. The Department specifically designed the terms of this exemption to permit plans to terminate their relationships in an orderly and cost effective fashion in the event of an additional conviction, or the expiration of this exemption without additional relief, or a determination that it is otherwise prudent for a plan to terminate its relationship with an entity covered by the exemption.

Written Comments

The Department invited all interested persons to submit written comments and/or requests for a public hearing with respect to the notice of proposed exemption. In this regard, the Applicant was given seven days to provide notice to interested persons, and all comments and requests for a hearing were due by March 22, 2021. The Department received two written comments. One commenter raised issues unrelated to and outside of the scope of the proposed exemption. The other commenter was the Applicant. After considering the entire record developed in connection with the Applicant's exemption request, the Department has determined to grant the exemption, as described below.

Comments From the Applicant

I. Revision to Section I(i)(8). Section I(i)(8) of the proposed exemption provides: ''The Audit Committee of Deutsche Bank's Supervisory Board is provided a copy of each Audit Report; and a senior executive officer with a direct reporting line to the highest ranking legal compliance officer of Deutsche Bank must review the Audit Report for each DB QPAM and must certify in writing, under penalty of perjury, that such officer has reviewed each Audit Report. Deutsche Bank must provide notice to the Department in the event of a switch in the committee to which the Audit Report will be provided.''

Applicant's Request: The Applicant notes that Section I(i)(8) of the proposed extension requires review and certification of the audit report by a ''senior executive officer with a direct reporting line to the highest ranking legal compliance officer of Deutsche Bank.'' The Applicant requests that the term ''legal'' be deleted.

Department's Response: The Department has revised the exemption consistent with the Applicant's request.

II. Revision to Section I(j)(7). Section I(j)(7) of the proposed exemption provides: ''By August 18, 2021, each DB QPAM must provide a notice of its obligations under this Section I(j) to each Covered Plan. For Covered Plans that enter into a written asset or investment management agreement with a DB QPAM on or after April 18, 2021, the DB QPAM must agree to its obligations under this section I(j) in an updated investment management agreement between the DB QPAM and such clients or other written contractual agreement. . . .''

Applicant's Request: The Applicant requests that Section I(j)(7) be revised to provide that, for Covered Plans that enter into a written asset or investment management agreement (IMA) on or after August 18, 2021 (rather than April 18, 2021), the DB QPAM must agree to its obligations in an updated IMA.

Department's Response: The Department has revised the exemption consistent with the Applicant's request.

Department's Note: The first sentence of Section I(j)(4) of the proposed exemption read: ''Not to restrict the ability of such Covered Plan to terminate or withdraw from its arrangement with the DB QPAM with respect to any investment in a separately managed account or pooled fund subject to ERISA and managed by such QPAM, with the exception of reasonable restrictions, appropriately disclosed in advance, that are specifically designed to ensure equitable treatment of all investors in a pooled fund in the event such withdrawal or termination may have adverse consequences for all other investors.''

The Department has revised this sentence for purposes of this exemption, by striking the phrase ''with respect to any investment in a separately managed account or pooled fund subject to ERISA and managed by such QPAM.'' It is the Department's understanding, based on representations from the Applicant, that no other accounts are applicable.

III. Revision to Section I(k). Section I(k) of the proposed exemption provides: ''Each DB QPAM provides a notice regarding the proposed exemption, along with a separate summary describing the facts that led to the U.S. Conviction (the Summary), which have been submitted to the Department, and a prominently displayed statement (the Statement) that the U.S. Conviction results in a failure to meet a condition in PTE 84–14, to each sponsor and beneficial owner of a Covered Plan that entered into a written asset or investment management agreement with a DB QPAM, or the sponsor of an investment fund in any case where a DB QPAM acts as a sub-adviser to the investment fund in which such ERISA-covered plan and IRA invests. The notice, Summary and Statement must be provided prior to, or contemporaneously with, the client's receipt of a written asset management agreement from the DB QPAM. The clients must receive a **Federal Register** copy of the notice of final exemption within sixty (60) days of this exemption's effective date. The notice may be delivered electronically (including by an email that has a link to this exemption).''

Applicant's Request: The Applicant requests that the DB QPAMs have until August 18, 2021 to provide the required disclosures to Covered Plans that enter or have entered into an IMA before that date. The Applicant states that it will be operationally difficult for the DB QPAMs to provide clients with physical copies of the required documents beginning on the effective date of the exemption, given the various system-driven account opening processes utilized among the impacted lines of business. The Applicant states that it is probable that many such prospective clients have already received copies of current account opening agreements, which they are reviewing and will sign and return over the following several weeks or months. These account opening documents would not include the new exemption materials. The Applicant requests further that a similar

period of time be provided for prospective Covered Plan clients that enter into an IMA on or after that date. In addition, the Applicant requests that the DB QPAMs should not fail this condition solely because a Covered Plan refuses to sign an updated IMA.

Department's Response: The Department is revising the exemption, in part, as requested by the Applicant. The Department has revised Section I(k) to allow the DB QPAMs sixty days to provide the required notices, and has revised the exemption to provide that the DB QPAMs will not fail Section I(k) solely because a Covered Plan refuses to sign an updated IMA.

IV. Revision to Section I(m)(1)(ii) of the Proposed Exemption. Section I(m)(1)(ii) states: ''The Compliance Officer must have a direct reporting line to the highest-ranking corporate officer in charge of legal compliance for asset management.''

Applicant's Request: The Applicant seeks removal of the term ''legal'' from this condition.

Department's Response: The Department has made the requested revision.

V. Definition of Covered Plan. Section II(b) of the proposed exemption defines the term ''Covered Plan'' as: ''A plan subject to Part 4 of Title I of ERISA (an ''ERISA-covered plan'') or a plan subject to section 4975 of the Code (an ''IRA''), in each case, with respect to which a DB QPAM relies on PTE 84–14, or with respect to which a DB QPAM (or any Deutsche Bank affiliate) has expressly represented that the manager qualifies as a QPAM or relies on PTE 84–14. A Covered Plan does not include an ERISA-covered plan or IRA to the extent the DB QPAM has expressly disclaimed reliance on QPAM status or PTE 84–14 in entering into a contract, arrangement, or agreement with the ERISA-covered plan or IRA.''

Applicant's Request: The Applicant requests that new language be added to the proposed exemption's definition of Covered Plan, clarifying that a DB QPAM may disclaim reliance on QPAM status or PTE 84–14 where the disclaimer is made in a modification of a contract, arrangement, or agreement with an ERISA-covered plan or IRA. The Applicant states that the modification would be made in a bilateral document signed by the client, where the client's attention is specifically directed toward the disclaimer, and where the client is advised in writing what it means to not use the QPAM Exemption.

Department's Response: The Department has added the following new language to the definition of Covered Plan: Notwithstanding the above, a DB QPAM may disclaim reliance on QPAM status or PTE 84–14 in a written modification of a contract, arrangement, or agreement with an ERISA-covered plan or IRA, where: The modification is made in a bilateral document signed by the client; the client's attention is specifically directed toward the disclaimer; and the client is advised in writing that, with respect to any transaction involving the client's assets, the DB QPAM will not represent that it is a QPAM, and will not rely on the relief described in PTE 84–14.

VI. Revision to Section II(f). Section II(f) of the proposed exemption provides that the term ''Plea Agreement'' means: ''The Plea Agreement entered into between DB Group Services and the U.S. Department of Justice, Fraud Section, Criminal Division, on April 23, 2015 in connection with Case Number 3:15–cr–00062–RNC filed in the U.S. District Court for the District of Connecticut, subsequently adjudged by the Court on March 28, 2017.''

Applicant's Request: The Applicant requests a revision to Section II(f) of the proposed exemption to clarify that the Plea Agreement was entered into on April 23, 2015, and DB Group Services was sentenced on March 28, 2017.

Department's Response: The Department has revised the exemption consistent with the Applicant's request.

Other Requested Revisions: In its comment letter, the Applicant requested: (1) Deletion of the word ''certain'' from the Section II(a) phrase ''any certain current and future, Deutsche Bank asset management affiliates . . . ;'' and (2) revision of the Section II(c) term ''DB Group Services UK Limited'' to ''DB Group Services (UK) Limited.''

Department's Response: The Department has made the requested revisions.

After full consideration and review of the entire record, the Department has decided to grant the exemption, with the modifications discussed above. The complete application file (D–12018) is available in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1515, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210. For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on February 12, 2021 at 86 FR 9376.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) In accordance with section 408(a) of ERISA and section 4975(c)(2) of the Code, the Department makes the following determinations: The exemption is administratively feasible, the exemption is in the interests of affected plans and of their participants and beneficiaries, and the exemption is protective of the rights of participants and beneficiaries of such plans;

(3) The exemption is supplemental to, and not in derogation of, any other provisions of ERISA, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are accurate.

Accordingly, the following exemption is granted under the authority of section 408(a) of ERISA and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011):

Three Year Exemption

The Department is granting this three-year exemption under the authority of section 408(a) of the Act (or ERISA) and section 4975(c)(2) of the Internal Revenue Code (or Code), and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011).[2]

[2] For purposes of this three-year exemption, references to section 406 of Title I of the Act, unless otherwise specified, should be read to refer as well

Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of exemption is issued solely by the Department.

Section I. Covered Transactions

The DB QPAMs, as further defined in Section II(c), will not be precluded from relying on the exemptive relief provided by Prohibited Transaction Exemption 84–14 (PTE 84–14),[3] notwithstanding the ''U.S. Conviction'' against DB Group Services (as further defined in Section II(a)), during the Exemption Period, provided that the following conditions are satisfied: [4]

(a) The DB QPAMs (including their officers, directors, agents other than Deutsche Bank, and employees of such QPAMs) did not know of, have reason to know of, or participate in the criminal conduct of DB Group Services that is the subject of the U.S. Conviction. For purposes of this exemption, ''participate in'' or ''participated in'' refers not only to active participation in the criminal conduct that is the subject of the U.S. Conviction, but also to knowing approval of the criminal conduct that is the subject of the U.S. Conviction, or knowledge of the conduct without taking active steps to prevent the conduct, including reporting the conduct to the individual's supervisors, and to the Board of Directors;

(b) The DB QPAMs (including their officers, directors, agents other than Deutsche Bank, and employees of such QPAMs) did not receive direct compensation, or knowingly receive indirect compensation, in connection with the criminal conduct that is the subject of the U.S. Conviction.

(c) The DB QPAMs do not currently and will not in the future employ or knowingly engage any of the individuals that ''participated in'' the criminal conduct that is the subject of the U.S. Conviction;

(d) At all times during the Exemption Period, no DB QPAM will use its authority or influence to direct an ''investment fund'' (as defined in Section VI(b) of PTE 84–14) that is subject to ERISA or the Code and managed by such DB QPAM with respect to one or more Covered Plan (as defined in Section II(b), to enter into any transaction with DB Group Services, or to engage DB Group Services to provide any service to such investment fund, for a direct or indirect fee borne by such investment fund, regardless of whether such transaction, or service, may otherwise be within the scope of relief provided by an administrative or statutory exemption;

(e) Any failure of the DB QPAMs to satisfy Section I(g) of PTE 84–14 arose solely from the U.S. Conviction;

(f) A DB QPAM did not exercise authority over the assets of any plan subject to Part 4 of Title I of ERISA (an ERISA-covered plan) or section 4975 of the Code (an IRA) in a manner that it knew, or should have known, would: Further the criminal conduct that is the subject of the U.S. Conviction; or cause the DB QPAM or its affiliates to directly, or indirectly, profit from the criminal conduct that is the subject of the U.S. Conviction;

(g) Other than with respect to employee benefit plans maintained or sponsored for its own employees or the employees of an affiliate, DB Group Services will not act as a fiduciary within the meaning of section 3(21)(A)(i) or (iii) of ERISA, or section 4975(e)(3)(A) and (C) of the Code, with respect to ERISA-covered plan and IRA assets; provided, however, DB Group Services will not be treated as violating the conditions of this exemption solely because it acted as an investment advice fiduciary within the meaning of section 3(21)(A)(ii) of ERISA, or section 4975(e)(3)(B) of the Code, or because DB Group Services employees may be double-hatted, seconded, supervised or otherwise subject to the control of a DB QPAM, including in a discretionary fiduciary capacity with respect to the DB QPAM clients;

(h)(1) Each DB QPAM must continue to maintain, adjust (to the extent necessary), implement and follow written policies and procedures (the Policies). The Policies must require, and must be reasonably designed to ensure that:

(i) The asset management decisions of the DB QPAM are conducted independently of the corporate management and business activities of DB Group Services;

(ii) The DB QPAM fully complies with ERISA's fiduciary duties and with ERISA and the Code's prohibited transaction provisions, in each such case as applicable with respect to each Covered Plan, and does not knowingly participate in any violation of these duties and provisions with respect to Covered Plans;

(iii) The DB QPAM does not knowingly participate in any other person's violation of ERISA or the Code with respect to Covered Plans;

(iv) Any filings or statements made by the DB QPAM to regulators, including, but not limited to, the Department, the Department of the Treasury, the Department of Justice, and the Pension Benefit Guaranty Corporation, on behalf of or in relation to Covered Plans, are materially accurate and complete, to the best of such QPAM's knowledge at that time;

(v) To the best of the DB QPAM's knowledge at the time, the DB QPAM does not make material misrepresentations or omit material information in its communications with such regulators with respect to Covered Plans, or make material misrepresentations or omit material information in its communications with Covered Plans;

(vi) The DB QPAM complies with the terms of this exemption; and

(2) Any violation of, or failure to comply with an item in subparagraphs (h)(1)(ii) through (h)(1)(vi), is corrected as soon as reasonably possible upon discovery, or as soon after the QPAM reasonably should have known of the noncompliance (whichever is earlier), and any such violation or compliance failure not so corrected is reported, upon the discovery of such failure to so correct, in writing, to the head of compliance and the DB QPAM's general counsel (or their functional equivalent) of the relevant DB QPAM that engaged in the violation or failure, and the independent auditor responsible for reviewing compliance with the Policies. A DB QPAM will not be treated as having failed to develop, implement, maintain, or follow the Policies, provided that it corrects any instance of noncompliance as soon as reasonably possible upon discovery, or as soon as reasonably possible after the QPAM reasonably should have known of the noncompliance (whichever is earlier), and provided that it adheres to the reporting requirements set forth in this subparagraph (2);

(3) Each DB QPAM must maintain, adjust (to the extent necessary) and implement a program of training (the Training), to be conducted at least annually, for all relevant DB QPAM asset/portfolio management, trading, legal, compliance, and internal audit personnel. The Training must:

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to the corresponding provisions of section 4975 of the Code.

[3] 49 FR 9494 (March 13, 1984), as corrected at 50 FR 41430, (October 10, 1985), as amended at 70 FR 49305(August 23, 2005), and as amended at 75 FR 38837 (July 6, 2010).

[4] Section I(g) of PTE 84–14 generally provides relief only if ''[n]either the QPAM nor any affiliate thereof . . . nor any owner . . . of a 5 percent or more interest in the QPAM is a person who within the 10 years immediately preceding the transaction has been either convicted or released from imprisonment, whichever is later, as a result of'' certain felonies including fraud.

(i) At a minimum, cover the Policies, ERISA and Code compliance (including applicable fiduciary duties and the prohibited transaction provisions), ethical conduct, the consequences for not complying with the conditions of this exemption (including any loss of exemptive relief provided herein), and prompt reporting of wrongdoing; and

(ii) Be conducted by a professional who has been prudently selected and who has appropriate technical training and proficiency with ERISA and the Code; and

(iii) Be conducted in-person, electronically or via a website;

(i)(1) Each DB QPAM submits to three audits conducted annually by an independent auditor, who has been prudently selected and who has appropriate technical training and proficiency with ERISA and the Code, to evaluate the adequacy of, and each DB QPAM's compliance with, the Policies and Training described herein. The audit requirement must be incorporated in the Policies. The first audit must cover a 12 month period that begins on April 18, 2021 and ends on April 17, 2022. The second and third audits must cover the 12 month period that begins on April 18, 2022, and April 18, 2023, respectively. Each of the three annual audits must be completed no later than six (6) months after the corresponding audit's ending period;

(2) Within the scope of the audit and to the extent necessary for the auditor, in its sole opinion, to complete its audit and comply with the conditions described herein, and only to the extent such disclosure is not prevented by state or federal statute, or involves communications subject to attorney-client privilege, each DB QPAM and, if applicable, Deutsche Bank, will grant the auditor unconditional access to its business, including, but not limited to: Its computer systems; business records; transactional data; workplace locations; Training materials; and personnel. Such access is limited to information relevant to the auditor's objectives, as specified by the terms of this exemption;

(3) The auditor's engagement must specifically require the auditor to determine whether each DB QPAM has developed, implemented, maintained, and followed the Policies in accordance with the conditions of this exemption, and has developed and implemented the Training, as required herein;

(4) The auditor's engagement must specifically require the auditor to test each DB QPAM's operational compliance with the Policies and Training. In this regard, the auditor must test, for each QPAM, a sample of such QPAM's transactions involving Covered Plans, sufficient in size and nature to afford the auditor a reasonable basis to determine such QPAM's operational compliance with the Policies and Training;

(5) For each audit, on or before the end of the relevant period described in Section I(i)(1) for completing the audit, the auditor must issue a written report (the Audit Report) to Deutsche Bank, and the DB QPAM to which the audit applies that describes the procedures performed by the auditor in connection with its examination. The auditor, at its discretion, may issue a single consolidated Audit Report that covers all the DB QPAMs. The Audit Report must include the auditor's specific determinations regarding:

(i) The adequacy of each DB QPAM's Policies and Training; each DB QPAM's compliance with the Policies and Training; the need, if any, to strengthen such Policies and Training; and any instance of the respective DB QPAM's noncompliance with the written Policies and Training described above. The DB QPAM must promptly address any noncompliance. The DB QPAM must promptly address or prepare a written plan of action to address any determination as to the adequacy of the Policies and Training and the auditor's recommendations (if any) with respect to strengthening the Policies and Training of the respective QPAM. Any action taken or the plan of action to be taken by the DB QPAM must be included in an addendum to the Audit Report (such addendum must be completed prior to the certification described in Section I(i)(7) below). In the event such a plan of action to address the auditor's recommendation regarding the adequacy of the Policies and Training is not completed by the time of submission of the Audit Report, the following period's Audit Report must state whether the plan was satisfactorily completed. Any determination by the auditor that the respective DB QPAM has implemented, maintained, and followed sufficient Policies and Training must not be based solely or in substantial part on an absence of evidence indicating noncompliance. In this last regard, any finding that a DB QPAM has complied with the requirements under this subparagraph must be based on evidence that the particular DB QPAM has actually implemented, maintained, and followed the Policies and Training required by this exemption. Furthermore, the auditor must not solely rely on the Exemption Report created by the compliance officer (the Compliance Officer), as described in Section I(m) below as the basis for the auditor's conclusions in lieu of independent determinations and testing performed by the auditor as required by Section I(i)(3) and (4) above;

(ii) The adequacy of the most recent Exemption Review described in Section I(m);

(6) The auditor must notify the respective DB QPAM of any instance of noncompliance identified by the auditor within five (5) business days after such noncompliance is identified by the auditor, regardless of whether the audit has been completed as of that date;

(7) With respect to each Audit Report, the DB QPAM's general counsel, or one of the three most senior executive officers of the line of business engaged in discretionary asset management services through the DB QPAM with respect to which the Audit Report applies, must certify in writing, under penalty of perjury, that the officer has reviewed the Audit Report and this exemption; that, to the best of such officer's knowledge at the time, the DB QPAM has addressed, corrected, remedied any noncompliance and inadequacy or has an appropriate written plan to address any inadequacy regarding the Policies and Training identified in the Audit Report. Such certification must also include the signatory's determination that, to the best of such officer's knowledge at the time, the Policies and Training in effect at the time of signing are adequate to ensure compliance with the conditions of this exemption, and with the applicable provisions of ERISA and the Code;

(8) The Audit Committee of Deutsche Bank's Supervisory Board is provided a copy of each Audit Report; and a senior executive officer with a direct reporting line to the highest ranking compliance officer of Deutsche Bank must review the Audit Report for each DB QPAM and must certify in writing, under penalty of perjury, that such officer has reviewed each Audit Report. Deutsche Bank must provide notice to the Department in the event of a switch in the committee to which the Audit Report will be provided;

(9) Each DB QPAM provides its certified Audit Report, by regular mail to: Office of Exemption Determinations (OED), 200 Constitution Avenue NW, Suite 400, Washington, DC 20210; or by private carrier to: 122 C Street NW, Suite 400, Washington, DC 20001–2109. This delivery must take place no later than forty-five (45) days following completion of the Audit Report. The Audit Report will be made part of the public record regarding this exemption. Furthermore, each DB QPAM must make its Audit Report unconditionally

available, electronically or otherwise, for examination upon request by any duly authorized employee or representative of the Department, other relevant regulators, and any fiduciary of a Covered Plan;

(10) Any engagement agreement with an auditor to perform the audit required by this exemption must be submitted to OED no later than two months after the execution of such agreement;

(11) The auditor must provide the Department, upon request, for inspection and review, access to all the workpapers created and used in connection with the audit, provided such access and inspection is otherwise permitted by law; and

(12) Deutsche Bank must notify the Department of a change in the independent auditor no later than two (2) months after the engagement of a substitute or subsequent auditor and must provide an accurate explanation of the basis for the substitution or change including an accurate description of any material disputes between the terminated auditor and Deutsche Bank or any of its affiliates;

(j) As of April 18, 2021, with respect to any arrangement, agreement, or contract between a DB QPAM and a Covered Plan, the DB QPAM agrees and warrants to Covered Plans:

(1) To comply with ERISA and the Code, as applicable with respect to such Covered Plan; to refrain from engaging in prohibited transactions that are not otherwise exempt (and to promptly correct any prohibited transactions); and to comply with the standards of prudence and loyalty set forth in section 404 of ERISA, with respect to each such ERISA-covered plan and IRA to the extent that section 404 is applicable;

(2) To indemnify and hold harmless the Covered Plan for any actual losses resulting directly from a DB QPAM's violation of ERISA's fiduciary duties, as applicable, and of the prohibited transaction provisions of ERISA and the Code, as applicable; a breach of contract by the QPAM; or any claim arising out of the failure of such DB QPAM to qualify for the exemptive relief provided by PTE 84–14 as a result of a violation of Section I(g) of PTE 84–14 other than the U.S. Conviction. This condition applies only to actual losses caused by the DB QPAM's violations.

(3) Not to require (or otherwise cause) the Covered Plan to waive, limit, or qualify the liability of the DB QPAM for violating ERISA or the Code or engaging in prohibited transactions;

(4) Not to restrict the ability of such Covered Plan to terminate or withdraw from its arrangement with the DB QPAM with the exception of reasonable restrictions, appropriately disclosed in advance, that are specifically designed to ensure equitable treatment of all investors in a pooled fund in the event such withdrawal or termination may have adverse consequences for all other investors. In connection with any such arrangements involving investments in pooled funds subject to ERISA entered into after the effective date of PTE 2017–04, the adverse consequences must relate to a lack of liquidity of the underlying assets, valuation issues, or regulatory reasons that prevent the fund from promptly redeeming an ERISA-covered plan's or IRA's investment, and such restrictions must be applicable to all such investors and effective no longer than reasonably necessary to avoid the adverse consequences;

(5) Not to impose any fees, penalties, or charges for such termination or withdrawal with the exception of reasonable fees, appropriately disclosed in advance, that are specifically designed to prevent generally recognized abusive investment practices or specifically designed to ensure equitable treatment of all investors in a pooled fund in the event such withdrawal or termination may have adverse consequences for all other investors, provided that such fees are applied consistently and in like manner to all such investors; and

(6) Not to include exculpatory provisions disclaiming or otherwise limiting liability of the DB QPAM for a violation of such agreement's terms. To the extent consistent with Section 410 of ERISA, however, this provision does not prohibit disclaimers for liability caused by an error, misrepresentation, or misconduct of a plan fiduciary or other party hired by the plan fiduciary who is independent of Deutsche Bank, and its affiliates, or damages arising from acts outside the control of the DB QPAM; and

(7) By August 18, 2021, each DB QPAM must provide a notice of its obligations under this Section I(j) to each Covered Plan. For Covered Plans that enter into a written asset or investment management agreement with a DB QPAM on or after August 18, 2021, the DB QPAM must agree to its obligations under this section I(j) in an updated investment management agreement between the DB QPAM and such clients or other written contractual agreement. Notwithstanding the above, a DB QPAM will not violate the condition solely because a Covered Plan or IRA refuses to sign an updated investment management agreement. This condition will be deemed met for each Covered Plan that received notice pursuant to PTE 2017–04 that meets the terms of this condition.

(k) Within 60 days of the effective date of this three-year exemption, each DB QPAM provides a **Federal Register** notice regarding the exemption, along with a separate summary describing the facts that led to the U.S. Conviction (the Summary), which has been submitted to the Department, and a prominently displayed statement (the Statement) that the U.S. Conviction results in a failure to meet a condition in PTE 84–14, to each sponsor and beneficial owner of a Covered Plan that entered into a written asset or investment management agreement with a DB QPAM, or the sponsor of an investment fund in any case where a DB QPAM acts as a sub-adviser to the investment fund in which such ERISA-covered plan and IRA invests. All Covered Plan clients that enter into a written asset or investment management agreement with a DB QPAM after the date that is sixty days after the effective date of this exemption must receive a copy of the notice of the exemption,, the Summary and the Statement prior to, or contemporaneously with, the client's receipt of a written asset management agreement from the DB QPAM. The notice may be delivered electronically (including by an email that has a link to this exemption). Notwithstanding the above, a DB QPAM will not violate the condition solely because a Plan or IRA refuses to sign an updated investment management agreement;

(l) The DB QPAMs must comply with each condition of PTE 84–14, as amended, with the sole exception of the violation of Section I(g) of PTE 84–14 that is attributable to the U.S. Conviction;

(m)(1) Deutsche Bank continues to designate a senior compliance officer (the Compliance Officer) who will be responsible for compliance with the Policies and Training requirements described herein. The Compliance Officer must conduct an annual review for each twelve month period, beginning on April 18, 2021, (the Exemption Review) to determine the adequacy and effectiveness of the implementation of the Policies and Training. With respect to the Compliance Officer, the following conditions must be met:

(i) The Compliance Officer must be a professional who has extensive experience with, and knowledge of, the regulation of financial services and products, including under ERISA and the Code; and

(ii) The Compliance Officer must have a direct reporting line to the highest ranking corporate officer in charge of compliance for asset management;

(2) With respect to each Exemption Review, the following conditions must be met:

(i) The Exemption Review includes a review of the DB QPAM's compliance with and effectiveness of the Policies and Training and of the following: Any compliance matter related to the Policies or Training that was identified by, or reported to, the Compliance Officer or others within the compliance and risk control function (or its equivalent) during the previous year; the most recent Audit Report issued pursuant to this exemption or PTE 2017–04; any material change in the relevant business activities of the DB QPAMs; and any change to ERISA, the Code, or regulations related to fiduciary duties and the prohibited transaction provisions that may be applicable to the activities of the DB QPAMs;

(ii) The Compliance Officer prepares a written report for each Exemption Review (each, an Exemption Report) that (A) summarizes his or her material activities during the preceding year; (B) sets forth any instance of noncompliance discovered during the preceding year, and any related corrective action; (C) details any change to the Policies or Training to guard against any similar instance of noncompliance occurring again; and (D) makes recommendations, as necessary, for additional training, procedures, monitoring, or additional and/or changed processes or systems, and management's actions on such recommendations;

(iii) In each Exemption Report, the Compliance Officer must certify in writing that to the best of his or her knowledge at the time: (A) The report is accurate; (B) the Policies and Training are working in a manner which is reasonably designed to ensure that the Policies and Training requirements described herein are met; (C) any known instance of noncompliance during the preceding year and any related correction taken to date have been identified in the Exemption Report; and (D) the DB QPAMs have complied with the Policies and Training, and/or corrected (or are correcting) any known instances of noncompliance in accordance with Section I(h) above;

(iv) Each Exemption Report must be provided to appropriate corporate officers of Deutsche Bank and to each DB QPAM to which such report relates, and to the head of compliance and the DB QPAM's general counsel (or their functional equivalent) of the relevant DB QPAM; and the Exemption Report must be made unconditionally available to the independent auditor described in Section I(i) above;

(v) Each Exemption Review, including the Compliance Officer's written Exemption Report, must be completed within three (3) months following the end of the period to which it relates. The Exemption Review for the period April 18, 2020 through April 17, 2021 must be conducted, and completed, under the requirements of PTE 2017–04;

(n) In connection with the deferred prosecution agreement entered on January 8, 2021, between Deutsche Bank and the U.S. Department of Justice, to resolve the U.S. government's investigation into violations of the Foreign Corrupt Practices Act and a separate investigation into a commodities fraud scheme, no DB QPAMs were involved in the conduct that gave rise to the deferred prosecution agreement, and no Covered Plan assets were involved in the transactions that gave rise to the deferred prosecution agreement;

(o) Each DB QPAM will maintain records necessary to demonstrate that the conditions of this exemption have been met for six (6) years following the date of any transaction for which the DB QPAM relies upon the relief in the exemption;

(p) During the Exemption Period, Deutsche Bank: (1) Immediately discloses to the Department any Deferred Prosecution Agreement or a Non-Prosecution Agreement with the U.S. Department of Justice entered into by Deutsche Bank or any of its affiliates (as defined in Section VI(d) of PTE 84–14) in connection with conduct described in Section I(g) of PTE 84–14 or section 411 of ERISA; and (2) immediately provides the Department any information requested by the Department, as permitted by law, regarding the agreement and/or conduct and allegations that led to the agreement;

(q) Each DB QPAM, in its agreements with, or in other written disclosures provided to Covered Plans, clearly and prominently informs Covered Plan clients of their right to obtain a copy of the Policies or a description (Summary Policies) which accurately summarizes key components of the DB QPAM's written Policies developed in connection with this exemption. If the Policies are thereafter changed, each Covered Plan client must receive a new disclosure within six (6) months following the end of the calendar year during which the Policies were changed.[5] With respect to this requirement, the description may be continuously maintained on a website, provided that such website links to the Policies or Summary Policies is clearly and prominently disclosed to each Covered Plan; and

(r) A DB QPAM will not fail to meet the terms of this exemption solely because a different DB QPAM fails to satisfy a condition for relief described in Sections I(c), (d), (h), (i), (j), (k), (l), (o) and (q) or, if the independent auditor described in Section I(i) fails a provision of the exemption other than the requirement described in Section I(i)(11), provided that such failure did not result from any actions or inactions of Deutsche Bank or its affiliates.

Section II. Definitions

(a) The term ''U.S. Conviction'' means the judgment of conviction against DB Group Services (UK) Limited (DB Group Services), entered on April 18, 2017, by the United States District Court for the District of Connecticut, in case number 3:15–cr–00062–RNC, for one (1) count of wire fraud, in violation of 18 U.S.C. 1343. For all purposes under this exemption, ''conduct'' of any person or entity that is the ''subject of [a] Conviction'' encompasses the factual allegations described in Paragraph 13 of the Plea Agreement filed in the District Court in case number 3:15–cr–00062–RNC.

(b) The term ''Covered Plan'' means a plan subject to Part 4 of Title I of ERISA (an ''ERISA-covered plan'') or a plan subject to section 4975 of the Code (an ''IRA''), in each case, with respect to which a DB QPAM relies on PTE 84–14, or with respect to which a DB QPAM (or any Deutsche Bank affiliate) has expressly represented that the manager qualifies as a QPAM or relies on PTE 84–14. A Covered Plan does not include an ERISA-covered plan or IRA to the extent the DB QPAM has expressly disclaimed reliance on QPAM status or PTE 84–14 in entering into a contract, arrangement, or agreement with the ERISA-covered plan or IRA. Notwithstanding the above, a DB QPAM may disclaim reliance on QPAM status or PTE 84–14 in a written modification of a contract, arrangement, or agreement with an ERISA-covered plan or IRA, where: The modification is made in a bilateral document signed by the client; the client's attention is specifically directed toward the disclaimer; and the client is advised in writing that, with respect to any transaction involving the client's assets, the DB QPAM will not represent that it is a QPAM, and will not

[5] In the event the Applicant meets this disclosure requirement through Summary Policies, changes to the Policies shall not result in the requirement for a new disclosure unless, as a result of changes to the Policies, the Summary Policies are no longer accurate.

rely on the relief described in PTE 84–14.

(c) The term ''DB QPAM'' or ''DB QPAMs'' means DWS Investment Management Americas, Inc., and any current and future, Deutsche Bank's asset management affiliates that qualify as a ''qualified professional asset manager'' (as defined in Section VI(a) of PTE 84–14),[6] and that rely on the relief provided by PTE 84–14, and with respect to which Deutsche Bank is an ''affiliate'' (as defined in section VI(d)(1) of PTE 84–14). The term ''DB QPAM'' excludes DB Group Services.

(d) The term ''Deutsche Bank'' means Deutsche Bank AG, a publicly-held global banking and financial services company headquartered in Frankfurt, Germany;

(e) The term ''Exemption Period'' means the three year period from April 18, 2021 and ending on April 17, 2024;

(f) The term ''Plea Agreement'' means the Plea Agreement entered into between DB Group Services and the U.S. Department of Justice, Fraud Section, Criminal Division, on April 23, 2015 in connection with Case Number 3:15–cr–00062–RNC filed in the U.S. District Court for the District of Connecticut, subsequently adjudged by the Court on March 28, 2017.

Effective Date: This exemption will be in effect for up to three years, beginning on April 18, 2021.

Signed at Washington, DC, this 9th day of April 2021.

Christopher Motta,

Chief, Division of Individual Exemptions, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2021–07963 Filed 4–16–21; 8:45 am]

BILLING CODE 4510–29–P

[6] In general terms, a QPAM is an independent fiduciary that is a bank, savings and loan association, insurance company, or investment adviser that meets certain equity or net worth requirements and other licensure requirements and that has acknowledged in a written management agreement that it is a fiduciary with respect to each plan that has retained the QPAM.

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Office of Federal Contract Compliance Programs Construction Recordkeeping and Reporting Requirements

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Federal Contract Compliance Programs (OFCCP)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 19, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR outlines the legal authority, procedures, burden, and cost associated with the recordkeeping and reporting requirements of construction contractors. It contains one form (Construction Contract Award Notification Form) that construction contractors must give to OFCCP notifying the agency of new contract awards that exceed $10,000 and three information collection instruments (compliance review scheduling letter and itemized listing, direct federal compliance check letter, and federally assisted compliance check letter) that notify construction contractors that they have been selected to undergo a compliance evaluation. OFCCP is seeking reauthorization of the Construction Contract Award Notification Form (Form CC–314). OFCCP is merging the direct federal compliance check letter and federally assisted compliance check letter currently approved under OMB Control No. 1250–0011 into this ICR. This ICR also incorporates the requirements and burden for the new Construction Compliance Review Scheduling Letter and Itemized Listing. For additional substantive information about this ICR, see the related notices published in the **Federal Register** on October 30, 2020 (85 FR 68933) and December 23, 2020 (85 FR 84002).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OFCCP.

Title of Collection: Office of Federal Contract Compliance Programs Construction Recordkeeping and Reporting Requirements.

OMB Control Number: 1250–0001.

Affected Public: Private Sector—Businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 12,609.

Total Estimated Number of Responses: 32,316.

Total Estimated Annual Time Burden: 157,570 hours.

Total Estimated Annual Other Costs Burden: $10,125.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: April 9, 2021.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2021–07964 Filed 4–16–21; 8:45 am]

BILLING CODE 4510–CM–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–220; NRC–2021–0082]

Exelon Generation Company, LLC; Nine Mile Point Nuclear Station, Unit 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption in response to a September 11, 2020, request from Exelon Generation Company, LLC (Exelon), to allow Exelon to submit a subsequent license renewal application for Nine Mile Point Nuclear Station, Unit 1, at least 3 years prior to the expiration of the existing license and, if it is found sufficient, still receive timely renewal protection.

DATES: The exemption was issued on April 9, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0082 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–2021–0082. 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.* 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.

FOR FURTHER INFORMATION CONTACT: Michael L. Marshall Jr., Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2871, email: *Michael.Marshall@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: April 13, 2021.

For the Nuclear Regulatory Commission.

Michael L. Marshall,

Senior Project Manager, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment—Exemption

NUCLEAR REGULATORY COMMISSION

Docket No. 50–220

Exelon Generation Company, LLC

Nine Mile Point Nuclear Station, Unit 1

Exemption

I. Background

Exelon Generation Company, LLC (Exelon, the licensee), is the holder of Renewed Facility Operating License No. DPR–63 which authorizes operation of the Nine Mile Point Nuclear Station (Nine Mile Point), Unit 1, a boiling-water reactor located in Scriba, New York (6 miles northeast of Oswego, New York). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, Commission) now or hereafter in effect. The current operating license for Nine Mile Point, Unit 1, expires on August 22, 2029.

By letter dated September 11, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20255A001), Exelon requested an exemption that would allow submittal of a subsequent license renewal application (SLRA) for Nine Mile Point, Unit 1, at least 3 years prior to the expiration of the existing license and, if the NRC finds the application sufficient for docketing, to still receive timely renewal protection under title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, Section 2.109(b). Pursuant to 10 CFR 2.109(b), the NRC provides timely renewal protection to licensees that submit a sufficient license renewal application at least 5 years before the expiration of the existing license.

II. Request/Action

Under 10 CFR 54.17(a), the NRC requires that the filing of an application for a renewed license be in accordance with, among other regulations, 10 CFR 2.109(b). In turn, 10 CFR 2.109(b) states ''If the licensee of a nuclear power plant licensed under 10 CFR 50.21(b) or 50.22 files a sufficient application for renewal of either an operating license or a combined license at least 5 years before the expiration of the existing license, the existing license will not be deemed to have expired until the application has been finally determined.'' In its letter dated September 11, 2020, Exelon requested an exemption from 10 CFR 54.17(a) to allow Exelon to submit its SLRA for Nine Mile Point, Unit 1, at least 3 years prior to the expiration of the existing license and still receive timely renewal protection under 10 CFR 2.109(b).

III. Discussion

Under 10 CFR 54.15, exemptions from the requirements of Part 54 are governed by 10 CFR 50.12. Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) special circumstances are present, as defined in 10 CFR 50.12(a)(2). In its application, Exelon stated that three special circumstances apply to its request. The three special circumstances that Exelon included in its request are:

(1) The special circumstance in 10 CFR 50.12(a)(2)(ii) states, ''[a]pplication of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule;''

(2) The special circumstance in 10 CFR 50.12(a)(2)(iii) states, ''[c]ompliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated;''

(3) The special circumstance in 10 CFR 50.12(a)(2)(vi) states, ''[t]here is present other material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption.''

A. The Exemption Is Authorized by Law

This exemption would allow Exelon to submit a sufficient SLRA for Nine Mile Point, Unit 1, at least 3 years prior to the expiration of its existing license and still receive timely renewal protection under 10 CFR 2.109(b). Section 2.109 implements Section 9(b) of the Administrative Procedure Act (APA), 5 U.S.C. 558(c), which states:

> When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.

The 5-year time period specified in 10 CFR 2.109 is the result of a discretionary agency rulemaking under Sections 161 and 181 of the Atomic Energy Act of 1954, as amended, and not required by the APA. As stated above, 10 CFR 54.17(a) requires that the filing of an application for a renewed license be in accordance with, among other regulations, 10 CFR 2.109(b). In addition, 10 CFR 54.15 allows the NRC to grant exemptions from the requirements of 10 CFR part 54. The NRC has determined that granting this exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, the APA, or the NRC's regulations. Therefore, the exemption is authorized by law.

B. The Exemption Presents No Undue Risk to Public Health and Safety

The requested exemption to allow a 3-year time period, rather than the 5 years specified in 10 CFR 2.109(b), for Exelon to submit a sufficient SLRA and receive timely renewal protection is a scheduling change. The action does not change the manner in which the plant operates and maintains public health and safety because no additional changes are made as a result of the action. The NRC expects that a period of 3 years provides sufficient time for the NRC to perform a full and adequate safety and environmental review, and for the completion of the hearing process. Pending final action on the SLRA, the NRC will continue to conduct all regulatory activities associated with licensing, inspection, and oversight, and will take whatever action may be necessary to ensure adequate protection of the public health and safety. The existence of this exemption does not affect NRC's authority, applicable to all licenses, to modify, suspend, or revoke a license for cause, such as a serious safety concern. Based on the above, the NRC finds that the action does not cause undue risk to public health and safety.

C. The Exemption Is Consistent With the Common Defense and Security

The requested exemption to allow for a timely renewal protection deadline of at least 3 years instead of 5 years is a scheduling change. The exemption does not change any site security matters. Therefore, the NRC finds that the action is consistent with the common defense and security.

D. Special Circumstances

The purpose of 10 CFR 2.109(b), as it is applied to nuclear power reactors licensed by the NRC, is to implement the ''timely renewal'' provision of Section 9(b) of the APA, 5 U.S.C. 558(c), which states:

> When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.

The underlying purpose of this ''timely renewal'' provision in the APA is to protect a licensee who is engaged in an ongoing licensed activity and who has complied with agency rules in applying for a renewed or new license from facing license expiration as the result of delays in the administrative process.

On December 13, 1991, the NRC published the final license renewal rule, 10 CFR part 54, with associated changes to 10 CFR parts 2, 50, and 140, in the **Federal Register** (56 FR 64943). The statement of considerations discussed the basis for establishing the latest date for filing license renewal applications and the timely renewal doctrine (56 FR 64962). The statement of considerations stated that:

> Because the review of a renewal application will involve a review of many complex technical issues, the NRC estimates that the technical review would take approximately 2 years. Any necessary hearing could likely add an additional year or more. Therefore, in the proposed rule, the Commission modified § 2.109 to require that nuclear power plant operating license renewal applications be submitted at least 3 years prior to their expiration in order to take advantage of the timely renewal doctrine.
>
> No specific comment was received concerning the proposal to add a 3-year provision for the timely renewal provision for license renewal. The current regulations require licensees to submit decommissioning plans and related financial assurance information on or about 5 years prior to the expiration of their operating licenses. The Commission has concluded that, for consistency, the deadline for submittal of a license renewal application should be 5 years prior to the expiration of the current operating license. The timely renewal provisions of § 2.109 now reflect the decision that a 5-year time limit is more appropriate.

Thus, the NRC originally estimated that 3 years was needed to review a renewal application and to complete any hearing that might be held on the application. The NRC changed its original deadline from 3 years to 5 years to have consistent deadlines for when licensees must submit their decommissioning plans and related financial assurance information and when they must submit their license renewal application to receive timely renewal protection.

Application of the 5-year period in 10 CFR 2.109(b) is not necessary to achieve the underlying purpose of the timely renewal provision in the regulation if Exelon files a sufficient Nine Mile Point, Unit 1, SLRA at least 3 years prior to expiration of the license. The NRC's current schedule for review of SLRAs is to complete its review and make a decision on issuing the renewed license within 18 months of receipt if there is no hearing. If a hearing is held, the NRC's model schedule anticipates completion of the NRC's review and of the hearing process, and issuance of a decision on the license renewal application within 30 months of receipt.

However, it is recognized that the estimate of 30 months for completion of a contested hearing is subject to variation in any given proceeding. A period of 3 years (36 months), nevertheless, is expected to provide sufficient time for performance of a full and adequate safety and environmental review, and completion of the hearing process. Meeting this schedule is based on a complete and sufficient application being submitted and on the review being completed in accordance with the NRC's established license renewal review schedule.

Based on the above, the NRC finds that the special circumstance of 10 CFR 50.12(a)(2)(ii) is present in the particular circumstance of Nine Mile Point, Unit 1.

In addition, the NRC finds that the special circumstance of 10 CFR 50.12(a)(2)(iii) is present in the circumstances of Nine Mile Point, Unit 1. Compliance with § 2.109(b) would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted. In its application, Exelon stated that the decision to continue power operation at Nine Mile Point, Unit 1, depended on economic and legislative factors that evolved in a way that did not permit the preparation and submission of an SLRA 5 years prior to the license expiration date. Exelon further stated that if the exemption is not granted, and it submits its SLRA less than 5 years before license expiration, then Exelon would face the risk of being forced to shut down if the application is not approved before the current license expires. The impact of changes in economic and legislative conditions on licensees' decisions to pursue license renewal was not a factor considered at the time the timely renewal rule was issued. The NRC therefore finds that the special circumstance of 10 CFR 50.12(a)(2)(iii) also is present. Because the NRC staff finds that special circumstances exist under 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(iii), the NRC staff did not consider whether special circumstances

also exist under 10 CFR 50.12(a)(2)(vi), as presented by Exelon in its exemption request.

E. Environmental Considerations

The NRC has determined that the issuance of the requested exemption meets the provisions of categorical exclusion 10 CFR 51.22(c)(25)(vi)(G). Under 10 CFR 51.22(c)(25), the granting of an exemption from the requirements of any regulation of chapter 10 qualifies as a categorical exclusion if (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involves scheduling requirements. The basis for NRC's determination is provided in the following evaluation of the requirements in 10 CFR 51.22(c)(25)(i)–(vi).

Requirements in 10 CFR 51.22(c)(25)(i)

To qualify for a categorical exclusion under 10 CFR 51.22(c)(25)(i), the exemption must involve a no significant hazards consideration. The criteria for making a no significant hazards consideration determination are found in 10 CFR 50.92(c). The NRC has determined that the granting of the exemption request involves no significant hazards consideration because allowing the submittal of the license renewal application at least 3 years before the expiration of the existing license while maintaining the protection of the timely renewal provision in 10 CFR 2.109(b) does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Therefore, the requirements of 10 CFR 51.22(c)(25)(i) are met.

Requirements in 10 CFR 51.22(c)(25)(ii) and (iii)

The exemption constitutes a change to the schedule by which Exelon must submit its SLRA and still receive timely renewal protection, which is administrative in nature, and does not involve any change in the types or significant increase in the amounts of effluents that may be released offsite and does not contribute to any significant increase in occupational or public radiation exposure. Accordingly, there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, and no significant increase in individual or cumulative public or occupational radiation exposure. Therefore, the requirements of 10 CFR 51.22(c)(25)(ii) and (iii) are met.

Requirements in 10 CFR 51.22(c)(25)(iv)

The exempted regulation is not associated with construction, and the exemption does not propose any changes to the site, alter the site, or change the operation of the site. Therefore, the requirements of 10 CFR 51.22(c)(25)(iv) are met because there is no significant construction impact.

Requirements in 10 CFR 51.22(c)(25)(v)

The exemption constitutes a change to the schedule by which Exelon must submit its SLRA and still receive timely renewal protection, which is administrative in nature, and does not impact the probability or consequences of accidents. Thus, there is no significant increase in the potential for, or consequences of, a radiological accident. Therefore, the requirements of 10 CFR 51.22(c)(25)(v) are met.

Requirements in 10 CFR 51.22(c)(25)(vi)

To qualify for a categorical exclusion under 10 CFR 51.22(c)(25)(vi)(G), the exemption must involve scheduling requirements. The exemption involves scheduling requirements because it would allow Exelon to submit a SLRA for Nine Mile Point, Unit 1, at least 3 years prior to the expiration of the existing license, rather than the 5 years specified in 10 CFR 2.109(b), and still receive timely renewal protection under 10 CFR 2.109(b). Therefore, the requirements of 10 CFR 51.22(c)(25)(vi) are met.

Based on the above, the NRC concludes that the proposed exemption meets the eligibility criteria for a categorical exclusion set forth in 10 CFR 51.22(c)(25). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this exemption request.

IV. Conclusions

Accordingly, the NRC has determined that, pursuant to 10 CFR 54.15 and 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances, as defined in 10 CFR 50.12(a)(2), are present. Therefore, the NRC hereby grants the licensee a one-time exemption for Nine Mile Point, Unit 1, from 10 CFR 54.17(a) to allow the submittal of the Nine Mile Point, Unit 1, SLRA at least 3 years prior to expiration of the operating license while maintaining the protection of the timely renewal provision in 10 CFR 2.109(b).

This exemption is effective upon issuance.

Dated: April 9, 2021.

For the Nuclear Regulatory Commission.

/RA/

Craig G. Erlanger,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2021–07975 Filed 4–16–21; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2021–83 and CP2021–86]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 21, 2021.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or

the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. Docket No(s).: MC2021–83 and CP2021–86; Filing Title: USPS Request to Add Priority Mail Contract 693 to Competitive Product List and Notice of Filing Materials Under Seal; Filing Acceptance Date: April 13, 2021; Filing Authority: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; Public Representative: Kenneth R. Moeller; Comments Due: April 21, 2021.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2021–07977 Filed 4–16–21; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91546; File No. SR–C2–2021–005)

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule

April 13, 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 April 1, 2021, Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the fees schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/ctwo/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange 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. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule to (1) amend the standard transaction fees and rebates for certain SPY, AAPL, QQQ, IWM and SLV transactions, (2) adopt tiered pricing for SPY, AAPL, QQQ, IWM and SLV Market-Maker transactions, (3) adopt a discount program for Bulk BOE Logical Ports, (4) adopt a ''Definitions'' section in the fees schedule, and (5) eliminate outdated language and obsolete facilities fees, effective April 1, 2021.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 options venues to which market participants may direct their order flow. Based on publicly available information, no single options exchange has more than approximately 17% of the market share and currently the Exchange represents approximately 3% of the market share.[3] Thus, in such a low-concentrated and highly competitive market, no single options exchange, including the Exchange, possesses significant pricing power in the execution of option order flow. The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain the Exchange's transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

SPY, AAPL, QQQ, IWM and SLV Pricing

First, the Exchange proposes to amend the transaction fee for Public Customer orders in SPY, AAPL, QQQ, IWM and SLV that remove liquidity. Currently, Public Customer orders in SPY, AAPL, QQQ, IWM and SL, that remove liquidity are assessed a standard transaction fee of $0.39 per contract and yield fee code ''SC''. The Exchange proposes to reduce the standard transaction fee to $0.37 per contract.

[3] *See* Cboe Global Markets U.S. Options Market Volume Summary by Month (March 29, 2021), available at *https://markets.cboe.com/us/options/market_statistics/*.

The Exchange also proposes to reduce the current standard rebate for C2 Market-Maker orders in SPY, AAPL, QQQ, IWM and SLV that add liquidity. Currently, C2 Market-Maker orders in SPY, AAPL, QQQ, IWM and SLV that add liquidity are provided a standard rebate of $0.26 per contract and yield fee code ''SM''. The Exchange proposes to reduce the standard rebate to $0.20 per contract. The Exchange notes that the proposed changes are in line with the pricing for similar market participants in similar products on other exchanges.[4]

SPY, AAPL, QQQ, IWM and SLV Incentive Tiers

The Exchange also proposes to adopt new incentive tiers for C2 Market-Maker orders in SPY, AAPL, QQQ, IWM and SLV that add liquidity under a new section in the fees schedule titled ''Footnotes''. The proposed tiered pricing would provide Trading Permit Holders (''TPHs'') opportunities to qualify for higher rebates where certain volume criteria and thresholds are met in such products. Tiered pricing provides an incremental incentive for TPHs to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria. Particularly, the Exchange proposes to adopt under Footnote 1, new Market-Maker Volume Tiers, which would provide enhanced rebates for qualifying C2 Market-Maker orders in SPY, AAPL, QQQ, IWM and SLV that add liquidity (*i.e.,* orders yielding fee code SM) that meet certain liquidity thresholds. First, proposed Tier 1 would provide an enhanced rebate of $0.26 per contract where a TPH: (1) Has an ADAV [5] in Market-Maker orders in SPY, AAPL, QQQ, IWM and SLV (*i.e.,* yielding fee codes SM or SL) [6] equal to or greater than 50,000 contracts; or (2) has a Step-Up ADAV [7] in Market-Maker orders in SPY, AAPL, QQQ, IWM and SLV (*i.e.,* yielding fee codes SM or SL) equal to or greater than 15,000 contracts from March 2021. The Exchange also proposes to adopt Tier 2, which would provide a higher rebate of $0.30 per contract where a TPH meets the more stringent criteria of having an ADAV in Market-Maker orders in SPY, AAPL, QQQ, IWM and SLV (*i.e.,* yielding fee codes SM or SL) equal to or greater than 130,000 contracts. The Exchange notes that other exchanges offer tiered pricing incentives for similar orders.[8] The proposed enhanced rebates and corresponding criteria are designed to encourage Market-Makers to increase or grow their order flow on the Exchange in SPY, AAPL, QQQ, IWM and SLV, which facilitates tighter spreads, signaling increased activity from other market participants, and thus ultimately contributes to deeper and more liquid markets and provides greater execution opportunities on the Exchange to the benefit of all market participants.

BOE Bulk Logical Ports Discount

By way of background, the Exchange currently offers BOE Bulk Logical Ports (''BOE Bulk Ports''), which provide users with the ability to submit single and bulk order messages to enter, modify, or cancel orders designated as Post Only Orders with a Time-in-Force of Day or GTD with an expiration time on that trading day. BOE Bulk Ports are assessed $1,500 per port, per month for the first 5 BOE Bulk Ports and thereafter assessed $2,500 per port, per month for each additional BOE Bulk Port. Each Bulk BOE Port also incurs the logical port fee indicated in the table above when used to enter up to 30,000,000 orders per trading day per logical port as measured on average in a single month. Each incremental usage of up to 30,000,000 orders per day per BOE Bulk Port will incur an additional logical port fee of $2,500 per month (''incremental usage fees'').

The Exchange now proposes to adopt a discount program for BOE Bulk Ports which provides an opportunity for Market-Makers to obtain credits on their monthly BOE Bulk Port fees (excluding incremental usage fees).[9] More specifically, the Exchange proposes to provide that Market-Makers would receive a discount of 30% on monthly Bulk BOE Port fees (excluding incremental usage fees) where a Market-Maker has (1) a Step-Up ADAV equal to or greater than 0.025% of average OCV [10] from February 2021 and (2) a ''Make Rate'' equal to or greater than 85%. The ''Make Rate'' shall be derived from a Market-Maker's volume the previous month in all symbols using the following formula: (i) The Market-Maker's total simple add volume divided by (ii) the Market-Maker's total simple volume.[11] Trades on the open and complex orders will be excluded from the Make Rate calculation. The Exchange will aggregate the trading activity of separate Market-Maker firms for purposes of the discount tier and make rate calculation if there is at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A. The proposed BOE Bulk Port discount is designed to attract liquidity from traditional Market-Makers and encourage Market-Makers to grow their volume. Specifically, the Exchange believes the proposal mitigates costs incurred by traditional Market-Makers that focus on adding liquidity to the Exchange (as opposed to those that provide and take, or just take). The Exchange notes that its affiliate, Cboe Exchange, Inc. (''Cboe Options'') similarly provides discounts on BOE Bulk Port fees based on a Market-Maker's Make Rate the previous month.[12]

Definitions

The Exchange next proposes to adopt a new ''Definitions'' section of its fees schedule. As described above, the Exchange intends to adopt new tiered pricing for certain products and a new discount program for BOE Bulk Ports which will provide TPHs opportunities to qualify for higher rebates or a discount, respectively, where certain volume criteria and thresholds are met. The volume thresholds refer to certain terms that are not currently defined in the Exchange's fees schedule (*i.e.,* ''ADAV'', ''Step-Up ADAV'', and ''OCV''). The Exchange believes clearly defining those terms in the fees schedule would reduce potential

[4] *See, e.g.,* MIAX Pearl Fee Schedule, Section 1 Transaction Rebates/Fees, which provides for a fee of $0.46 per contract for priority customer SPY orders that remove liquidity, $0.50 per contract for priority customer IWM and QQQ orders that remove liquidity, and $0.50 per contract for priority customer orders in Penny Classes other than SPY, QQQ and IWM orders that remove liquidity. *See also* Nasdaq ISE Pricing Schedule, Section 3, Footnote 5, which provides for tiered rebates for Market-Maker SPY, QQQ, and IWM orders that add liquidity between $0.00–$0.26 per contract.

[5] ''ADAV'' means average daily added volume calculated as the number of contracts added, per day.

[6] Fee code SL is currently appended to C2 Market Maker orders in SPY, AAPL, QQQ, IWM and SLV that add liquidity and are a National Best Bid or Offer (''NBBO'') Joiner or NBBO Setter and offers a rebate of $0.31 per contract for such orders.

[7] ''Step-Up ADAV'' means ADAV in the relevant baseline month subtracted from current ADAV.

[8] *See, e.g,* Nasdaq ISE Pricing Schedule, Section 3, Footnote 5, which provides for tiered rebates for Market-Maker SPY, QQQ, and IWM orders that add liquidity between $0.00–$0.26 per contract.

[9] While BOE Bulk Ports are available to all market participants, they are used primarily by Market Makers or firms that conduct similar business activity.

[10] ''OCV'' (or ''OCC Customer Volume'' means, the total equity and ETF options volume that clears in the Customer range at the Options Clearing Corporation (''OCC'') for the month for which the fees apply, excluding volume on any day that the Exchange experiences an Exchange System Disruption and on any day with a scheduled early market close.

[11] For example, a TPH's total simple add volume in March 2021 is 2,600,000 contracts and its total simple volume is 3,000,000 contracts, resulting in a Make Rate of 86.6%. As such, the TPH would receive a 30% credit on its monthly Bulk Port fees for the month of April 2021.

[12] *See* Cboe Options Fees Schedule, Market-Maker Access Credit.

confusion, increase transparency, and benefit market participants. Accordingly, the Exchange proposes to adopt the following definitions.

- ''ADAV'' means average daily added volume calculated as the number of contracts added, per day.
  - ○ ADAV is calculated on a monthly basis, excluding contracts added or removed on any day that the Exchange's system experiences a disruption that lasts for more than 60 minutes during regular trading hours (''Exchange System Disruption'') and on any day with a scheduled early market close.
  - ○ Routed contracts are not included in ADAV calculation.
  - ○ With prior notice to the Exchange, a TPH may aggregate ADAV or ADV with other TPHs that control, are controlled by, or are under common control with such TPH.
- ''Step-Up ADAV'' means ADAV in the relevant baseline month subtracted from current ADAV.
- ''OCC Customer Volume'' or ''OCV'' means the total equity and ETF options volume that clears in the Customer range at the Options Clearing Corporation (''OCC'') for the month for which the fees apply, excluding volume on any day that the Exchange experiences an Exchange System Disruption and on any day with a scheduled early market close.

The Exchange notes the proposed definitions are substantively similar to the definitions contained in one of the Exchange's affiliate fees schedules.[13]

Eliminate Outdated Language and Obsolete Facilities Fees

The Exchange next proposes to eliminate obsolete language under the Physical and Logical Connectivity Fees sections that reference legacy physical and logical ports that were decommissioned in 2018. Particularly, under the Physical Connectivity Fees section, the Exchange proposes to eliminate the following language ''[t]hrough June 30, 2018, C2 market participants can elect to connect to C2's trading system via either a 1 Gigabit Ethernet or a 10 Gigabit Ethernet Network Access Port. No fees will be assessed for the legacy Network Access Ports'', as such language is no longer relevant. The Exchange also proposes to make clear that TPHs and non-TPHs only connect to C2's trading system via Physical Ports (instead of ''may also'' connect, which was relevant only when TPHs had the option of alternatively connecting via legacy Network Access Ports). Under the Logical Connectivity Fees section, the Exchange proposes to eliminate the following language ''Port fees for BOE, FIX, BOE Bulk and Drop ports will be assessed the full month rates for May for ports available for use on the new trading platform beginning May 14, 2018'', along with another reference to May 15, 2018, as such language is also outdated and no longer relevant or necessary to maintain.

Lastly, the Exchange proposes to eliminate the ''Facilities Fees'' section, which includes fees for the PULSe Workstation and related footnotes. Particularly, on January 4, 2021, the Exchange decommissioned the PULSe Workstation. Accordingly, the related PULSe Workstation fees are no longer applicable nor necessary to maintain in the fees schedule. The Exchange therefore proposes to eliminate the language to avoid potential confusion and eliminate unnecessary language

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[14] in general, and furthers the objectives of Section 6(b)(4),[15] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5) [16] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. In particular, the proposed changes to Exchange execution fees and rebates for certain orders in SPY, AAPL, QQQ, IWM and SLV are intended to attract order flow to the Exchange by continuing to offer competitive pricing. More specifically, the Exchange believes it is reasonable to reduce the current fee for Public Customers that remove liquidity in SPY, AAPL, QQQ, IWM and SLV, as such market participants will be paying lower fees for such transactions and thus may be encouraged to increase retail SPY, AAPL, QQQ, IWM and SLV order flow to the Exchange. Furthermore, the Exchange believes its proposed change is reasonable as it is competitive and in line with pricing for many of the same products at other exchanges.[17] The Exchange believes the proposed change is equitable and not unfairly discriminatory as it will apply to all Public Customers equally. The Exchange also believes that it is equitable and not unfairly discriminatory to assess a lower fee for Public Customer orders in SPY, AAPL, QQQ, IWM and SLV as compared to other market participants because customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Specifically, customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. Moreover, the options industry has a long history of providing preferential pricing to customers, and the Exchange's current Fee Schedule currently does so in many places, as do the fees structures of multiple other exchanges.

The Exchange believes it is reasonable to reduce the current rebate for Market-Makers that add liquidity in SPY, AAPL, QQQ, IWM and SLV, as such market participants will still be receive a rebate for such orders (albeit at a lower amount). Additionally, the Exchange believes its proposed change is reasonable as it is competitive and in line with pricing for many of the same products at other exchanges.[18] The Exchange also notes that is providing opportunities for Market-Makers to receive higher rebates for these same transactions via the proposed Market-

[13] *See* Cboe EDGX Exchange, Inc. Fees Schedule, Definitions.

[14] 15 U.S.C. 78f.

[15] 15 U.S.C. 78f(b)(4).

[16] 15 U.S.C. 78f.(b)(5).

[17] *See, e.g.,* MIAX Pearl Fee Schedule, Section 1 Transaction Rebates/Fees, which provides for a fee of $0.46 per contract for priority customer SPY orders that remove liquidity, $0.50 per contract for priority customer IWM and QQQ orders that remove liquidity, and $0.50 per contract for priority customer orders in Penny Classes other than SPY, QQQ and IWM orders that remove liquidity.

[18] *See, e.g.,* Nasdaq ISE Pricing Schedule, Section 3, Footnote 5, which provides for tiered rebates for Market-Maker SPY, QQQ, and IWM orders that add liquidity between $0.00–$0.26 per contract.

Maker Volume tiers. The Exchange believes the proposed change is equitable and not unfairly discriminatory as it will apply to all Market-Makers equally.

The Exchange believes adopting Market-Maker Volume Tiers for C2 Market-Maker orders in SPY, AAPL, QQQ, IWM and SLV that add liquidity because they provide additional opportunities for TPHs to receive enhanced rebates on qualifying orders in a manner that incentivizes increased Market-Maker order flow in certain multiply-listed options on the Exchange. The Exchange notes that volume-based incentives and discounts have been widely adopted by exchanges [19] and are reasonable, equitable and non-discriminatory because they are open to all TPHs on an equal basis and provide additional benefits or discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns.

The Exchange believes the proposed Market-Maker Penny Volume Tiers are reasonable means to encourage Market-Makers to increase their order flow to specific multiply-listed options on the Exchange (*i.e.,* SPY, AAPL, QQQ, IWM and SLV). The Exchange notes that increased Market-Maker activity, particularly, facilitates tighter spreads and an increase in overall liquidity provider activity, both of which signal additional corresponding increase in order flow from other market participants, contributing towards a robust, well-balanced market ecosystem, particularly in multiply-listed options on the Exchange. The Exchange also believes that proposed enhanced rebates offered under proposed Tiers 1 and 2 are reasonably based on the difficulty of satisfying the proposed tiers' criteria and ensures the proposed rebate and thresholds appropriately reflect the incremental difficulty in achieving the Market-Maker Volume Tier. The Exchange believes that the proposed enhanced rebates are also in line with the enhanced rebates currently offered by another exchange for similar products.[20] The Exchange also believes it is reasonable, equitable and not unfairly discriminatory to adopt pricing specific to certain orders in SPY, AAPL, QQQ, IWM and SLV as the Exchange already offers product-specific pricing for these orders and, and as noted above, other exchanges similarly provide for product-specific tiered pricing.[21]

The Exchange believes that the proposed Market-Maker Volume Tiers represent an equitable allocation of fees and is not unfairly discriminatory because it applies uniformly to all Market-Makers, in that all Market Makers have the opportunity to compete for and achieve the proposed tiers. The enhanced rebates will apply automatically and uniformly to all Market-Makers that achieve the proposed corresponding criteria. While the Exchange has no way of knowing whether this proposed rule change would definitively result in any particular Market-Maker qualifying for the proposed tiers, the Exchange believes that approximately four Market-Makers will reasonably be able to compete for and achieve the proposed criteria in proposed Tier 1 and at least one Market-Maker will be able to achieve proposed Tier 2. The Exchange notes, however, that the proposed tiers are open to any Market-Maker that satisfies the tiers' criteria.

The Exchange lastly notes that it does not believe the proposed tiers will adversely impact any TPH's pricing. Rather, should a TPH not meet the proposed criteria, the TPH will merely not receive the enhanced rebates corresponding to Tier 1 or Tier 2, and will instead receive the standard rebate.

The Exchange believes the proposal to adopt credits for BOE Bulk Ports is reasonable, equitable and not unfairly discriminatory because it provides an opportunity for TPHs to pay lower fees for logical connectivity. The Exchange notes that the proposed discount is in line with the discount offered to Market-Makers on its affiliate exchange, Cboe Options.[22] Although only Market-Makers may receive the proposed BOE Bulk Port credits, Market-Makers are valuable market participants that provide liquidity in the marketplace and incur costs that other market participants do not incur. For example, Market-Makers have a number of obligations, including quoting obligations and fees associated with appointments that other market participants do not have. The Exchange also believes that the proposal provides an incentive for TPHs to provide more liquidity to the Exchange. Greater liquidity benefits all market participants by providing more trading opportunities and tighter spreads. The Exchange believes it's also reasonable, equitable and not unfairly discriminatory to provide credits to those Market-Makers that primarily provide and post liquidity to the Exchange, as the Exchange wants to continue to encourage Market-Makers with significant Make Rates to continue to participate on the Exchange and add liquidity. Moreover, the Exchange notes that Market-Makers with a high Make Rate percentage generally require higher amounts of capacity than other Market-Makers. Particularly, Market-Makers with high Make Rates are generally streaming significantly more quotes than those with lower Make Rates. As such, Market-Makers with high Make Rates may incur more costs than other Market-Makers as they may need to purchase multiple BOE Bulk Ports in order to accommodate their capacity needs. The Exchange believes the proposed credits for BOE Bulk Ports encourages Market-Makers to continue to provide liquidity for the Exchange, notwithstanding the costs incurred by purchasing multiple ports. Particularly, the proposal is intended to mitigate the costs incurred by traditional Market-Makers that focus on adding liquidity to the Exchange (as opposed to those that provide and take, or just take).

The Exchange believes the value of the proposed discount is also commensurate with the difficulty to achieve the required thresholds. While the Exchange has no way of predicting with certainty how many and which TPHs will satisfy the proposed criteria to receive the discount, the Exchange anticipates at least two TPHs to satisfy the criteria and receive the discount. The Exchange does not believe the proposed discount will adversely impact any TPH's pricing. Rather, should a TPH not meet the proposed criteria, the TPH will merely not receive the proposed discount.

Lastly, the Exchange believes adopting a definitions section and eliminating outdated language and obsolete fees maintains transparency and clarity in the fees schedule and reduces potential confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on intramarket or intermarket competition that is not

[19] *See, e.g.,* Nasdaq ISE Pricing Schedule, Section 3, Footnote 5, which provides for tiered rebates for Market-Maker SPY, QQQ, and IWM orders that add liquidity between $0.00–$0.26 per contract.

[20] *See, e.g.,* Nasdaq ISE Pricing Schedule, Section 3, Footnote 5, which provides for tiered rebates for Market-Maker SPY, QQQ, and IWM orders that add liquidity between $0.00–$0.26 per contract.

[21] *Id.*

[22] *See* Cboe Options Fees Schedule, Market-Maker Access Credit.

necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed change would encourage the submission of additional to a public exchange, including in certain products (*i.e.,* SPY, AAPL, QQQ, IWM and SLV) thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all TPHs. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''

The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed change applies to all similarly situated Trading Permit Holders equally. Additionally, the proposed change is designed to attract additional SPY, AAPL, QQQ, IWM and SLV Public Customer orders that remove liquidity and SPY, AAPL, QQQ, IWM and SLV Market Maker orders that add liquidity to the Exchange. The Exchange believes that the new C2 Market Maker tiered pricing for orders in SPY, AAPL, QQQ, IWM and SLV would incentivize entry on the Exchange of such orders, benefitting both TPHs and public investors and, as a result, provide for deeper levels of liquidity, increasing trading opportunities for other market participants, thus signaling further trading activity, ultimately incentivizing more overall order flow and improving price transparency on the Exchange. Similarly, although the proposed discount for BOE Bulk Port fees only applies to Market-Makers, Market-Makers are valuable market participants that provide liquidity in the marketplace and incur costs that other market participants do not incur. For example, Market-Makers have a number of obligations, including quoting obligations and fees associated with appointments that other market participants do not have.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and director their order flow, including 15 other options exchanges and off-exchange venues. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single options exchange has more than 17% of the market share. Therefore, no exchange possesses significant pricing power in the execution of option order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .''. Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

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 [23] and paragraph (f) of Rule 19b–4 [24] 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. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

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–C2–2021–005 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–C2–2021–005. 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 change 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 the filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f).

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–C2–2021–005, and should be submitted on or before May 10, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

J. Matthew DeLesDernier,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–91542; File No. SR–MIAX–2021–09]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 1801, Definitions and Exchange Rule 1809, Terms of Index Options Contracts

April 13, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 30, 2021, Miami International Securities Exchange, LLC (''MIAX Options'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Interpretation and Policy .01 to Exchange Rule 1801 and Exchange Rules 1809(a)(3)–(5), to amend the names of certain indexes on which the Exchange may list and trade options due to rebranding, and to update the reporting authority for those indexes.[3]

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/* at MIAX Options' principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange 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. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Interpretation and Policy .01 to Exchange Rule 1801 and Exchange Rule 1809(a)(3)–(5), to amend the names of certain indexes on which the Exchange may list and trade options due to a rebranding of those index names, and to update the reporting authority for those indexes.

The Exchange first proposes to amend Exchange Rule 1801, Interpretation and Policy .01, to amend the names of the Advanced Fundamentals LLC (''Advanced Fundamentals'') Commercial Real Estate Indexes (the ''AF CRE Indexes''), on which the Exchange may list options, due to the Exchange rebranding the AF CRE Indexes under new names. The Exchange also proposes to update the reporting authority service provider for the newly rebranded indexes.

On April 17, 2020, the Exchange filed its proposal with the Commission to amend certain of the Exchange's rules in connection with the Exchange's plan to list and trade options on five AF CRE Indexes—the AF CRE Residential Index, AF CRE Retail Index, AF CRE Office Index, AF CRE Hospitality Index and AF CRE Composite Index.[4] The AF CRE Indexes measure real-time real estate returns representing the performance of real estate investment trusts (''REITs'') and/or publicly listed equity companies across various sectors. Each constituent of an AF CRE Index is a REIT or equity company listed on a U.S. securities exchange. The individual components of each AF CRE Sector Index are determined from the REITs/equity companies that have the largest enterprise value (''Enterprise Value'')[5] within each individual sector and that meet certain minimum eligibility requirements. Since the publication of the AF CRE Index Notice and to date, the Exchange has not listed options for trading on the AF CRE Indexes (or options on the rebranded products, the BRIXX Indexes, described below), for business reasons.

Recently, the Exchange rebranded the AF CRE Indexes as the BRIXX™ Commercial Real Estate Indexes (the ''BRIXX Indexes''), as follows: (1) The AF CRE Office Index is rebranded as the BRIXX Office Index; (2) the AF CRE Retail Index is rebranded as the BRIXX Retail Index; (3) the AF CRE Residential Index is rebranded as the BRIXX Residential Index; (4) the AF CRE Hospitality Index is rebranded as the BRIXX Hospitality Index; and (5) the AF CRE Composite Index is rebranded as the BRIXX Composite Index. Accordingly, the Exchange proposes to amend the table of indexes in Exchange Rule 1801, Interpretation and Policy .01, to insert each of the rebranded BRIXX Indexes in place of the AF CRE Indexes under the heading ''Underlying Index.''

The Exchange also proposes to amend Exchange Rule 1801, Interpretation and Policy .01, to update the reporting authority[6] for each of the BRIXX Indexes. The reporting authority in respect of a particular index means the institution or reporting service designated by the Exchange as the official source for calculating the level of the index from the reporting prices of the underlying securities that are the basis of the index and reporting such level.[7] At the time of the AF CRE Index Notice, Refinitiv was listed as the reporting authority for each of the AF CRE Indexes (now known as the BRIXX Indexes).[8] Refinitiv still monitors and

[25] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On April 16, 2020, the Exchange filed a Form 19b–4(e) with the Commission pursuant to Rule 19b–4(e) of the Act for the AF CRE Indexes (defined below). The Exchange has not yet listed options for trading on the AF CRE Indexes for business reasons. The Exchange notes that it will file a Form 19b–4(e) with the Commission pursuant to Rule 19b–4(e) of the Act for the BRIXX Indexes (defined below) at the time the Exchange anticipates it will begin listing options for trading on the BRIXX Indexes.

[4] *See* Securities Exchange Act Release No. 88767 (April 29, 2020), 85 FR 26743 (May 5, 2020) (SR–MIAX–2020–08) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to List and Trade Options That Overlie Five Advanced Fundamentals LLC Commercial Real Estate Indexes) (the ''AF CRE Index Notice'').

[5] The term ''Enterprise Value'' refers to the measure of a company's total value, calculated by adding the company's market capitalization, total liabilities and preferred equity, then subtracting all cash and cash equivalents. *See https://www.investopedia.com/terms/e/enterprisevalue.asp.*

[6] *See* Exchange Rule 1801(p).

[7] *See id.*

[8] Refinitiv is currently the reporting authority for each of the BRIXX Indexes (formerly, the AF CRE

maintains each of the BRIXX Indexes and rebalances each of the BRIXX Indexes quarterly.[9]

The Exchange does not currently list options for trading on the BRIXX Indexes (and has not listed options for trading under the previously named AF CRE Indexes). Recently, the Exchange determined to switch reporting authority service providers for the BRIXX Indexes from Refinitiv to Devexperts Inc. (''Devexperts'').[10] The Exchange proposes to announce when the transfer in reporting authority service provider from Refinitiv to Devexperts is complete by Regulatory Circular. As a result, the Exchange designates Devexperts as the reporting authority for each of the BRIXX Indexes, and proposes to amend the table in Interpretation and Policy .01 to Exchange Rule 1801 to reflect such changes under the heading ''Reporting Authority.'' [11] The Exchange represents that this change will have no impact on the accuracy and dissemination of index values for any of the BRIXX Indexes. Values for the BRIXX Indexes will continue to be disseminated and available to market participants in the same manner and in the same intervals.[12]

Next, the Exchange proposes to amend Exchange Rules 1809(a)(3)–(5) to update the names of the AF CRE Indexes to be rebranded as the BRIXX Indexes, as described above. The AF CRE Index Notice provided that, pursuant to Exchange Rules 1809(a)(3)–(5), the Exchange would be able to list up to twelve (12) standard monthly expirations on the AF CRE Indexes, the AF CRE Indexes would be European-style index options, and the AF CRE Indexes would be A.M-settled.[13] The Exchange proposes to amend Exchange Rules 1809(a)(3)–(5) to reflect the name change of the AF CRE Indexes to the BRIXX Indexes. Accordingly, with the proposed changes, Exchange Rules 1809(a)(3)–(5) will provide that the Exchange is able to list up to twelve (12) standard monthly expirations on the BRIXX Indexes, the BRIXX Indexes are European-style index options, and the BRIXX Indexes are A.M-settled.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [15] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [16] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed rule changes remove impediments to and perfects the mechanism of a free and open market a national market system, and protects investors and the public interest by updating the Exchange's rules to reflect the rebranded names of certain indexes on which the is authorized to list and trade options, as well as to update the reporting authority service provider for the BRIXX Indexes. The Exchange believes this promotes transparency in its rules and may eliminate any potential confusion among market participants. The proposed rule changes will have no impact on the dissemination of index values of the BRIXX Indexes, but merely reflects a rebranding of the products and a change in the reporting authority service provider for the various indexes on which the Exchange is authorized to list options, due to business reasons. The Exchange believes this proposal perfects the mechanism of a free and open market a national market system, and protects investors and the public interest because, with the proposed rebrand from the AF CRE Indexes to the BRIXX Indexes, there will be no change to the initial or maintenance listing criteria, expiration months, settlement or exercise style of options on the BRIXX Indexes. The Exchange notes that this proposal is simply to clarify the rebranded name of the index options products.

The Exchange believes that the proposed change in reporting authority service provider removes impediments to and perfects the mechanism of a free and open market a national market system, and protects investors and the public interest because this change will have no impact on the accuracy and dissemination of index values for any of the BRIXX Indexes. Values for the BRIXX Indexes will continue to be disseminated and available to market participants in the same manner and in the same intervals. The Exchange notes that it has not listed options on the AF CRE Indexes (or options on the rebranded products, the BRIXX Indexes) at this time.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to be a competitive rule filing. Rather, the proposed rule change merely reflects a change to the name of the index options and the reporting authority service provider for the various indexes on which the Exchange is authorized to list options due to business reasons. The proposed rule change has no impact on the dissemination of index values for the BRIXX Indexes. Further, the Exchange has not yet listed options for trading on the BRIXX Indexes.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

Indexes). *See* Exchange Rule 1801, Interpretation and Policy .01. Thomson Reuters' Financial & Risk (''F&R'') business unit was rebranded under the name ''Refinitiv'' in 2018 when Thomson Reuters sold a majority stake in its F&R business unit to private equity firm Blackstone Group LP. Refinitiv provides financial markets data and infrastructure in over 150 countries. Part of Refinitiv's services include, but are not limited to, the calculation of various indexes. *See* Thomson Reuters Financial & Risk Business Announces New Company Name: Refinitiv (July 27, 2018), available at *https://www.thomsonreuters.com/en/press-releases/2018/july/thomson-reuters-financial-and-risk-business-announces-new-company-name-refinitiv.html.*

[9] *See supra* note 4.

[10] Devexperts provides consulting and software development services for the financial industry, including calculation and reporting services, on-line and desktop trading execution platforms, risk management and fix gateways, and real-time and historical data services. *See https://devexperts.com/about-devexperts/.*

[11] The Exchange notes that, for business reasons, it acts as the reporting authority for the SPIKES Volatility Index, on which the Exchange currently lists options, instead of a third-party service provider. *See* Exchange Rule 1801, Interpretation and Policy .01.

[12] Pursuant to Exchange Rules 1802(b)(10) and (d)(11), the current value of an index must be disseminated at least once every 15 seconds by one or more major market data vendors. The Exchange represents that this will continue to be the case for the AF CRE Indexes.

[13] *See* Exchange Rules 1809(a)(3)–(5).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *Id.*

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and Rule 19b–4(f)(6) [18] 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. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

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–MIAX–2021–09 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–MIAX–2021–09. 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 change 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 the filing also will be available for inspection and copying at the principal office of the Exchange. 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–MIAX–2021–09 and should be submitted on or before May 10, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–07959 Filed 4–16–21; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34244; File No. 812–15191]

The Advisors' Inner Circle Fund, Cambiar Investors, LLC and SEI Investments Distribution Co.

April 13, 2021.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 2(a)(32), 5(a)(1), and 22(d) of the Act and rule 22c–1 under the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act.

APPLICANTS: The Advisor's Inner Circle Fund (the ''Trust''), Cambiar Investors, LLC (the ''Initial Adviser''), and SEI Investments Distribution Co. (the ''Distributor'').

SUMMARY OF APPLICATION: Applicants request an order (''Order'') that permits: (a) ActiveShares ETFs (as described in the Reference Order (as defined below)) to issue shares (''Shares'') redeemable in large aggregations only (''creation units''); (b) secondary market transactions in Shares to occur at negotiated market prices rather than at net asset value; and (c) certain affiliated persons of an ActiveShares ETF to deposit securities into, and receive securities from, the ActiveShares ETF in connection with the purchase and redemption of creation units. The relief in the Order would incorporate by reference terms and conditions of the same relief of a previous order granting the same relief sought by applicants, as that order may be amended from time to time (''Reference Order'').[1]

FILING DATE: The application was filed on January 7, 2021 and amended on March 30 2021.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on May 10, 2021, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: The Advisors' Inner Circle Fund, *MBeattie@seic.com;* Cambiar Investors, LLC, *bbarish@cambiar.com;* SEI Investments Distribution Co., *JMunch@seic.com;* Morgan, Lewis & Bockius LLP, *Sean.Graber@morganlewis.com.*

[1] Precidian ETFs Trust, *et al.,* Investment Company Act Release Nos. 33440 (April 8, 2019) (notice) and 33477 (May 20, 2019) (order). Applicants are not seeking relief under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act (the ''Section 12(d)(1) Relief''), and relief under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act relating to the Section 12(d)(1) Relief, as granted in the Reference Order. Accordingly, to the extent the terms and conditions of the Reference Order relate to such relief, they are not incorporated by reference into the Order.

FOR FURTHER INFORMATION CONTACT: Barbara T. Heussler, Senior Counsel, at (202) 551–6990 or Trace W. Rakestraw, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants

1. The Trust is a business trust established under the laws of Massachusetts and will consist of one or more series operating as ActiveShares ETFs. The Trust is registered as an open-end management investment company under the Act. Applicants seek relief with respect to Funds (as defined below), including three initial Funds (''Initial Funds''). The Funds will operate as ActiveShares ETFs as described in the Reference Order.[2]

2. The Initial Adviser, a Delaware limited liability company, will be the investment adviser to the Initial Funds. An Adviser (as defined below) will serve as investment adviser to each Fund. The Initial Adviser is, and any other Adviser will be, registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). The Adviser may enter into sub-advisory agreements with other investment advisers to act as sub-advisers with respect to the Funds (each a ''Sub-Adviser''). Any Sub-Adviser will be registered under the Advisers Act.

3. The Distributor is a Pennsylvania corporation and a broker-dealer registered under the Securities Exchange Act of 1934, as amended, and will act as the principal underwriter of Shares of the Funds. Applicants request that the requested relief apply to any distributor of Shares, whether affiliated or unaffiliated with the Adviser and/or Sub-Adviser (included in the term ''Distributor''). Any Distributor will comply with the terms and conditions of the Order.

Applicants' Requested Exemptive Relief

4. Applicants seek the requested Order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), and 22(d) of the Act and rule 22c–1 under the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act. The requested Order would permit applicants to offer ActiveShares ETFs. Because the relief requested is the same as certain of the relief granted by the Commission under the Reference Order and because the Initial Adviser has entered into a license agreement with Precidian Investments LLC, or an affiliate thereof, in order to offer ActiveShares ETFs,[3] the Order would incorporate by reference the terms and conditions of the same relief of the Reference Order.

5. Applicants request that the Order apply to the Initial Funds and to any other existing or future registered open-end management investment company or series thereof that: (a) Is advised by the Initial Adviser or any entity controlling, controlled by, or under common control with the Initial Adviser (any such entity, along with the Initial Adviser, included in the term ''Adviser''); (b) operates as an ActiveShares ETF as described in the Reference Order; and (c) complies with the terms and conditions of the Order and the terms and conditions of the Reference Order that are incorporated by reference into the Order (each such company or series and each Initial Fund, a ''Fund'').[4]

6. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the transaction is consistent with the policies of the registered investment company and the general purposes of the Act. Applicants submit that for the reasons stated in the Reference Order the requested relief meets the exemptive standards under sections 6(c) and 17(b) of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–07952 Filed 4–16–21; 8:45 am]

BILLING CODE 8011–01–P

[2] To facilitate arbitrage, an ActiveShares ETF disseminates a ''verified intraday indicative value'' or ''VIIV,'' reflecting the value of its portfolio holdings, calculated every second during the trading day. To protect the identity and weightings of its portfolio holdings, an ActiveShares ETF sells and redeems its Shares in creation units to authorized participants only through an unaffiliated broker-dealer acting on an agency basis.

[3] Aspects of the Funds are covered by intellectual property rights, including but not limited to those which are described in one or more patent applications.

[4] All entities that currently intend to rely on the Order are named as applicants. Any other entity that relies on the Order in the future will comply with the terms and conditions of the Order and the terms and conditions of the Reference Order that are incorporated by reference into the Order.

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting; Cancellation

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 86 FR 19063, April 12, 2021.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, April 15, 2021 at 2:00 p.m.

CHANGES IN THE MEETING: The Closed Meeting scheduled for Thursday, April 15, 2021 at 2:00 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: April 15, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–08121 Filed 4–15–21; 4:15 pm]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before June 18, 2021.

ADDRESSES: Send all comments to Amy Garcia, Veterans Business Analyst, Office of Veterans, Small Business Administration.

FOR FURTHER INFORMATION CONTACT: Amy Garcia, Veterans Business Analyst, Office of Veterans, *amy.garcia@sba.gov* 202–205–7526, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION:

This form facilitates online registration for the Boots to Business course for eligible service members and their spouses. The collected data will be used to report course statistics, manage course operations more efficiently, tailor individual classes based on the experience and interests of the participants, and ultimately contact Boots to Business alumni.

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collections

OMB 3245–0395.

Title: Boots to Business Course Registration.

Description of Respondents: Transitioning Service Members.

Form Number: 2,453.

Estimated Annual Respondents: 15,000.

Estimated Annual Responses: 15,000.

Estimated Annual Hour Burden: 79,000.

Curtis Rich,

Management Analyst.

[FR Doc. 2021–07995 Filed 4–16–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before June 18, 2021.

ADDRESSES: Send all comments to Mary Frias, Loan Specialist, Office of Financial Assistance, Small Business Administration.

FOR FURTHER INFORMATION CONTACT: Mary Frias, Loan Specialist, Office of Financial Assistance, *mary.frias@sba.gov,* 202–401–8234, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: The information collected is used by SBA to monitor the Agents, fees charged by Agents, and the relationship between Agents and lenders. The information helps SBA to determine among other things whether borrowers are paying unnecessary, unreasonable or prohibitive fees.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

OMB Control number: 3245–0201.

Title: ''Compensation Agreement''.

Form Number's: 159(7a), 159(504), 159D.

Annual Responses: 9,210.

Annual Burden: 1,385.

Curtis Rich,

Management Analyst.

[FR Doc. 2021–08001 Filed 4–16–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before June 18, 2021.

ADDRESSES: Send all comments to Jermaine Perry, Management Analyst, Office of Surety Guarantee, Small Business Administration, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Jermaine Perry, Management Analyst, Office of Surety Guarantee, 202–401–8275 *jermaine.perry@sba.gov,* or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov;*

SUPPLEMENTARY INFORMATION: Small Business Administration (SBA) Surety Bond Guarantee Program was created to encourage surety companies to provide bonding for small contractors. The information collected on this form from small businesses and surety companies will be used to evaluate the eligibility of applicants for contracts up to $400,000.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

OMB Control # 3245–0378.

Title: Quick Bond Guarantee Application and Agreement.

Description of Respondents: Surety Companies.

Form Number: SBA Form 990A.

Total Estimated Annual Responses: 3,278.

Total Estimated Annual Hour Burden: 546.

Curtis Rich,

Management Analyst.

[FR Doc. 2021–07997 Filed 4–16–21; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF STATE

[Public Notice: 11392]

Notice of Additions to the CAATSA Guidance

ACTION: Notice of additions to the Countering America's Adversaries Through Sanctions Act of 2017 (CAATSA) Section 231(e) guidance.

SUMMARY: The Secretary of State is updating previously issued guidance

pursuant to CAATSA to specify additional persons that are part of, or operate for or on behalf of, the defense and intelligence sectors of the Government of the Russian Federation.

DATES: The updates contained in this notice were effective on March 2, 2021.

FOR FURTHER INFORMATION CONTACT: Thomas W. Zarzecki, Director, Task Force 231, Bureau of International Security and Nonproliferation, Department of State, Washington, DC 20520, tel.: 202–647–7594, *ZarzeckiTW@state.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to the authority in CAATSA Section 231(e), the Secretary of State is issuing updated guidance specifying the following additional persons that are part of, or operate for or on behalf of, the defense and intelligence sectors of the Government of the Russian Federation:

Section 231(e) List Regarding the Defense Sector of the Government of the Russian Federation

- 27th Scientific Center;
- 48 Central Scientific Research Institute Sergiev Posad (also known as [aka] 48 TsNII Sergiev Posad; aka 48th Central Research Institute, Sergiev Posad);
- 48 Central Scientific Research Institute Kirov (aka 48th Central Research Institute Kirov; aka 48th TsNII);
- 48 Central Scientific Research Institute Yekaterinburg (aka 48th TsNII Yekaterinburg);
- State Scientific Research Institute of Organic Chemistry and Technology (aka GoSNIIOKhT);
- 33rd Scientific Research and Testing Institute (aka 33rd TsNIII);

Gonzalo O. Suarez,

Acting Deputy Assistant Secretary, International Security and Nonproliferation, Department of State.

[FR Doc. 2021–07614 Filed 4–16–21; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–1093]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Commercial Air Tour Limitations in the Grand Canyon National Park Special Flight Rules Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on November 23, 2020. The FAA will use the information it collects and reviews to monitor compliance with the regulations regarding air tours in the Grand Canyon National Park.

DATES: Written comments should be submitted by May 19, 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.

FOR FURTHER INFORMATION CONTACT: Monica Buenrostro by email at: *monica.c.buenrostro@faa.gov;* phone: 202–267–3859.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0653.

Title: Commercial Air Tour Limitations in the Grand Canyon National Park Special Flight Rules Area.

Form Numbers: OMB 2120–0693.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on November 23, 2020 (85 FR 74782). No comments were received. Each operator seeking to obtain or in possession of an air carrier operating certificate is mandated to comply with the requirements of 14 CFR part 135 or part 121, as appropriate. Thus, each of these operators conducting air tours in the Grand Canyon National Park is mandated to comply with the collection requirements for that airspace. The FAA will use the information it collects and reviews to evaluate compliance with the regulations and, if necessary, take enforcement action against violators of the regulations.

Respondents: 13.

Frequency: Quarterly.

Estimated Average Burden per Response: 48 Hours.

Estimated Total Annual Burden: $3,272.00.

Issued in Washington, DC, on April 14, 2021.

Sheri A. Martin,

Management and Program Analyst, FAA, Air Transportation Division, AFS–200.

[FR Doc. 2021–07991 Filed 4–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2021–0027]

Agency Information Collection Activities; Notice and Request for Comment; National 911 Profile Database

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a request for extension of a currently-approved information collection.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for an extension of a currently-approved information collection. Before a Federal agency can collect certain information from the public, it must receive approval from OMB. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes a collection of information for which NHTSA intends to seek OMB approval on the National 911 Profile Database.

DATES: Comments must be submitted on or before June 18, 2021.

ADDRESSES: You may submit comments identified by the Docket No. NHTSA–__–__t through any of the following methods:

- *Electronic submissions:* Go to the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments.

- *Fax:* (202) 493–2251.
- *Mail or Hand Delivery:* Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366–9322 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *https://www.transportation.gov/privacy.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets via internet.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Ms. Laurie Flaherty, Coordinator, National 911 Program, Office of Emergency Medical Services, National Highway Traffic Safety Administration, US Department of Transportation, 1200 New Jersey Avenue SE, NPD–400, Room W44–322, Washington, DC 20590. Ms. Flaherty's phone number is (202) 366–2705 and her email address is *laurie.flaherty@dot.gov.* Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (a) 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; (b) 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; (c) how to enhance the quality, utility, and clarity of the information to be collected; (d) how to minimize 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, *e.g.* permitting electronic submission of responses. In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information for which the agency is seeking approval from OMB.

Title: National 911 Profile Database.

OMB Control Number: 2127–0679.

Type of Request: Request for extension of a currently-approved information collection.

Type of Review Requested: Regular

Requested Expiration Date of Approval: 3 years from date of approval.

Summary of the Collection of Information: The National 911 Program is housed within NHTSA's Office of Emergency Medical Services, which has a mission to provide coordination in assessing, planning, developing, and promoting comprehensive, evidence-based emergency medical services and 911 systems. Pursuant to 47 U.S.C. 942, Coordination of 911, E911, and Next Generation 911 implementation, the National 911 Program exists to coordinate 911 efforts, collect and create resources for State and local 911 agencies, and to oversee a grant program, specifically to upgrade the nation's outdated 911 infrastructure.

NHTSA is requesting an extension of its information collection, carried out under 47 U.S.C. 942 (a)(3)(B), to continue to collect and aggregate information from State-level reporting entities that can be used to measure the progress of 911 authorities across the country in upgrading and enhancing their existing operations and migrating to more advanced—digital, internet-Protocol-enabled—emergency networks. The data will be maintained in a ''National 911 Profile Database.'' The National 911 Profile Database maintains State-specific and benchmarking data, which is later analyzed by the 911 Program for trends and findings. Collecting and sharing nationwide 911 statistics helps the 911 community better understand the state of the industry. The National 911 Profile Database enables voluntary submission of data by State and territorial 911 agencies via annual data submission. The information to be collected includes data useful for evaluating the status of 911 programs across the country, along with their progress in implementing upgraded and advanced systems and capabilities. The data elements involved will fall within two major categories: Baseline and progress benchmarks.

- ''Baseline'' data elements reflect the current status and nature of 911 operations from State to State. These elements are largely descriptive in nature, are intended to provide a general view of existing 911 services across the country, and are grouped within five categories: Total 911 Calls and Call Type, Number of Public Safety Answering Points (PSAPs) and Equipment Positions, Emergency Medical Dispatch and Operations, Call-Handling Quality Assurance, and Minimum Training Requirements.
- ''Progress benchmarks'' reflect the status of State efforts to implement advanced next generation 911 systems and capabilities. As titled, these data elements are largely implementation or deployment benchmarks against which progress can be measured, and include: Planning, Procurement, Transition, Operations, and Maturity Level.

Description of the Need for the Information and Proposed Use of the Information

To support NHTSA's mission to save lives, the National 911 Program develops, collects, and disseminates information concerning practices, procedures, and technology used in the provision of 911 services; and to support 911 Public Safety Answering Points (PSAPs) and related State and local public safety agencies' 911 technological and operational upgrades.

The technology impacting 911 services continues to evolve substantially. Both public and private sectors have increasingly focused on addressing the need to upgrade and enhance the technology utilized by 911 services across the Nation. In addition, it is essential that emergency responders are able to coordinate and collaborate with 911 agencies via comprehensive and seamless emergency communication systems as they update their own part of the emergency communications network. This information collection supports efforts to upgrade 911 services by providing up-to-date information to State and local public safety entities to allow them to adequately gauge progress towards

implementing more current and advanced 911 systems in a comparative fashion. While the National 911 Program will benefit from this information, it is anticipated that the greatest benefit will accrue to the State and local public safety community faced with the challenge of migrating to the next generation of 911 services and technology as they strive to respond to emergencies.

The National 911 Profile Database is used to follow the progress of 911 authorities in enhancing their existing systems and implementing next-generation networks to more current functionality. The data in this national profile has been used and will continue to be used to accurately measure and depict the current status and capabilities of 911 systems across the United States, as well as progress made in implementing advanced technologies and operations—known as Next Generation (NG) 911. Assessments, based upon the data collected, will help draw attention to key roadblocks as well as solutions in NG911 implementation processes. Analysis of the data will also help target possible future activities and resources consistent with the goals of the program. The information collected will be available in aggregated form to national, Federal, State and local stakeholders in the public safety community. This information collection supports NHTSA's mission to save lives, prevent injuries and reduce economic costs due to road traffic crashes by ensuring emergency responses to crashes of all nature (*e.g.* planes, trains, and automobiles) and maximizing the chances of survival for crash victims.

Affected Public: State 911 agency administrators.

Estimated Number of Respondents: Maximum number of responses: 56.

Frequency: Annual.

Number of Responses: Maximum number of responses: 56.

Estimated Total Annual Burden Hours: NHTSA estimates that submitting responses to the questions included in the proposed survey instrument utilizing the Web-based tool would require an average of 98 hours per State entity to collect, aggregate and submit. Estimating the maximum number of respondents at 56 (the fifty States, the District of Columbia, and five U.S. Territories), this would result in a total burden of 5,488 hours (98 hours × 56 respondents).

The total labor costs associated with the burden hours are estimated by finding the average hourly wage and multiplying by the number of burden hours. Respondents will be State, territory, and tribal government management personnel. To estimate reasonable staff expenses to respond to this information collection, the Agencies reviewed the Bureau of Labor Statistics (BLS) Occupational Outlook Handbook and determined that the Administrative Services Manager description closely aligns with the positions of recipient staff responsible for completing this request. BLS lists the average hourly wage as $46.45.[1] Further, BLS estimates that State and local government wages represent 61.8% of total labor compensation costs.[2] Therefore, NHTSA estimates the hourly labor costs to be $75.16 (46.45 ÷ 0.618). The total labor cost based on the estimated burden hours is estimated at $412,478. The table below provides a summary of the estimated burden hours and the labor costs associated with those burden hours.

Number of respondents	Annual hours per respondent	Average hourly compensation	Estimated annual labor cost per respondent	Total estimated annual burden hours	Total estimated annual labor costs
56	98	75.16	$7,365.68	5,488	$412,478.08 or $412,478

Estimated Total Annual Burden Cost: There are no capital, start-up, or annual operation and maintenance costs involved in the collection of information. The respondents would not incur any reporting costs from the information collection beyond the labor costs associated with the burden hours to gather the information, prepare it for reporting and then populate the Web-based data collection tool. The respondents also would not incur any recordkeeping burden or recordkeeping costs from the information collection.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance 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 the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29.

Issued in Washington, DC

Nanda Narayanan Srinivasan,

Associate Administrator, Research and Program Development.

[FR Doc. 2021–08003 Filed 4–16–21; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been removed from the Specially Designated Nationals and Blocked Person List (SDN List).

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2480; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional

[1] May 2019 National Occupational Employment and Wage Estimates by ownership, Federal, State, and local government, including government-owned schools and hospitals and the U.S. Postal Service, at *https://www.bls.gov/oes/current/999001.htm#11-0000* (BLS code 11–3010).

[2] Table 1 at *https://www.bls.gov/news.release/ecec.t01.htm.*

information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Actions

OFAC previously determined the individuals listed below met one or more of the criteria under the Cuban Assets Control Regulations, 31 CFR part 515 (CACR) and Sections 5 and 16 of the Trading With the Enemy Act, 50 U.S.C. App. §§ 5, 16 (TWEA) to be added to the SDN List. On April 13, 2021, OFAC determined that circumstances no longer warrant the inclusion of the following individuals on the SDN List under this authority.

Individuals:

1. CRUZ, Juan M. de la, Dai-Ichi Bldg. 6th Floor, 10–2 Nihombashi, 2-chome, Chuo-ku, Tokyo 103, Japan; Director, Banco Nacional de Cuba (individual) [CUBA].

2. GUTIERREZ REYES, Jose, Vinales Tours, Oaxaca 80, Roma, Mexico, D.F., Mexico (individual) [CUBA].

Dated: April 13, 2021.

Gregory T. Gatjanis,

Associate Director, Office of Global Targeting, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2021–07967 Filed 4–16–21; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Request for Expressions of Interest in Membership on the Federal Insurance Office's Federal Advisory Committee on Insurance

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Federal Insurance Office (FIO) within the Department of the Treasury invites the public to submit expressions of interest in serving as members of the Federal Advisory Committee on Insurance (FACI). Submissions must be received by FIO no later than June 1, 2021.

FOR FURTHER INFORMATION CONTACT: Lindsey Baldwin, Senior Insurance Regulatory Policy Analyst, Federal Insurance Office, Department of the Treasury, 1500 Pennsylvania Ave. NW, Room 1410 MT, Washington, DC 20220, at (202) 622–3220 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Background. FACI, a federal advisory committee of insurance experts, was established in 2011 to provide FIO with nonbinding advice and recommendations and otherwise assist FIO in carrying out its duties and authorities. FIO's duties and authorities are set out in Subpart A of the Federal Insurance Office Act of 2010 (31 U.S.C. 313, *et seq.*), Title V of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 12 U.S.C. 5301 *et seq.* (July 21, 2010).

FACI's membership is balanced to include a cross-section of representative views of state and non-government persons having an interest in the duties and authorities of FIO, such as: State and tribal insurance regulators and/or officials; industry experts; and consumer advocates, academics, and/or experts in the issues facing insurance consumers, including underserved insurance communities and consumers. More information regarding FACI, including a list of its current members, prior recommendations to FIO, and its organizational documents, is available on the Treasury website.[1]

Individuals interested in serving as members of the FACI should submit an expression of interest including name, organization or affiliation, and contact information (employment address, telephone number, and email address). Submissions should also include a curriculum vitae and a statement describing the individual's interest in serving and willingness to work on the issues addressed by the FACI.

Some members of the FACI may be required to adhere to the conflict of interest rules applicable to Special Government Employees as such employees are defined in 18 U.S.C. 202(a). These rules include relevant provisions in 18 U.S.C. related to criminal activity, Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635), and Executive Order 12674 (as modified by Executive Order 12731).

In accordance with Department of Treasury Directive 21–03, candidates for appointment to FACI are subject to a clearance process, including fingerprinting, annual tax checks, and a Federal Bureau of Investigation criminal check. All FACI candidates must agree to submit to these pre-appointment checks.

The deadline for submitting expressions of interest is June 1, 2021. Submissions may be sent by email to *FACI@treasury.gov* or by mail to: The Federal Insurance Office, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220–0002, Attention: FACI.

Dated: April 14, 2021.

Steven Seitz,

Director, Federal Insurance Office.

[FR Doc. 2021–07993 Filed 4–16–21; 8:45 am]

BILLING CODE 4810–25–P

[1] *https://home.treasury.gov/policy-issues/financial-markets-financial-institutions-and-fiscal-service/federal-insurance-office/federal-advisory-committee-on-insurance-faci.* Additional information related to FACI's recent activities is also available in FIO's most recent Annual Report. *See* FIO, *Annual Report on the Insurance Industry* (2020), 62–64, *https://home.treasury.gov/system/files/311/2020-FIO-Annual-Report.pdf.*

DEPARTMENT OF THE TREASURY

United States Mint

Establish Price for 2021 United States Mint Numismatic Product

AGENCY: United States Mint, Department of the Treasury.

ACTION: Notice.

SUMMARY: The United States Mint is announcing pricing for a United States Mint numismatic product in accordance with the table below:

Product	2021 Retail price
American Innovation $1 Coin Reverse Proof Set™	$28.00

FOR FURTHER INFORMATION CONTACT: Customer Service; United States Mint; 801 9th Street NW; Washington, DC 20220; or call 1–800–USA–MINT.

Authority: 31 U.S.C. 5112, 5132, & 9701.

Eric Anderson,

Executive Secretary, United States Mint.

[FR Doc. 2021–07980 Filed 4–16–21; 8:45 am]

BILLING CODE P

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