



FEDERAL REGISTER

Vol. 86

Monday

No. 78

April 26, 2021

Pages 21917–22104

OFFICE OF THE FEDERAL REGISTER



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see www.federalregister.gov.

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at www.govinfo.gov, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, gpocusthelp.com.

The annual subscription price for the **Federal Register** paper edition is \$860 plus postage, or \$929, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see bookstore.gpo.gov.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 86 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche 202-512-1800
Assistance with public subscriptions 202-512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche 202-512-1800
Assistance with public single copies 1-866-512-1800
(Toll-Free)

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email FRSubscriptions@nara.gov
Phone 202-741-6000

The Federal Register Printing Savings Act of 2017 (Pub. L. 115-120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: <https://www.gpo.gov/frsubs>.



Contents

Federal Register

Vol. 86, No. 78

Monday, April 26, 2021

Agricultural Research Service

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22010

Agriculture Department

See Agricultural Research Service

See Animal and Plant Health Inspection Service

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22010–22012

Animal and Plant Health Inspection Service

NOTICES

Determination of Nonregulated Status:

J.R. Simplot Co.; Z6 Potatoes with Late Blight Protection, Low Acrylamide Potential, Lowered Reducing Sugars, and Reduced Black Spot, 22012

Bureau of Consumer Financial Protection

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22036

Centers for Disease Control and Prevention

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22052–22056

Meetings:

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel, Identify and Evaluate Potential Risk Factors for Amyotrophic Lateral Sclerosis, 22051

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel, National Center of Excellence for the Prevention of Childhood Agricultural Injury, 22053

Centers for Medicare & Medicaid Services

RULES

Medicare Program:

Durable Medical Equipment Fee Schedule Adjustments to Resume the Transitional 50/50 Blended Rates to Provide Relief in Rural Areas and Non-Contiguous Areas; Extension of Timeline for Final Rule Publication, 21949–21950

Children and Families Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Community Services Block Grant Annual Report, 22056–22057

Community Services Block Grant Model State Plan Applications, 22057–22058

Follow-up Study of Coaching Practices in Early Care and Education Settings, 22058–22059

Civil Rights Commission

NOTICES

Meetings:

Illinois Advisory Committee, 22012–22013

Coast Guard

PROPOSED RULES

Safety Zones:

Graduate Boat Parade, Sturgeon Bay, WI, 21988–21990

Special Local Regulations:

Potomac River, between Jones Point, VA, and National Harbor, MD, 21985–21988

Commerce Department

See Economic Analysis Bureau

See Foreign-Trade Zones Board

See Industry and Security Bureau

See International Trade Administration

See National Oceanic and Atmospheric Administration

RULES

Social Security Number Fraud Prevention Act; Implementation, 21933–21935

Copyright Office, Library of Congress

PROPOSED RULES

Copyright Alternative in Small-Claims Enforcement Act

Regulations:

Expedited Registration and Freedom of Information Act, 21990–21994

Defense Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22036–22037

Drug Enforcement Administration

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Exempt Chemical Preparations Application, 22070–22071

Importer of Controlled Substances Application:

Rhodes Technologies, 22070

Economic Analysis Bureau

NOTICES

Meetings:

Federal Economic Statistics Advisory Committee, 22013

Request for Nominations:

Federal Economic Statistics Advisory Committee, 22013–22014

Education Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Rural, Insular, and Native Achievement Programs

Progress Update Protocol, 22041–22042

Applications for New Awards:

Alaska Native and Native Hawaiian; Serving Institutions Program, 22037–22041

Energy Department

See Federal Energy Regulatory Commission

Environmental Protection Agency**RULES**

Air Quality State Implementation Plans; Approvals and Promulgations:

California; Feather River Air Quality Management District, 21941–21942

New Hampshire; Sulfur Content Limitations for Fuels, 21942–21944

Pesticide Tolerances:

Flupyradifurone; Emergency Exemptions, 21944–21948

NOTICES

Systematic Review Protocol for the Vanadium and Compounds (Oral Exposure) IRIS Assessment, 22047–22048

Equal Employment Opportunity Commission**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22048–22050

Federal Aviation Administration**RULES**

Airworthiness Directives:

Airbus Helicopters, 21927–21929

Airbus SAS Airplanes, 21920–21927

PZL Swidnik S.A. Helicopters, 21917–21920

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments, 21929–21933

PROPOSED RULES

Airworthiness Directives:

Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes, 21967–21972

Airbus Helicopters Deutschland GmbH Helicopters, 21965–21967

NOTICES

Petition for Exemption; Summary: Wing Aviation, LLC, 22093–22094

Request for Change in Land Use: 16.2 Acres of Land at Pittsfield Municipal Airport, Pittsfield, MA, 22093

Federal Bureau of Investigation**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals: Bioterrorism Preparedness Act: Entity/Individual Information, 22071–22072

Federal Communications Commission**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22050–22051

Federal Energy Regulatory Commission**RULES**

Data Collection for Analytics and Surveillance and Market-Based Rate Purposes, 21935–21936

PROPOSED RULES

Electric Transmission Incentives Policy under the Federal Power Act, 21972–21984

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 22044–22046
Combined Filings, 22043–22044

Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorizations:

Elora Solar, LLC, 22042

Permit Application:

Energy Recycling Co., LLC, 22046–22047

Solia 9 Hydroelectric, LLC, 22047

Petition for Waiver:

McKenzie Electric Cooperative, Inc., 22043

Review of Cost Submittals by Other Federal Agencies for Administering Part I of the Federal Power Act, 22042–22043

Federal Highway Administration**NOTICES**

Environmental Impact Statements; Availability, etc.:

Long Island Rail-Truck Intermodal Facility; Rescission, 22094

Federal Transit Administration**NOTICES**

Funding Opportunity:

Pilot Program for Transit-Oriented Development Planning; Fiscal Year 2021, 22094–22100

Fish and Wildlife Service**RULES**

Endangered and Threatened Species:

Listing the Yangtze Sturgeon as an Endangered Species, 21950–21961

PROPOSED RULES

Endangered and Threatened Species:

Reclassifying the Virgin Islands Tree Boa from Endangered to Threatened; Reclassification of *Eugenia woodburyana* as Threatened, 22005–22006
Removal of the Dwarf-flowered Heartleaf from the Federal List of Endangered and Threatened Plants, 21994–22005

Food and Drug Administration**PROPOSED RULES**

Filing of Food Additive Petition:

Ag Chem Resources, LLC; Correction, 21984

NOTICES

Determination that Products Were Not Withdrawn from

Sale for Reasons of Safety or Effectiveness:

Sodium Chloride 14.6 Percent Solution for Injection, 50 Milliequivalent/20 Milliliters, in Plastic Containers, 22059–22060

Foreign Assets Control Office**NOTICES**

Blocking or Unblocking of Persons and Properties, 22101–22102

Foreign-Trade Zones Board**NOTICES**

Proposed Production Activity:

MSD International GMBH (Puerto Rico Branch), LLC, Las Piedras, PR; Foreign-Trade Zone 7, Mayaguez, PR, 22014–22015

General Services Administration**RULES**

Civil Monetary Penalties Inflation Adjustment under the Program Fraud Civil Remedies Act, 21948–21949

Health and Human Services Department

See Centers for Disease Control and Prevention

See Centers for Medicare & Medicaid Services
 See Children and Families Administration
 See Food and Drug Administration
 See National Institutes of Health

NOTICES

Agency Information Collection Activities; Proposals,
 Submissions, and Approvals, 22060

Homeland Security Department

See Coast Guard
 See U.S. Citizenship and Immigration Services

Housing and Urban Development Department**PROPOSED RULES**

Housing Trust Fund, 21984–21985

NOTICES

Agency Information Collection Activities; Proposals,
 Submissions, and Approvals:
 The Outcomes Evaluation of the Choice Neighborhoods
 Program, 22064–22066
 Veterans Housing Rehabilitation and Modification and
 Pilot Program, 22066–22067

Industry and Security Bureau**NOTICES**

Agency Information Collection Activities; Proposals,
 Submissions, and Approvals:
 Request for Appointment of a Technical Advisory
 Committee, 22015
 Request for Investigation under the Trade Expansion Act,
 22015–22016

Interior Department

See Fish and Wildlife Service
 See Ocean Energy Management Bureau
 See Surface Mining Reclamation and Enforcement Office

International Trade Administration**NOTICES**

Antidumping or Countervailing Duty Investigations, Orders,
 or Reviews:
 Certain Frozen Warmwater Shrimp from the Socialist
 Republic of Vietnam, 22021–22022
 Certain Walk-Behind Snow Throwers and Parts Thereof
 from the People's Republic of China, 22022–22026
 Multilayered Wood Flooring from the People's Republic
 of China, 22016–22019
 Polyethylene Retail Carrier Bags from Malaysia, 22019–
 22020
 Seamless Carbon and Alloy Steel Standard, Line, and
 Pressure Pipe from the Czech Republic, 22031–22033
 Twist Ties from the People's Republic of China;
 Correction, 22026
 Investigations; Determinations, Modifications, and Rulings,
 etc.:
 Certain Walk-Behind Snow Throwers and Parts Thereof
 from the People's Republic of China, 22026–22031
 Subsidy Programs Provided by Countries Exporting
 Softwood Lumber and Softwood Lumber Products to
 the United States, 22020–22021

International Trade Commission**NOTICES**

Complaint:
 Certain Wearable Electronic Devices with ECG Capability
 and Components Thereof, 22069–22070

Investigations; Determinations, Modifications, and Rulings,
 etc.:

Certain High-Density Fiber Optic Equipment and
 Components Thereof, 22067–22068
 Common Alloy Aluminum Sheet from Bahrain, Brazil,
 Croatia, Egypt, Germany, India, Indonesia, Italy,
 Oman, Romania, Serbia, Slovenia, South Africa,
 Spain, Taiwan, and Turkey, 22068–22069

Justice Department

See Drug Enforcement Administration
 See Federal Bureau of Investigation
 See Justice Programs Office

NOTICES

Agency Information Collection Activities; Proposals,
 Submissions, and Approvals:
 Authorization for Release of Consumer/Credit
 Information, 22072
 Hazardous Devices School Course Application, 22072–
 22073

Justice Programs Office**NOTICES**

Agency Information Collection Activities; Proposals,
 Submissions, and Approvals:
 2021 Identity Theft Supplement, 22075
 Firearm Inquiry Statistics Program, 22074–22075
 Survey of Sexual Victimization, 22073–22074

Library of Congress

See Copyright Office, Library of Congress

National Aeronautics and Space Administration**NOTICES**

Intent to Grant an Exclusive, Co-Exclusive or Partially
 Exclusive Patent License, 22075–22076

National Institutes of Health**NOTICES**

Meetings:
 Advisory Committee to the Director, 22061
 Center for Scientific Review, 22063
 Muscular Dystrophy Coordinating Committee, 22060–
 22061
 National Institute of Allergy and Infectious Diseases,
 22061
 National Institute of Diabetes and Digestive and Kidney
 Diseases, 22062–22064
 National Institute on Aging, 22062
 National Institute on Alcohol Abuse and Alcoholism,
 22061
 National Institute on Drug Abuse, 22063–22064

National Oceanic and Atmospheric Administration**RULES**

Fisheries of the Northeastern United States:
 Northeast Multispecies Fishery; Common Pool Fishery
 and Other Measures for Fishing Year 2021, 21961–
 21964

PROPOSED RULES

Atlantic Highly Migratory Species:
 Federal Atlantic Tunas Regulations in Maine State
 Waters, 22006–22009

NOTICES

Agency Information Collection Activities; Proposals,
 Submissions, and Approvals:
 Economic Analysis of Shoreline Treatment Options for
 Coastal New Hampshire, 22034–22036

Meetings:

South Atlantic Fishery Management Council, 22034
Request for Nominations:

Western and Central Pacific Fisheries Commission
Permanent Advisory Committee, 22033–22034

Nuclear Regulatory Commission**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:

Criteria and Procedures for Emergency Access to Non-
Federal and Regional Low-Level Waste Disposal
Facilities, 22076–22077

Requests to Agreement States and Non-Agreement States
for Information, 22077–22078

Ocean Energy Management Bureau**NOTICES**

Outer Continental Shelf Oil and Gas Lease Sales, 22067

Personnel Management Office**NOTICES**

January 2021 Pay Schedules, 22078–22079

Postal Regulatory Commission**NOTICES**

New Postal Products, 22079–22080

Securities and Exchange Commission**NOTICES**

Meetings; Sunshine Act, 22083–22084

Self-Regulatory Organizations; Proposed Rule Changes:

Nasdaq PHLX, LLC, 22082–22083

New York Stock Exchange, LLC, 22080–22082

State Department**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:

Grant Request Automated Submissions Program, 22084–
22085

Overseas Schools Grant Status Report, 22084

Bureau of Political-Military Affairs, Directorate of Defense

Trade Controls:

Notifications to the Congress of Proposed Commercial
Export Licenses, 22085–22089

Charter Renewal:

President's Emergency Plan for AIDS Relief Scientific
Advisory Board, 22089–22090

Sanctions Actions Reimposing Certain Sanctions with
Respect to Iran, 22090

Surface Mining Reclamation and Enforcement Office**RULES**

Kentucky Regulatory Program, 21937–21941

Surface Transportation Board**NOTICES**

Control and Merger; Trackage Rights Exemptions; Operation
Exemption; and Discontinuance Exemptions:

CSX Corp. and CSX Transportation, Inc., et al.; Pan Am
Systems, Inc., Pan Am Railways, Inc., Boston and
Maine Corp., et al., 22091–22092

Trade Representative, Office of United States**NOTICES**

Product Exclusions:

China's Acts, Policies, and Practices Related to
Technology Transfer, Intellectual Property, and
Innovation, 22092–22093

Transportation Department

See Federal Aviation Administration

See Federal Highway Administration

See Federal Transit Administration

NOTICES

Meetings:

Air Ambulance and Patient Billing Advisory Committee
Matters, 22100–22101

Treasury Department

See Foreign Assets Control Office

U.S. Citizenship and Immigration Services**NOTICES**

Identifying Barriers Across Benefits and Services, 22064

Unified Carrier Registration Plan**NOTICES**

Meetings; Sunshine Act, 22102–22103

Reader Aids

Consult the Reader Aids section at the end of this issue for
phone numbers, online resources, finding aids, and notice
of recently enacted public laws.

To subscribe to the Federal Register Table of Contents
electronic mailing list, go to [https://public.govdelivery.com/
accounts/USGPOOFR/subscriber/new](https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new), enter your e-mail
address, then follow the instructions to join, leave, or
manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

14 CFR

39 (4 documents)21917,
21920, 21923, 21927
97 (2 documents)21919,
21932

Proposed Rules:

39 (3 documents)21965,
21967, 21969

15 CFR

421933

18 CFR

3521935

Proposed Rules:

3521972

21 CFR**Proposed Rules:**

57321984

24 CFR**Proposed Rules:**

9321984

30 CFR

91721937

33 CFR**Proposed Rules:**

10021985
16521988

37 CFR**Proposed Rules:**

20121990
20321990
22121990

40 CFR

52 (2 documents)21941,
21942
18021944

41 CFR

105-7021948

42 CFR

41421949

50 CFR

1721950
64821961

Proposed Rules:

17 (2 documents)21994,
21995
63522006

Rules and Regulations

Federal Register

Vol. 86, No. 78

Monday, April 26, 2021

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-0299; Project Identifier MCAI-2020-00253-R; Amendment 39-21510; AD 2021-08-16]

RIN 2120-AA64

Airworthiness Directives; PZL Swidnik S.A. Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for PZL Swidnik S.A. (PZL) Model W-3A helicopters. This AD requires repetitive inspections of a certain part-numbered stainless steel cable (cable) installed on a certain part-numbered hoist assembly, and depending on those inspection results, removing certain parts from service and reporting the results. This AD also prohibits installing the affected part unless it is inspected per the AD requirements. This AD was prompted by wear of and damage to the cable near the swaged terminal due to movement of the hook assembly. The actions of this AD are intended to address an unsafe condition on these products.

DATES: This AD becomes effective May 11, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of May 11, 2021.

The FAA must receive comments on this AD by June 25, 2021.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to <https://www.regulations.gov>. Follow the online instructions for sending your comments electronically.

- *Fax:* 202-493-2251.

- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

- *Hand Delivery:* Deliver to the "Mail" address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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-2021-0299; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Union Aviation Safety Agency (EASA) AD, any service information that is incorporated by reference, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

For Goodrich Actuation Systems and WYTWÓRNIA SPRZĘTU KOMUNIKACYJNEGO "PZL-Świdnik" Spółka Akcyjna service information identified in this final rule, contact WSK "PZL-Świdnik" S.A., Al. Lotników Polskich 1, 21-045 Świdnik, Poland, telephone +48 664 424 798, or at www.pzl.swidnik.pl. You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. It is also available on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0299.

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

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020-0017, dated January 30, 2020, to correct an unsafe condition for all serial-numbered Wytwórnia Sprzętu Komunikacyjnego (WSK) "PZL-Swidnik" Spółka Akcyjna

(S.A.) Model PZL W-3A helicopters with a Collins Aerospace (formerly Goodrich) electric hoist assembly (hoist) part number (P/N) 76378-500 having stainless steel cable P/N 712952 installed. EASA advises that occurrences were reported of cables found worn out; the damage consisted of reduction of the cable diameter near the swaged terminal. EASA states that subsequent investigation identified that the extensive cable wear was possibly caused by flickering movement of the hook assembly in the stowage position during flights. EASA further states that this condition, if not detected and corrected, could lead to reduction of the cable strength, possibly resulting in an in-flight loss of the hoist load, injury to persons, or damage to and reduced control of the helicopter.

Accordingly, EASA AD 2020-0017 requires repetitive inspections of the cable to detect cable condition and diameter restriction and based on those inspection results, either replacing parts or additional maintenance actions and reporting non-compliant inspection results to Collins Aerospace. For helicopters that do not have the affected hoist installed, EASA AD 2020-0017 allows installing an affected hoist provided that it is new (never previously installed), overhauled (never installed after overhaul), or has passed an inspection (no defect found, or defects corrected), less than 25 flight hours before installation, in accordance with the instructions of the service information.

FAA's Determination

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

Related Service Information Under 14 CFR Part 51

The FAA reviewed Goodrich Actuation Systems Alert Service Bulletin 76378-500-25-P01, Revision 0, dated December 3, 2019 (ASB 76378-500-25-P01). ASB 76378-500-25-P01 specifies procedures to visually inspect

the cable near the swaged terminal for cable diameter restriction, the hook assembly stowage force, and the hook assembly stowage at the up limit. ASB 76378–500–25–P01 also specifies corrective action and reporting certain data if the cable is not compliant due to cable diameter restriction and the results of the hook assembly stowage force inspection.

ASB 76378–500–25–P01 is an attachment to WYTWÓRNIA SPRZETU KOMUNIKACYJNEGO “PZL-Świdnik” Spółka Akcyjna Alert Service Bulletin No. ASB–37–19–309, dated January 28, 2020 (ASB–37–19–309). ASB 76378–500–25–P01 is incorporated by reference in this AD. ASB–37–19–309 is not incorporated by reference in this 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 ASB–37–19–309. ASB–37–19–309 specifies accomplishing repetitive visual inspections of the cable near the swaged terminal for cable diameter restriction and a one-time inspection of the hook assembly stowage force. ASB–37–19–309 also provides a reminder to accomplish the hook assembly stowage procedure after each individual hoisting operation performed in flight or on the ground.

AD Requirements

This AD requires within 25 hours time-in-service accumulated by the hoist (hoist hours) after the effective date of this AD, and thereafter at intervals not to exceed 25 hoist hours for all PZL Model W–3A helicopters with hoist P/N 76378–500 having stainless steel cable P/N 712952 installed, inspecting the cable for wear and damage, inspecting the measurement of the diameter of the cable, and removing the cable from service or replacing the cable with an airworthy part before further hoist operation if certain criteria is met. This AD also requires following certain reinstallation steps and reporting certain information. Finally, this AD prohibits installing an affected hoist or cable unless they meet the conditions as required by this AD.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) (5 U.S.C.) authorizes agencies to dispense with notice and

comment procedures for rules when the agency, for “good cause,” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

There are no helicopters with this type certificate on the U.S. Registry. Accordingly, notice and opportunity for prior public comment are unnecessary pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the reasons stated above, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2021–0299 and Project Identifier MCAI–2020–00253–R” 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 Kristi Bradley, Aerospace Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email kristin.bradley@faa.gov. 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

The requirements of the Regulatory Flexibility Act (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

There are no costs of compliance associated with this AD because there are no helicopters with this type certificate on the U.S. Registry.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

detail the scope of the Agency's authority.

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

Regulatory Findings

The FAA determined that this 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, 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:

2021-08-16 PZL Swidnik S.A.:
Amendment 39-21510; Docket No. FAA-2021-0299; Project Identifier MCAI-2020-00253-R.

(a) Effective Date

This airworthiness directive (AD) is effective May 11, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to PZL Swidnik S.A. (PZL) Model W-3A helicopters, certificated in any category, with a Collins Aerospace (formerly Goodrich) electric hoist (hoist) part number (P/N) 76378-500 with a stainless steel cable (cable) P/N 712952 installed.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 2597, Equip/Furnishing System Wiring.

(e) Unsafe Condition

This AD defines the unsafe condition as wear and reduction of the cable diameter near the swaged terminal due to movement of the hook assembly. This condition could result in reduced strength of the cable, potentially resulting in an in-flight loss of the hoist load, injury to persons, and reduced control of or damage to the helicopter.

(f) Compliance

Comply with this AD within the compliance times specified, unless accomplished previously.

(g) Required Actions

(1) Within 25 hours time-in service on the hoist (hoist hours) after the effective date of this AD, and thereafter at intervals not to exceed 25 hoist hours:

(2) Remove the bottom part of the hook assembly, disengage and lift the hook assembly, clean the cable near the swaged terminal, and visually inspect for wear and damage. For the purposes of this AD, damage may be indicated by broken wires, kinks, bird cages, flattened areas, abrasion, necking, corrosion, or fretting. Visually inspect the area at no less than 12 cm of the cable between the cable swaged terminal and the hook assembly, as depicted in Figures 2 and 3 of Goodrich Actuation Systems Alert Service Bulletin 76378-500-25-P01, Revision 0, dated December 3, 2019 (ASB 76378-500-25-P01).

(i) If the cable is worn or damaged, before the next hoist operation, remove the cable from service and replace with an airworthy part. Within 30 calendar days, email the non-complaint information in accordance with paragraph 3.A.(4)(a) of ASB 76378-500-25-P01 to *PL-CustomerSupport.AW@leonardocompany.com*.

(ii) If there is no damage, before the next hoist operation, inspect the cable diameter restriction on the 12 cm length ensuring the cable diameter is ≥ 4.60 mm (0.181 in) paying particular attention to the cable diameter which is approximately 1 cm from the cable swaged terminal.

(iii) If the cable diameter is less than 4.60 mm (0.181 in), before the next hoist operation, replace the cable with an airworthy part. Within 30 calendar days, email the non-complaint information in accordance with paragraph 3.B.(1)(f) of ASB 76378-500-25-P01 to *PL-CustomerSupport.AW@leonardocompany.com*.

(iv) If the cable diameter is ≥ 4.60 mm (0.181 in), lubricate the cable with oil MIL-L-23699 or MIL-L-7808, or equivalent, reassemble bottom part of the hook assembly

on the upper part, and bring the hook assembly back to the stowage position.

(3) As of the effective date of this AD, do not install a hoist or cable with a P/N identified in paragraph (c) of this AD unless they meet the conditions as required by paragraph (g) of this AD.

(h) 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 (i)(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.

(i) Related Information

(1) For more information about this AD, contact Kristi Bradley, Aerospace Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817-222-5110; email *kristin.bradley@faa.gov*.

(2) WYTWORNIA SPRZETU KOMUNIKACYJNEGO "PZL-Świdnik" Spółka Akcyjna Mandatory Alert Service Bulletin No. BO-37-19-309, dated January 28, 2020, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact WSK "PZL-Świdnik" S.A., Al. Lotników Polskich 1, 21-045 Świdnik, Poland; telephone +48-664 424 798; fax (+48) 817 225 710; or at *www.pzl.swidnik.pl*. 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 2020-0017, dated January 30, 2020. You may view the EASA AD on the internet at *https://www.regulations.gov* by searching for and locating it in Docket No. FAA-2021-0299.

(j) Material Incorporated by Reference

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

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

(i) Goodrich Actuation Systems Alert Service Bulletin 76378-500-25-P01, Revision 0, dated December 3, 2019 (ASB 76378-500-25-P01).

Note 1 to paragraph (j)(2)(i): ASB 76378–500–25–P01 is attached to WYTWORNIA SPRZĘTU KOMUNIKACYJNEGO “PZL-Swidnik” Spółka Akcyjna Alert Service Bulletin No. ASB–37–19–309, dated January 28, 2020, which is not incorporated by reference in this AD.

(ii) [Reserved]

(3) As the design approval holder for the product identified in paragraph (c) of this AD, contact PZL Swidnik S.A. for the Goodrich Actuation Systems service information identified in this AD, at WSK “PZL-Swidnik” S.A., Al. Lotników Polskich 1, 21–045 Świdnik, Poland; telephone +48–664 424 798; fax (+48) 817 225 710; or at www.pzl.swidnik.pl.

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

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

Issued on April 7, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–08567 Filed 4–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0851; Product Identifier 2020–NM–081–AD; Amendment 39–21507; AD 2021–08–13]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A318 series airplanes; Model A319–111, A319–112, A319–113, A319–114, A319–115, A319–131, A319–132, and A319–133 airplanes; Model A320–211, A320–212, A320–214, A320–216, A320–231, A320–232, and A320–233 airplanes; and Model A321–111, A321–112, A321–131, A321–211, A321–212, A321–213, A321–231, and A321–232 airplanes. This AD was prompted by reports that certain oxygen supply solenoid valves are a

potential source of increased flow resistance within the flightcrew oxygen system. This AD requires a detailed inspection (flow test) of certain solenoid valves, and replacement if necessary, as specified in European Union Aviation Safety Agency (EASA) ADs, which are incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 1, 2021.

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

ADDRESSES: For EASA material incorporated by reference (IBR) in this AD, contact 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 IBR material on the EASA website at <https://ad.easa.europa.eu>. For Airbus SAS service information incorporated by reference in this final rule, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email account.airworth-eas@airbus.com; internet <https://www.airbus.com>. 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–2020–0851.

Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–0851; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email Sanjay.Ralhan@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0104R1 dated January 28, 2021 (EASA AD 2020–0104R1) (referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus SAS Model A318–111, A318–112, A318–121, and A318–122 airplanes; Model A319–111, A319–112, A319–113, A319–114, A319–115, A319–131, A319–132, and A319–133 airplanes; Model A320–211, A320–212, A320–214, A320–216, A320–231, A320–232, and A320–233 airplanes; and Model A321–111, A321–112, A321–131, A321–211, A321–212, A321–213, A321–231, and A321–232 airplanes.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A318 series airplanes; Model A319–111, A319–112, A319–113, A319–114, A319–115, A319–131, A319–132, and A319–133 airplanes; Model A320–211, A320–212, A320–214, A320–216, A320–231, A320–232, and A320–233 airplanes; and Model A321–111, A321–112, A321–131, A321–211, A321–212, A321–213, A321–231, and A321–232 airplanes. The NPRM published in the **Federal Register** on October 15, 2020 (85 FR 65282). The NPRM was prompted by reports that certain oxygen supply solenoid valves are a potential source of increased flow resistance within the flightcrew oxygen system. The NPRM proposed to require a detailed inspection (flow test) of certain solenoid valves, and replacement if necessary, as specified in EASA AD 2020–0104R1.

The FAA is issuing this AD to address increased flow resistance within the flightcrew oxygen system, which could lead to a reduced flow of oxygen supply to the flightcrew oxygen masks, and in combination with in-flight depressurization, smoke in the flight deck, or a smoke evacuation procedure, could lead to flightcrew hypoxia and loss of useful consciousness, resulting in loss of control of the airplane. See the MCAI for additional background information.

Revised EASA AD

In the NPRM, the FAA referred to EASA AD 2020–0104, dated May 7, 2020 (EASA AD 2020–0104). Since the NPRM was issued, EASA issued AD 2020–0104R1, which clarifies that certain solenoid valves are no longer considered affected parts.

The agency determined that no additional work is required for airplanes

that have accomplished the actions as required by EASA AD 2020–0104. Therefore, the agency has revised all applicable sections in this final rule to also specify EASA AD 2020–0104R1.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the NPRM

The Air Line Pilots Association, International (ALPA) stated that it supports the NPRM.

Request To Allow Use of Additional Service Information

American Airlines (AA) requested that operators be allowed to use the deviation provided in an Airbus technical adaptation for a certain solenoid valve test. The operator noted that there is a discrepancy in the Airbus service bulletin specified in EASA AD 2020–0104. The commenter explained that one of the required for compliance (RC) paragraphs in the service bulletin states that a test of the solenoid valve is required, no matter the result of the three masks flow test, but a flowchart in that service bulletin does not indicate that this test is required if the three masks flow test was successful. The commenter stated that it contacted Airbus regarding this issue and Airbus confirmed that there is an error and provided a Design Organization Approval (DOA) approved technical adaptation to address that error.

The FAA agrees with the commenter's request for the reasons provided. The FAA has added paragraph (h)(4) to this AD to allow the use of Airbus Technical Adaptation 80843604/008/2020, Issue 1, dated November 3, 2020.

Request To Include Requirement for Part Marking

United Air Lines (UAL) requested that affected parts that were inspected and passed the three masks flow test be marked. The commenter explained that this would assist operators in easily identifying an affected part that has been inspected and passed the three masks flow test. The commenter stated that this would prevent the part from being tied to a specific airplane and would allow installation of that part on another airplane.

The FAA disagrees with the commenter's request. The FAA conferred with EASA and EASA responded that allowing an affected part to become a rotatable part had been

discussed during development of its original proposed AD. It was determined that, because of the potential differences in the oxygen system architecture in the configuration of different airplanes, a part that successfully passed the three masks flow test on one airplane does not guarantee that an air flow deficit would not exist if that part was moved to another airplane with a different oxygen system configuration. In addition, Airbus recommended that a pass/fail label not be applied to tested valves to avoid complications in tracking parts based on the tested oxygen system configuration. For these reasons, the FAA finds that no change to this AD is necessary in regard to this issue.

Request To Clarify Parts Installation Paragraph

UAL stated that it objected to paragraph (3), Part(s) Installation, of EASA AD 2020–0104 that was referred to in the proposed AD. The commenter stated that, in the interest of safety, an affected part should not be allowed to be installed on an airplane. The FAA infers that the commenter is requesting that the proposed AD be revised to include a Parts Installation Prohibition paragraph to prohibit operators from installing an affected part on an airplane.

The FAA does not agree with the commenter's request. The FAA has determined that if, before the next flight after installation on an airplane, an affected part passes the required flow test, the unsafe condition identified in this AD has been addressed and there is not a safety of flight issue. The FAA has not revised this AD in regard to this issue.

Request To Omit Duplicate Test

UAL requested that the order of certain actions identified as RC in the Airbus SAS service bulletin specified in EASA AD 2020–0104 be changed. The commenter suggested that, instead of waiting until after the failure of a test to check that the oxygen storage cylinder is fully open and then doing the test again, the check of the oxygen cylinder should be part of the test preparation. The commenter explained that this would preclude the repetition of the test.

The FAA disagrees with the commenter's request. The FAA conferred with EASA and it is presumed that the oxygen cylinder is fully open prior to starting the test. In addition, the majority of test reports provided by operators to Airbus and EASA did not identify any flow blockage. Therefore, adding the step to ensure that the

oxygen cylinder is fully open would increase the work involved to accomplish each test versus doing only a check for the sole purpose of demonstrating compliance with an AD. Neither Airbus nor EASA recommend changing the order of the actions identified as RC in the Airbus SAS service bulletin and the FAA concurs. However, the FAA does not have any objection if the commenter or any operator includes a step in the test preparation to ensure that the oxygen cylinder is fully open to avoid the duplicative test identified by the commenter. The FAA has not revised this AD in regard to this issue.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule with the changes described previously and minor editorial changes. The FAA has determined that these minor changes:

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

The FAA also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information Under 1 CFR Part 51

EASA ADs 2020–0104 and 2020–0104R1 describe procedures for doing a detailed inspection (flow test) of certain solenoid valves using the flightcrew oxygen masks and replacing any solenoid valve that fails the flow test with a serviceable part. These documents are distinct since AD 2020–0104R1 clarifies that certain solenoid valves are no longer considered affected parts.

Airbus SAS has issued Technical Adaptation 80843604/008/2020, Issue 1, dated November 3, 2020, which specifies that, when a solenoid valve successfully passes the three masks flow test, operators do not need to do the test specified in paragraph 3.E.(1) of the Accomplishment Instructions of the Airbus SAS service information specified in EASA ADs 2020–0104 and 2020–0104R1.

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.

Costs of Compliance

The FAA estimates that this AD affects 1,100 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
3 work-hours × \$85 per hour = \$255	\$0	\$255	\$280,500

The FAA estimates the following costs to do any necessary on-condition action that would be required based on

the results of any required actions. The FAA has no way of determining the

number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTION

Labor cost	Parts cost	Cost per product
1 work-hour × \$85 per hour = \$85	\$*	\$85

* The FAA has received no definitive data that would enable the agency to provide parts cost estimates for the on-condition replacement specified in this AD.

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators. The FAA does not control warranty coverage for affected operators. As a result, the FAA has included all known costs in our cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

responsibilities among the various levels of government.

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2021–08–13 Airbus SAS: Amendment 39–21507; Docket No. FAA–2020–0851; Product Identifier 2020–NM–081–AD.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS airplanes specified in paragraphs (c)(1) through (4) of this AD, certificated in any category.

(1) Model A318–111, A318–112, A318–121, and A318–122 airplanes.

(2) Model A319–111, A319–112, A319–113, A319–114, A319–115, A319–131, A319–132, and A319–133 airplanes.

(3) Model A320–211, A320–212, A320–214, A320–216, A320–231, A320–232, and A320–233 airplanes.

(4) Model A321–111, A321–112, A321–131, A321–211, A321–212, A321–213, A321–231, and A321–232 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Reason

This AD was prompted by reports that certain oxygen supply solenoid valves are a potential source of increased flow resistance within the flightcrew oxygen system. The FAA is issuing this AD to address increased flow resistance within the flightcrew oxygen system, which could lead to a reduced flow of oxygen supply to the flightcrew oxygen masks, and in combination with in-flight depressurization, smoke in the flight deck, or a smoke evacuation procedure, could lead to flightcrew hypoxia and loss of useful consciousness, resulting in loss of control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in

accordance with, European Union Aviation Safety Agency (EASA) AD 2020-0104, dated May 7, 2020 (EASA AD 2020-0104) or EASA AD 2020-0104R1, dated January 28, 2021 (EASA AD 2020-0104R1).

(h) Exceptions to EASA ADs 2020-0104 and 2020-0104R1

(1) Where EASA AD 2020-0104 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2020-0104R1 refers to May 21, 2020 “[the effective date of the original issue of this [EASA] AD],” this AD requires using the effective date of this AD.

(3) The “Remarks” sections of EASA ADs 2020-0104 and 2020-0104R1 do not apply to this AD.

(4) Where procedure step 3.E.(1) of the Accomplishment Instructions of Airbus SAS Service Bulletin A320-35-1096, dated September 18, 2019, specified in EASA ADs 2020-0104 and 2020-0104R1, requires a test of the solenoid valve, this AD allows deviation from that Required for Compliance (RC) action, as specified in Airbus SAS Technical Adaptation 80843604/008/2020, Issue 1, dated November 3, 2020.

(i) No Reporting Requirement

Although the service information referenced in EASA ADs 2020-0104 and 2020-0104R1 specify to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, Large Aircraft Section, 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 responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. 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, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: For any service information referenced in EASA ADs 2020-0104 and 2020-0104R1 that contains RC procedures and tests: Except as required by paragraphs (h)(4) and (j)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are

not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Related Information

For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3223; email Sanjay.Ralhan@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2020-0104, dated May 7, 2020.

(ii) European Union Aviation Safety Agency (EASA) AD 2020-0104R1, dated January 28, 2021.

(iii) Airbus SAS Technical Adaptation 80843604/008/2020, Issue 1, dated November 3, 2020.

Note 1 to paragraph (l)(2)(iii): The issue date of the document is identified only on the last page of the document.

(3) For EASA ADs 2020-0104 and 2020-0104R1, 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 these EASA ADs on the EASA website at <https://ad.easa.europa.eu>.

Note 2 to paragraph (l)(3): EASA AD 2020-0104 can be accessed in the zipped file at the bottom of the web page for EASA AD 2020-0104R1. When EASA posts a revised AD on their website, they watermark the previous AD as “Revised,” alter the file name by adding “_revised” to the end, and move it into a zipped file attached at the bottom of the AD web page.

(4) For Airbus SAS service information, contact Airbus SAS, Airworthiness Office—ELAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email account.airworth-eas@airbus.com; internet <https://www.airbus.com>.

(5) 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-2020-0851.

(6) 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 5, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021-08575 Filed 4-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2020-0845; Product Identifier 2020-NM-102-AD; Amendment 39-21514; AD 2021-09-01]

RIN 2120-AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A320-271N, A321-211, and A321-271N airplanes. This AD was prompted by reports of missing overhead stowage compartment (OHSC) X-fixation brackets or brackets that were incorrectly installed during assembly. This AD requires a special detailed inspection of the OHSC X-fixation brackets for missing or incorrectly installed brackets, and installation or replacement of the OHSC X-fixation brackets if necessary; or modification of each OHSC; as specified in a European Union Aviation Safety Agency (EASA) AD, which will be incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 1, 2021.

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

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact 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 IBR material on the EASA website at <https://ad.easa.europa.eu>. 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-2020-0845.

Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-0845; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3223; email Sanjay.Ralhan@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020-0122, dated May 29, 2020 (EASA AD 2020-0122) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Airbus SAS Model A320-271N, A321-211, and A321-271N airplanes.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus SAS Model A320-271N, A321-211, and A321-271N airplanes. The NPRM published in the **Federal Register** on September 17, 2020 (85 FR 58014). The NPRM was prompted by reports of missing OHSC X-fixation brackets or brackets that were incorrectly installed during assembly. The NPRM proposed to require a special detailed inspection of the OHSC X-fixation brackets for missing or incorrectly installed brackets, and installation or replacement if necessary; or modification of each OHSC, as specified in an EASA AD.

The FAA is issuing this AD to address this condition, which could lead to OHSC failure under certain loading conditions, and possibly result in injury to occupants and impede egress during an emergency evacuation. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Use a Borescope for the Inspection Requirement

Delta Air Lines (DAL) requested that the FAA allow the use of a borescope as an alternative device to the endoscope for the inspection of the OHSC X-fixation brackets as specified in paragraph (1) of EASA AD 2020-0122. DAL stated that Airbus has provided its concurrence in Airbus Technical Request 80838467/006, dated October 15, 2020.

The FAA agrees that use of a borescope to do this inspection will provide an adequate level of safety. The FAA has added paragraph (h)(3) to this AD, which allows for the use of a borescope for the inspection of the OHSC X-fixation brackets required in this AD.

Request To Disregard the Description of the Bin Assembly in the Referenced Service Information

DAL requested that the FAA add an exception to paragraph (h) of the proposed AD to disregard the description of the bin assembly. DAL commented that where paragraph 3.C.1(b) through 3.C.1(ae) of the referenced modification service information specified in paragraph (3) of EASA AD 2020-0122 states to "replace bin assembly 1F FL EE" (and other bin assemblies), the bin assembly description is information only and does not point to a location on the airplane. DAL commented that Airbus has provided its concurrence in Airbus Technical Request 80838467/006, dated October 15, 2020.

The FAA agrees that the bin assembly identifier, such as "1F FL EE," is related to the bin assembly description in the referenced modification service information specified in EASA AD 2020-0122. The bin assembly identifiers are provided for information only. The FAA does not agree with removing these references for the bin assemblies because they describe the part that correlates with the part number. Further, the FAA has verified with Airbus that Airbus tech request 80838467/006, dated October 15, 2020, does not recommend removing the part description. However, the FAA has clarified use of the bin assembly identifiers in paragraph (h)(4) of this AD.

Request for a One-Time Identification of the OHSC

DAL requested that the FAA clarify that the OHSC housing must be reidentified only one time although the service information referenced in paragraph (3) of EASA AD 2021-0122 specifies to reidentify the OHSC housing at each bin assembly replacement step. DAL stated that Airbus confirmed in Airbus Technical Request 80838467/006, dated October 15, 2020, that each OHSC housing has more than one bin assembly, so the reidentification step is needed only one time for the OHSC housing, not when each bin assembly is replaced.

The FAA agrees with the commenter. The complete OHSC module, which mainly consists of one housing, one or more bins, the light cover, and one or more air outlets, has one part number. Only one identification label is needed for the whole module, and the bins have their own identification labels with their own part numbers. The FAA has revised this AD to add paragraph (h)(5) of this AD to clarify that the OHSC module is a one-time reidentification no matter how many bins have been modified.

Request To Disregard a Part Number Not Installed on the Airplane

DAL requested that the FAA add an exception to paragraph (h) of the proposed AD explaining that the part number of the COMPARTMENT ASSY may be disregarded if it is not installed on the airplane, as long as the OHSC X-fixation brackets are replaced as specified in paragraph (3) of EASA AD 2020-0122. DAL stated that the part numbers of the COMPARTMENT ASSY can be mismatched due to differences in the airplane applicability; therefore, mismatched part numbers in this step occur when the COMPARTMENT ASSY in the airplane are removed. DAL stated that Airbus has provided its concurrence in Airbus Technical Request 80838467/006, dated October 15, 2020.

The FAA disagrees with the commenter's request. An AD may not require actions on a part or component that is not installed on the airplane. Any COMPARTMENT ASSY installed after the effective date of this AD must be in compliance with the requirements of this AD. The COMPARTMENT ASSY is reidentified using the referenced modification service information specified in EASA AD 2020-0122. When the COMPARTMENT ASSY is reidentified, the referenced modification service information shows the list of the old and new part numbers to address

the re-identified parts. The FAA has not revised this AD in this regard.

Request To Include Certain Equivalencies for Certain Tasks

DAL requested that the proposed AD include certain equivalencies for the Ref. Tasks identified in the referenced inspection service information specified in EASA AD 2020–0122. DAL stated that the Ref. Task identified in the referenced inspection service information specified in EASA AD 2020–0122 specifies that the actions be accomplished “in accordance with” a specific Ref. Task. DAL stated that Airbus has provided its concurrence in Airbus Technical Request 80838467/006, dated October 15, 2020.

The FAA agrees to revise this AD to include certain equivalencies for the Ref. Tasks identified in step 3.C.1(c) of the referenced inspection service information specified in EASA AD

2020–0122. The FAA has included the Ref. Task equivalencies in paragraphs (h)(6)(i) through (xvi) of this AD.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule with the changes described previously and minor editorial changes. The FAA has determined that these minor changes:

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

The FAA also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0122 specifies procedures for a special detailed inspection of the OHSC X-fixation brackets for missing or incorrectly installed brackets, and corrective actions (installation or replacement OHSC X-fixation brackets) if necessary; or modification of each OHSC by installing new X-fixation brackets and reidentifying the OHSC housing. 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.

Costs of Compliance

The FAA estimates that this AD affects 31 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
Up to 29 work-hours × \$85 per hour = Up to \$2,465	\$0	Up to \$2,465	Up to \$76,415.

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Labor cost	Parts cost	Cost per product
Up to 36 work-hours × \$85 per hour = Up to \$3,060.	Up to \$539,060	Up to \$542,120.

The FAA estimates the following costs to do any necessary on-condition action that would be required based on

the results of any required actions. The FAA has no way of determining the

number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 29 work-hours × \$85 per hour = Up to \$2,465	* \$	* \$

*The FAA has received no definitive data that would enable us to provide parts cost estimates for the on-condition action specified in this AD.

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators. The FAA does not control warranty coverage for affected operators. As a result, the FAA has included all known costs in our cost estimate.

Authority for This Rulemaking

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

detail the scope of the Agency’s authority.

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

Regulatory Findings

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2021-09-01 Airbus SAS: Amendment 39-21514; Docket No. FAA-2020-0845; Product Identifier 2020-NM-102-AD.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A320-271N, A321-211 and A321-271N airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2020-0122, dated May 29, 2020 (EASA AD 2020-0122).

(d) Subject

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

(e) Reason

This AD was prompted by reports of missing overhead stowage compartment (OHSC) X-fixation brackets or brackets that were incorrectly installed during assembly. The FAA issuing this AD to address this condition, which could lead to OHSC failure under certain loading conditions, and possibly result in injury to occupants and impede egress during an emergency evacuation.

(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 2020-0122.

(h) Exceptions and Clarifications to EASA AD 2020-0122

(1) Where EASA AD 2020-0122 refers to its effective date, this AD requires using the effective date of this AD.

(2) The "Remarks" section of EASA AD 2020-0122 does not apply to this AD.

(3) For the inspection of the OHSC X-fixation brackets specified in paragraph (1) of EASA AD 2020-0122, this AD allows the use of the borescope as an alternative method of compliance for the inspection.

(4) Paragraphs 3.C.1(b) through 3.C.1(ae) of the referenced modification service information specified in EASA AD 2020-0122 specifies to "replace bin assembly [**]," where "***" refers to a bin assembly identifier. These identifiers are for information only.

(5) Where paragraphs 3.C.1(b) through 3.C.1(ae) of the referenced modification service information specified in EASA AD 2020-0122 references reidentification of the OHSC at every COMPARTMENT ASSY installation, this AD requires a one-time reidentification for the OHSC module no matter how many bins have been modified.

(6) Accomplishment of either of the pair of Ref. Tasks identified in each of the paragraphs in (h)(6)(i) through (xvi) of this AD is acceptable for compliance with the applicable action of the Ref. Tasks identified in step 3.C.1(c) of the referenced inspection service information specified in EASA AD 2020-0122.

(i) Ref. Task A320-A-25-XX-1BFN-01ZZZ-600Z-A corresponds to Ref. Task A320-A-25-XX-1BFN-01001-600A-A.

(ii) Ref. Task A320-A-25-XX-1BFN-02ZZZ-600Z-A corresponds to Ref. Task A320-A-25-XX-1BFN-02001-600A-A.

(iii) Ref. Task A320-A-25-XX-1BFN-03ZZZ-600Z-A corresponds to Ref. Task A320-A-25-XX-1BFN-03001-600A-A.

(iv) Ref. Task A320-A-25-XX-1BFN-04ZZZ-600Z-A corresponds to Ref. Task A320-A-25-XX-1BFN-04001-600A-A.

(v) Ref. Task A320-A-25-XX-1BFN-05ZZZ-600Z-A corresponds to Ref. Task A320-A-25-XX-1BFN-05001-600A-A.

(vi) Ref. Task A320-A-25-XX-1BFN-06ZZZ-600Z-A correspond to Ref. Task A320-A-25-XX-1BFN-06001-600A-A.

(vii) Ref. Task A320-A-25-XX-1BFN-07ZZZ-600Z-A corresponds to Ref. Task A320-A-25-XX-1BFN-07001-600A-A.

(viii) Ref. Task A320-A-25-XX-1BFN-08ZZZ-600Z-A corresponds to Ref. Task A320-A-25-XX-1BFN-08001-600A-A.

(ix) Ref. Task A320-A-25-XX-1BFN-09ZZZ-600Z-A corresponds to Ref. Task A320-A-25-XX-1BFN-09001-600A-A.

(x) Ref. Task A320-A-25-XX-1BFN-10ZZZ-600Z-A corresponds to Ref. Task A320-A-25-XX-1BFN-10001-600A-A.

(xi) Ref. Task A320-A-25-XX-1BFN-11ZZZ-600Z-A corresponds to Ref. Task A320-A-25-XX-1BFN-11001-600A-A.

(xii) Ref. Task A320-A-25-XX-1BFN-12ZZZ-600Z-A corresponds to Ref. Task A320-A-25-XX-1BFN-12001-600A-A.

(xiii) Ref. Task A320-A-25-XX-1BFN-13ZZZ-600Z-A corresponds to Ref. Task A320-A-25-XX-1BFN-13001-600A-A.

(xiv) Ref. Task A320-A-25-XX-1BFN-14ZZZ-600Z-A correspond to Ref. Task A320-A-25-XX-1BFN-14001-600A-A.

(xv) Ref. Task A320-A-25-XX-1BFN-15ZZZ-600Z-A corresponds to Ref. Task A320-A-25-XX-1BFN-15001-600A-A.

(xvi) Ref. Task A320-A-25-XX-1BFN-16ZZZ-600Z-A corresponds to Ref. Task A320-A-25-XX-1BFN-16001-600A-A.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2020-0122 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, 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 responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. 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, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (j)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Related Information

For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3223; email Sanjay.Ralhan@faa.gov.

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this

paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

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

(i) European Union Aviation Safety Agency (EASA) AD 2020-0122, dated May 29, 2020.

(ii) [Reserved]

(3) For EASA AD 2020-0122, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; Internet www.easa.europa.eu. You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>.

(4) You may view this 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-2020-0845.

(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 12, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021-08577 Filed 4-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2020-1165; Project Identifier 2019-SW-027-AD; Amendment 39-21499; AD 2021-08-05]

RIN 2120-AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Helicopters Model SA341G and SA342J helicopters. This AD was prompted by the determination that a new life limit was necessary for certain tail rotor blades (TRBs). This AD requires replacing certain TRBs, re-identifying certain TRBs, and repairing certain other TRBs, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by

reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 1, 2021.

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

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817-222-5110. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-1165.

Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-1165; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Blaine Williams, Aerospace Engineer, Los Angeles ACO Branch, 3960 Paramount Blvd., Lakewood, California, 90712; telephone (562) 627-5371; email blaine.williams@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019-0034, dated February 14, 2019 (EASA AD 2019-0034) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus Helicopters Model SA341G and SA342J helicopters. Although EASA AD 2019-0034 applies to all Model SA341G and SA342J

helicopters, this AD applies to helicopters with an affected part installed instead.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Helicopters Model SA341G and SA342J helicopters. The NPRM published in the **Federal Register** on December 28, 2020 (85 FR 84275). The NPRM was prompted by the determination that a new life limit was necessary for certain TRBs. The NPRM proposed to require replacing certain TRBs, re-identifying certain TRBs, and repairing certain other TRBs, as specified in an EASA AD.

The FAA is issuing this AD to address TRBs that might break, resulting in loss of tail rotor control and consequent loss of control of the helicopter. See the MCAI for additional background information.

Comments

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

Conclusion

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

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

Related Service Information Under 14 CFR Part 51

EASA AD 2019-0034 describes procedures for replacing TRBs having certain part numbers, re-identifying TRBs having a certain part number and certain serial numbers, and repairing TRBs that have been reworked/repaired/modified before being re-identified.

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.

Costs of Compliance

The FAA estimates that this AD affects 20 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × \$85 per hour = \$85	\$3,900	\$3,985	\$79,700

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2021–08–05 Airbus Helicopters:

Amendment 39–21499; Docket No. FAA–2020–1165; Project Identifier 2019–SW–027–AD.

(a) Effective Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model SA341G and SA342J helicopters, certificated in any category, equipped with any tail rotor blade (TRB) specified in paragraph (c)(1) or (2) of this AD.

(1) An affected part as defined in European Union Aviation Safety Agency (EASA) AD 2019–0034, dated February 14, 2019 (EASA AD 2019–0034).

(2) A TRB having part number (P/N) 341A335101.01, P/N 341A335130.05, or P/N 341A335130.06.

(d) Subject

Joint Aircraft System Component (JASC) Code 6410, Tail Rotor Blades.

(e) Reason

This AD was prompted by the determination that a new life limit was necessary for TRBs that were manufactured without a new process that affects the structural characteristics. The FAA is issuing this AD to address TRBs that might break, resulting in loss of tail rotor control and consequent loss of control of the helicopter.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2019–0034.

(h) Exceptions to EASA AD 2019–0034

(1) Where EASA AD 2019–0034 refers to its effective date, this AD requires using the effective date of this AD.

(2) The “Remarks” section of EASA AD 2019–0034 does not apply to this AD.

(3) Where EASA AD 2019–0034 refers to flight hours (FH), this AD requires using hours time-in-service.

(4) Where paragraph (4) of EASA AD 2019–0034 specifies to contact the manufacturer, for this AD, repair using a method approved by the Manager, Strategic Policy Rotorcraft Section, FAA. For a repair method to be approved by the Manager, Strategic Policy Rotorcraft Section, as required by this paragraph, the Manager’s approval letter must specifically refer to this AD.

(5) Where paragraph (5) of EASA AD 2019–0034 specifies it must be determined that the rework/repair/modification is valid for part number 341A335130.06, for this AD, rework/repair/modification of an affected part is prohibited.

(i) Special Flight Permit

Special flight permits, as described in 14 CFR 21.197 and 21.199, are not allowed.

(j) 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 (k) 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.

(k) Related Information

For more information about this AD, contact Blaine Williams, Aerospace Engineer, Los Angeles ACO Branch, 3960 Paramount Blvd., Lakewood, California, 90712; telephone (562) 627–5371; email blaine.williams@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2019–0034, dated February 14, 2019.

(ii) [Reserved]

(3) For EASA AD 2019–0034, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110. This material may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–1165.

(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 March 30, 2021.

Ross Landes,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–08564 Filed 4–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31367; Amdt. No. 3954]

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 26, 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 26, 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 (NFDG)/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 16, 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 on AIRAC Date

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
20–May–21	OH	Jackson	James A Rhodes	1/1610	3/12/21	This NOTAM, published in Docket No. 31365, Amdt No. 3952, TL 21–11, (86 FR 20271; April 19, 2021) is hereby rescinded in its entirety.
20–May–21	TN	Winchester	Winchester Muni	1/1747	3/30/21	This NOTAM, published in Docket No. 31365, Amdt No. 3952, TL 21–11, (86 FR 20271; April 19, 2021) is hereby rescinded in its entirety.
20–May–21	SC	Chester	Chester Catawba Rgnl ..	1/5337	1/22/21	This NOTAM, published in Docket No. 31365, Amdt No. 3952, TL 21–11, (86 FR 20271; April 19, 2021) is hereby rescinded in its entirety.
20–May–21	WI	Janesville	Southern Wisconsin Rgnl.	1/5694	3/19/21	This NOTAM, published in Docket No. 31365, Amdt No. 3952, TL 21–11, (86 FR 20271; April 19, 2021) is hereby rescinded in its entirety.
20–May–21	IL	Lincoln	Logan County	1/0664	4/2/21	VOR RWY 3, Amdt 7A.
20–May–21	TX	Del Rio	Del Rio Intl	1/1598	4/2/21	ILS OR LOC RWY 13, Orig-A.
20–May–21	TX	Del Rio	Del Rio Intl	1/1599	4/2/21	RNAV (GPS) RWY 13, Amdt 2A.
20–May–21	IA	Shenandoah	Shenandoah Muni	1/1667	4/2/21	RNAV (GPS) RWY 4, Orig-B.
20–May–21	GA	Americus	Jimmy Carter Rgnl	1/1740	4/1/21	ILS OR LOC RWY 23, Amdt 1C.
20–May–21	GA	Americus	Jimmy Carter Rgnl	1/1741	4/1/21	RNAV (GPS) RWY 23, Amdt 1B.
20–May–21	GA	Americus	Jimmy Carter Rgnl	1/1742	4/1/21	RNAV (GPS) RWY 5, Amdt 1B.
20–May–21	TN	Hohenwald	John A Baker Fld	1/2133	4/1/21	RNAV (GPS) RWY 2, Amdt 1A.
20–May–21	ME	Greenville	Greenville	1/2137	4/1/21	RNAV (GPS)-B, Orig-A.
20–May–21	GA	Cornelia	Habersham County	1/2177	4/2/21	VOR RWY 6, Amdt 6B.
20–May–21	GA	Cornelia	Habersham County	1/2178	4/2/21	RNAV (GPS) RWY 24, Amdt 1A.
20–May–21	GA	Cornelia	Habersham County	1/2179	4/2/21	RNAV (GPS) RWY 6, Amdt 1A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
20-May-21	AR	Camden	Harrell Fld	1/2189	4/2/21	RNAV (GPS) RWY 1, Amdt 1A.
20-May-21	AR	Camden	Harrell Fld	1/2191	4/2/21	RNAV (GPS) RWY 19, Amdt 1B.
20-May-21	CA	Victorville	Southern California Logistics.	1/2197	4/2/21	RNAV (GPS) RWY 17, Orig.
20-May-21	CA	Victorville	Southern California Logistics.	1/2198	4/2/21	VOR/DME RWY 17, Amdt 1.
20-May-21	CA	Victorville	Southern California Logistics.	1/2199	4/2/21	ILS OR LOC RWY 17, Amdt 2.
20-May-21	KY	London	London/Corbin/Magee	1/2545	4/2/21	ILS OR LOC RWY 6, Amdt 1B.
20-May-21	KY	London	London/Corbin/Magee	1/2546	4/2/21	RNAV (GPS) RWY 6, Orig-A.
20-May-21	KY	London	London/Corbin/Magee	1/2547	4/2/21	RNAV (GPS) RWY 24, Amdt 1.
20-May-21	KY	London	London/Corbin/Magee	1/2548	4/2/21	VOR RWY 6, Amdt 13B.
20-May-21	AR	Walnut Ridge	Walnut Ridge Rgnl	1/2789	4/1/21	RNAV (GPS) RWY 4, Orig-A.
20-May-21	AR	Walnut Ridge	Walnut Ridge Rgnl	1/2790	4/1/21	RNAV (GPS) RWY 18, Amdt 1A.
20-May-21	AR	Walnut Ridge	Walnut Ridge Rgnl	1/2802	4/1/21	RNAV (GPS) RWY 36, Amdt 1A.
20-May-21	AR	Walnut Ridge	Walnut Ridge Rgnl	1/2803	4/1/21	RNAV (GPS) RWY 22, Amdt 1A.
20-May-21	AR	Walnut Ridge	Walnut Ridge Rgnl	1/2805	4/1/21	LOC RWY 18, Amdt 3C.
20-May-21	MI	Holland	West Michigan Rgnl	1/2815	4/1/21	RNAV (GPS) RWY 8, Amdt 2C.
20-May-21	CO	Springfield	Springfield Muni	1/3579	4/1/21	RNAV (GPS) RWY 17, Orig.
20-May-21	VI	Christiansted	Henry E Rohlsen	1/3958	4/2/21	ILS OR LOC RWY 10, Amdt 7B.
20-May-21	VI	Christiansted	Henry E Rohlsen	1/3959	4/2/21	RNAV (GPS) RWY 28, Amdt 1.
20-May-21	VI	Christiansted	Henry E Rohlsen	1/3960	4/2/21	VOR RWY 28, Amdt 19B.
20-May-21	WI	Janesville	Southern Wisconsin Rgnl.	1/4793	4/6/21	RNAV (GPS) RWY 22, Amdt 1.
20-May-21	NE	York	York Muni	1/5710	4/1/21	RNAV (GPS) RWY 17, Amdt 2.
20-May-21	NE	York	York Muni	1/5711	4/1/21	RNAV (GPS) RWY 35, Amdt 1A.
20-May-21	TX	Winters	Winters Muni	1/5902	4/1/21	RNAV (GPS) RWY 35, Orig-A.
20-May-21	NH	Berlin	Berlin Rgnl	1/5909	4/1/21	RNAV (GPS) RWY 18, Orig-B.
20-May-21	TN	Winchester	Winchester Muni	1/6893	4/8/21	RNAV (GPS) RWY 36, Orig-B.
20-May-21	IA	Bloomfield	Bloomfield Muni	1/7905	4/2/21	RNAV (GPS) RWY 36, Orig-A.
20-May-21	IA	Bloomfield	Bloomfield Muni	1/7916	4/2/21	NDB RWY 36, Amdt 3A.
20-May-21	SC	Chester	Chester Catawba Rgnl	1/8284	4/12/21	NDB RWY 35, Amdt 2.
20-May-21	FL	Ocala	Ocala Intl—Jim Taylor Fld.	1/8485	4/2/21	VOR RWY 36, Amdt 18.
20-May-21	FL	Ocala	Ocala Intl—Jim Taylor Fld.	1/8486	4/2/21	RNAV (GPS) RWY 18, Amdt 2A.
20-May-21	FL	Ocala	Ocala Intl—Jim Taylor Fld.	1/8487	4/2/21	RNAV (GPS) RWY 36, Amdt 1.
20-May-21	FL	Ocala	Ocala Intl—Jim Taylor Fld.	1/8488	4/2/21	ILS OR LOC/DME RWY 36, Amdt 1.
20-May-21	OH	Middletown	Middletown Rgnl/Hook Fld.	1/8561	4/2/21	LOC RWY 23, Amdt 7J.
20-May-21	OH	Middletown	Middletown Rgnl/Hook Fld.	1/8562	4/2/21	RNAV (GPS) RWY 5, Orig-D.
20-May-21	OH	Middletown	Middletown Rgnl/Hook Fld.	1/8563	4/2/21	RNAV (GPS) RWY 23, Orig-C.
20-May-21	TX	Dumas	Moore County	1/9061	4/1/21	RNAV (GPS) RWY 1, Orig-A.
20-May-21	TX	Dumas	Moore County	1/9063	4/1/21	RNAV (GPS) RWY 19, Orig-A.
20-May-21	NC	Morganton	Foothills Rgnl	1/9260	4/2/21	RNAV (GPS) RWY 21, Amdt 1A.
20-May-21	NC	Morganton	Foothills Rgnl	1/9263	4/2/21	RNAV (GPS) RWY 3, Amdt 1A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
20-May-21	NC	Morganton	Foothills Rgnl	1/9324	4/2/21	LOC RWY 3, Amdt 2A. RNAV (GPS) RWY 6, Orig-D.
20-May-21	WV	Moundsville	Marshall County	1/9947	4/2/21	

[FR Doc. 2021-08591 Filed 4-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31366; Amdt. No. 3953]

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 26, 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 26, 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 16, 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 20 May 2021

Los Angeles, CA, KLAX, ILS OR LOC RWY 24R, ILS RWY 24R (CAT II), ILS RWY 24R (CAT III), Amdt 26B
 Los Angeles, CA, KLAX, ILS OR LOC RWY 25L, ILS RWY 25L (CAT II), ILS RWY 25L (CAT III), Amdt 14C
 Los Angeles, CA, KLAX, RNAV (GPS) Y RWY 24R, Amdt 3B
 Los Angeles, CA, KLAX, RNAV (GPS) Y RWY 25L, Amdt 4C
 Los Angeles, CA, KLAX, RNAV (RNP) Z RWY 24R, Amdt 1C

Los Angeles, CA, KLAX, RNAV (RNP) Z RWY 25L, Amdt 2C
 Jackson, OH, I43, VOR/DME–A, Amdt 2C, CANCELLED

Effective 17 June 2021

Gadsden, AL, KGAD, RNAV (GPS) RWY 6, Amdt 1D
 Cloverdale, CA, Cloverdale Muni, Takeoff Minimums and Obstacle DP, Amdt 2
 Santa Rosa, CA, Charles M Schulz–Sonoma County, Takeoff Minimums and Obstacle DP, Amdt 8
 Atlanta, GA, KHMP, RNAV (GPS) RWY 6, Amdt 3
 Atlanta, GA, KHMP, RNAV (GPS) RWY 24, Amdt 3
 Cochran, GA, 48A, RNAV (GPS) RWY 29, Amdt 1D
 Cochran, GA, Cochran, VOR/DME RWY 5, Amdt 6B, CANCELLED
 Galesburg, IL, KGBG, ILS OR LOC RWY 3, Amdt 11
 Galesburg, IL, KGBG, VOR RWY 21, Amdt 7C, CANCELLED
 Gary, IN, KGY, ILS OR LOC RWY 30, Amdt 7
 Gary, IN, KGY, RNAV (GPS) Y RWY 12, Amdt 3
 Gary, IN, KGY, RNAV (GPS) Y RWY 30, Amdt 2
 Gary, IN, KGY, RNAV (RNP) Z RWY 12, Amdt 2
 Gary, IN, KGY, RNAV (RNP) Z RWY 30, Amdt 2
 Ashland, KY, KDWU, VOR/DME RWY 10, Amdt 12, CANCELLED
 Shreveport, LA, Shreveport Downtown, Takeoff Minimums and Obstacle DP, Amdt 4
 Mountain View, MO, Mountain View, Takeoff Minimums and Obstacle DP, Amdt 5
 Haverhill, NH, Dean Memorial, Takeoff Minimums and Obstacle DP, Amdt 1
 Keene, NH, Dillant–Hopkins, Takeoff Minimums and Obstacle DP, Amdt 6
 Manchester, NH, KMHT, RNAV (GPS) RWY 6, Amdt 3
 Malone, NY, KMAL, RNAV (GPS) RWY 5, Amdt 1
 Malone, NY, KMAL, RNAV (GPS) RWY 23, Orig-D
 Sebring, OH, 3G6, RNAV (GPS) RWY 18, Orig
 Sebring, OH, Tri-City, Takeoff Minimums and Obstacle DP, Orig-A
 Sebring, OH, 3G6, VOR RWY 18, Amdt 4A
 Stillwater, OK, Stillwater Rgnl. RNAV (GPS) RWY 17, Amdt 1
 Gillette, WY, KGCC, ILS OR LOC RWY 34, Amdt 4A
 Gillette, WY, KGCC, RNAV (GPS) RWY 16, Orig-B
 Gillette, WY, KGCC, RNAV (GPS) RWY 34, Orig-B
 Gillette, WY, Northeast Wyoming Rgnl, Takeoff Minimums and Obstacle DP, Amdt 6

Gillette, WY, KGCC, VOR RWY 16, Orig-B

[FR Doc. 2021–08590 Filed 4–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 4

[Docket No. 210329–0073]

RIN 0605–AA49

Social Security Number Fraud Prevention Act of 2017 Implementation

AGENCY: Office of the Secretary, Department of Commerce.

ACTION: Final rule.

SUMMARY: This final rule revises the Department of Commerce (Department) regulations under the Freedom of Information Act (FOIA) and the Privacy Act. The revisions clarify and update the language of procedural requirements pertaining to the inclusion of Social Security account numbers on documents that the Department sends by mail. These revisions are necessary to implement the Social Security Number Fraud Prevention Act of 2017 (the Act), which restricts the inclusion of Social Security numbers (SSNs) on documents sent by mail by the Federal government.

DATES: Effective May 26, 2021.

ADDRESSES: Departmental Privacy Act Officer, Office of Privacy and Open Government, Department of Commerce, 1401 Constitution Ave. NW, Mail Stop 61025, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Departmental Privacy Act Officer, Office of Privacy and Open Government, Department of Commerce, (202) 482–1190, PrivacyAct@doc.gov.

SUPPLEMENTARY INFORMATION:

Background

The Act (Pub. L. 115–59; 42 U.S.C. 405 note), which was signed on September 15, 2017, restricts Federal agencies from including individuals’ SSNs on documents sent by mail, unless the head of the agency determines that the inclusion of the SSN on the document is necessary (section 2(a) of the Act). The Act requires agency heads to issue regulations specifying the circumstances under which inclusion of a SSN on a document sent by mail is necessary. These regulations, which must be issued not later than five years after the date of enactment, shall include instructions for the partial

redaction of SSNs where feasible, and shall require that SSNs not be visible on the outside of any package sent by mail (section 2(b) of the Act). This final rule revises the Department regulations under FOIA (subpart A, 15 CFR part 4) and the Privacy Act (subpart B, 15 CFR part 4), consistent with these requirements in the Act. This final rule also clarifies the language of procedural requirements pertaining to the inclusion of SSNs on documents that the Department sends by mail; makes clarifying updates by changing the term “Privacy Officer” to “Privacy Act Officer” where it occurs in Subpart B of 15 CFR part 4, and by changing the term “FOI Officer” to “FOIA Officer” in several places in Appendix B.; and updates an office name by changing the phrase “Assistant General Counsel for Employment, Litigation, and Oversight” to “Assistant General Counsel for Employment, Litigation, and Information” where it occurs in part 4.

Comments on the Proposed Rule

The Office of the Secretary received four general comments on the proposed rule from members of the public. The comments on the proposed rule can be viewed and downloaded at the following link: <https://www.regulations.gov/document/DOC-2020-0001-0001>. No changes have been made to the regulatory text of the proposed rule in response to these four comments. The following are our responses to the comments.

Comment 1: I haven't received my stimulus check. I want to check my information and update my information.

Response: This comment is not addressed, as it is not within the scope of this action to amend the Department's regulations in order to implement the Act.

Comment 2: Noting concerns about fraud and criminal activity, a commenter stated that SSNs should be allowed to be used only for social security. The commenter stated that a company wanting to do business with you should assign an account number to serve as your identification, rather than request and use your personal information, including your SSN, and that this needs to be put into law.

Response: The Act is a law that restricts the inclusion of SSNs on Federal documents sent by mail. This final rule implements the Act by making changes to the Department's regulations, which state that the collection of SSNs on Federal documents by mail must be required or authorized by law, or must be deemed by the agency to be necessary for fulfilling a compelling business need of the agency. To the

extent that this comment addresses the enactment of laws or the conduct of businesses and other entities, the comment is not applicable to this action amending the Department's regulations.

Comment 3: Noting concerns about privacy and potential identity theft, another commenter agreed with the proposed rule, but requested the listing out of specific circumstances in which the inclusion of a SSN on a document is necessary. The commenter stated that the SSN should not appear on any document, because ensuring that the SSN does not appear on the envelope is not enough to guarantee that the information will not be stolen. The commenter also asked why the Act allows a five-year period for implementation, and notes that the Act should be implemented sooner.

Response: The Department has policies and procedures in place for justifying the collections, maintenance, and uses of SSNs, as well as for maintaining an inventory of forms collecting SSNs, and for safeguarding the SSNs. The Department also has policies and procedures in place for eliminating the unnecessary collections, maintenance, and uses of SSNs. The Act requires Federal agencies with Chief Financial Officers to issue regulations, and the rationale for such determination, not later than five years after enactment. We note that the question regarding the Congress' reasons for including a five-year implementation period in the Act is beyond the scope of this final rule. However, this final rule will fully implement the Act's requirements in advance of the prescribed statutory five-year period.

Comment 4: One commenter stated that protecting American's identities needs to be a high concern of the United States government. With the advancement of technology, it is becoming easier for individuals to engage in identity fraud through SSNs. Therefore, the SSN should not be sent by the Federal government through mail. Many citizens are awaiting their stimulus checks, and criminals may be looking to steal checks that are mailed.

Response: The Act requires Federal agencies with Chief Financial Officers to issue regulations specifying the circumstances under which the inclusion of the SSN is necessary on a mailed document. The regulations must include instructions for partial redaction of the SSN where feasible and a requirement that the SSN not be visible on the outside of any mail. The Department has policies and procedures in place for eliminating the unnecessary collections, maintenance, and uses of SSNs. The comment regarding the

potential theft of stimulus checks is not addressed, as it is not within the scope of this action to amend the Department's regulations in order to implement the Act.

Changes Between the Proposed Rule and Final Rule

This final rule makes no changes to the regulatory text of the proposed rule.

Classification

This final rule has been determined to be not significant for purposes of review under Executive Order 12866. In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Chief Counsel for Regulation has reviewed this rule and certified that this regulation, if implemented, will not have a significant economic impact on a substantial number of small entities. This rule is largely procedural in nature, and, therefore, will not affect requesters. This regulation does not contain a collection of information as defined by the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

List of Subjects in 15 CFR Part 4

Appeals, Freedom of Information Act, Information, Privacy, Privacy Act.

Jennifer Goode,

Acting Director and Deputy Director of Open Government, and Departmental Privacy Officer.

For the reasons stated in the preamble, the Department of Commerce amends Subparts A and B of 15 CFR part 4 as follows:

PART 4—DISCLOSURE OF GOVERNMENT INFORMATION

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

Authority: 5 U.S.C. 301; 5 U.S.C. 552; 5 U.S.C. 552a; 5 U.S.C. 553; 31 U.S.C. 3717; 44 U.S.C. 3101; Reorganization Plan No. 5 of 1950; Pub. L. 115–59, 131 Stat. 1152 (42 U.S.C. 405, note).

Subpart A—Freedom of Information Act

■ 2. In § 4.7, add paragraph (d) to read as follows:

§ 4.7 Responses to Requests.

* * * * *

(d) All responses shall be made subject to the provisions of § 4.25(b)(2)(iv).

* * * * *

Subpart B—Privacy Act

■ 3. Amend subpart B by removing the words “Privacy Officer” wherever they

appear and adding in their place the words “Privacy Act Officer”.

■ 4. Amend § 4.22 by adding paragraph (b)(10) to read as follows:

§ 4.22 Definitions.

* * * * *

(b) * * *

(10) *Un-redacted SSN Mailed Documents Listing (USMDL)* means the Department approved list, as posted at www.commerce.gov/privacy, designating those documents for which the inclusion of SSN is determined to be necessary to fulfill a compelling Department business need when the documents are requested by individuals outside the Department or other Federal agencies, as determined jointly by the Senior Agency Official for Privacy and the Departmental Privacy Act Officer.

■ 5. Amend § 4.25 by:

■ a. Adding paragraphs (a)(3) and (4); and

■ b. Revising paragraph (b)(2)(iii) and adding paragraphs (b)(2)(iv) and (v).

The additions and revisions read as follows:

§ 4.25 Disclosure of requested records to individuals [Amended]

(a) * * *

(3) Inclusion of SSNs on responsive documents.

(i) The Department shall redact SSNs from responsive documents provided to requesters where feasible. Where full redaction is not feasible, partial redaction to create a truncated SSN shall be preferred to no redaction. The following conditions must be met for the inclusion of an unredacted (full) SSN or partially redacted (truncated) SSN on a responsive document:

(ii) The inclusion of the full SSN or truncated SSN of an individual must be required or authorized by law,

(iii) The inclusion of the full SSN or truncated SSN of an individual must be determined by the Senior Agency Official for Privacy and Departmental Privacy Act Officer to be necessary to fulfill a compelling Department business need; and

(iv) The full SSN of an individual may be included only on documents listed on the USMDL.

(4) The following requirements apply when the Department mails or delivers responsive documents containing SSNs or truncated SSNs:

(i) The full SSN of an individual may be included only on documents listed on the USMDL.

(ii) For documents that are listed on the USMDL and that include the full SSN of an individual, the signature of the recipient is required upon delivery.

(iii) For documents that include the truncated form of the SSN of an

individual, the signature of the recipient is required upon delivery.

(iv) The full SSN, the truncated SSN, any part of the SSN of an individual must not be visible from the outside of the envelope or package.

(b) * * *

(2) * * *

(iii) Copies of documents may be mailed at the request of the individual and may be subject to payment of the fees prescribed in §§ 4.25(a)(3) and 4.31. In the event that the Department, at its own initiative, elects to provide a copy by mail, no fee will be charged to the individual.

(iv) Copies of documents listed on the USMDL that include full SSNs and that are requested by an individual are subject to payment of the fees prescribed in § 4.31.

(v) Documents containing SSNs or truncated SSNs that are required to be returned by the individual to the Department will be mailed or delivered along with a prepaid mail or delivery service envelope at the expense of the Department.

* * * * *

Appendix B to Part 4 [Amended]

■ 6. Amend Appendix B to part 4 by:

■ a. Adding the word “Act” after the phrase “Freedom of Information” wherever it appears in the introductory text, under “Office of the Secretary,” and under “Assistant Secretary for Administration”; and

■ b. Adding a semicolon after the term “Office of Privacy and Open Government: Director”.

[FR Doc. 2021-06823 Filed 4-23-21; 8:45 am]

BILLING CODE 3510-17-P

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

18 CFR Part 35

[Docket No. RM16-17-000; Order No. 860]

Data Collection for Analytics and Surveillance and Market-Based Rate Purposes

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; delay of compliance.

SUMMARY: The Commission delays the compliance date for the requirements of its final rule, “Data Collection for Analytics and Surveillance and Market-Based Rate Purposes” (Order No. 860) until July 1, 2021.

DATES: The compliance date for the final rule published on July 26, 2019, at 84

FR 36390 (Order No. 860), is delayed to July 1, 2021.

FOR FURTHER INFORMATION CONTACT:

Ryan Stertz (Technical Information), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502-6473, ryan.stertz@ferc.gov

Regine Baus (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502-8757, regine.baus@ferc.gov

SUPPLEMENTARY INFORMATION:

1. In this Final Rule, the Commission delays the compliance date for the requirements of Order No. 860 until July 1, 2021.

I. Background

1. On July 18, 2019, the Commission issued Order No. 860,¹ which revised certain aspects of the substance and format of information submitted for market-based rate purposes by Sellers.² Specifically, the Commission adopted the approach to data collection proposed in the Notice of Proposed Rulemaking issued in July 2016, *i.e.*, to collect market-based rate information in a relational database.³ The current effective date of Order No. 860 was October 1, 2020.⁴

2. On March 18, 2021, the Commission issued a Notice Seeking Comments (Notice) on a proposal to collect additional data from certain Sellers through revisions to the data dictionary and XML schema that accompany the relational database established in Order No. 860 (MBR Data Dictionary).⁵ Specifically, the Notice proposes to update the MBR Data Dictionary and add three new attributes to the Entities to Entities table. This requirement includes submitting into

¹ *Data Collection for Analytics & Surveillance and Market-Based Rate Purposes*, Order No. 860, 84 FR 36390 (Jul. 26, 2019) 168 FERC ¶ 61,039 (2019), *order on reh'g*, Order No. 860-A, 85 FR 13013 (Mar. 6, 2020) 170 FERC ¶ 61,129 (2020).

² A Seller is defined as any person that has authorization to or seeks authorization to engage in sales for resale of electric energy, capacity or ancillary services at market-based rates under section 205 of the Federal Power Act (FPA). 18 CFR 35.36(a)(1); 16 U.S.C. 824d.

³ *Data Collection for Analytics & Surveillance and Market-Based Rate Purposes*, Notice of Proposed Rulemaking, 81 FR 51726 (Aug. 4, 2016), 156 FERC ¶ 61,045 (2016).

⁴ On May 20, 2020, the Commission issued a Notice of Extension of Time to notify industry that the implementation of Order No. 860 would be delayed by six months.

⁵ *Data Collection for Analytics & Surveillance and Market-Based Rate Purposes*, Proposed revision of collected information; request for comments, 86 FR 17823 (Apr. 6, 2021), 174 FERC ¶ 61,214 (2021).

the relational database the docket number of the section 203(a)(2) blanket authorization, the identifier(s) of the upstream affiliate(s) whose securities were acquired pursuant to the section 203(a)(2) blanket authorization, and the type of identifier(s) reported. The appropriate Sellers would be required to submit the docket number of the proceeding in which the Commission granted the section 203(a)(2) blanket authorization and the proper identifier(s) for the upstream affiliate(s) whose securities were acquired pursuant to the section 203(a)(2) blanket authorization.

II. Discussion

3. The Notice requests that comments on the proposal be filed 60 days after the publication to the **Federal Register**. A delay in the compliance date of Order No. 860 is necessary to allow for public comment on the Commission’s proposal in the Notice and for the Commission to have adequate time to review those comments. Accordingly, we extend the compliance date for the requirements of Order No. 860 to July 1, 2021. Other implementation dates in Order No. 860 are correspondingly extended as shown in the attached Appendix.

4. Notice and comment on this delay in compliance is unnecessary because the delay is short, the compliance dates remain aligned with the dates established in Order No. 860 (as shown in the Appendix), and there is no change to the policy effectuated by Order No. 860.

III. Information Collection Statement

5. This final rule delays compliance to Order No. 860 but does not change any reporting or recordkeeping requirements. Therefore, there is no change in estimated burden or cost from Order No. 860.

IV. Environmental Analysis

6. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.⁶ The Commission has categorically excluded certain actions from these requirements as not having a significant effect on the human environment.⁷ The actions proposed here fall within a categorical exclusion in the Commission’s regulations, *i.e.*, they involve information gathering, analysis, and dissemination.⁸ Therefore, environmental analysis is unnecessary and has not been performed.

V. Regulatory Flexibility Act

7. This final rule delays compliance to Order No. 860 but does not change any reporting or record keeping requirements. Therefore, there is no change in the estimated impact on small entities. Accordingly, we certify that this final rule will not have a significant economic impact on a substantial number of small entities.

VI. Document Availability

8. In addition to publishing the full text of this document in the **Federal**

Register, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through FERC’s Home Page (<http://www.ferc.gov>). At this time, the Commission has suspended access to the Commission’s Public Reference Room due to the President’s March 13, 2020 proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19).

9. From the Commission’s Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

10. User assistance is available for eLibrary and the FERC’s website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

By the Commission.

Dated: March 18, 2021.

Kimberly D. Bose,
Secretary.

Appendix

Activity	Current order No. 860 schedule	Revised, three-month delay of compliance schedule
Testing period for the MBR Database	Through Mar. 31, 2021	Through Jun. 30, 2021.
“Go-live” date of MBR Database	Apr. 1, 2021	Jul. 1, 2021.
Sellers should create needed identifiers (FERC Generated IDs and Asset IDs) in the MBR Portal and prepare their baseline submissions.	Apr. 1, 2021–June 30, 2021	Jul. 1, 2021–Sep. 30, 2021.
Baseline submissions are due	By Aug. 2, 2021	By Nov. 2, 2021.
First change in status filings under new timelines are due	By Aug. 31, 2021	By Nov. 30, 2021.
Second change in status filings under quarterly reporting requirement are due.	By Oct. 31, 2021	By Jan. 31, 2022.

[FR Doc. 2021–06090 Filed 4–23–21; 8:45 am]

BILLING CODE 6717–01–P

⁶ *Regulations Implementing the National Environmental Policy Act*, Order No. 486, 52 FR

47897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783 (1987) (cross-referenced at 41 FERC ¶ 61,284).

⁷ *Id.*
⁸ 18 CFR 380.4.

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement****30 CFR Part 917**

[SATS No. KY-258-FOR; Docket No. OSM-2015-0001; S1D1S SS08011000 SX064A000 212S180110; S2D2S SS08011000 SX064A000 21XS501520]

Kentucky Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are approving an amendment to the Kentucky regulatory program (the Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The State submitted proposed revisions to the Kentucky Administrative Regulations (KAR) that establish the requirements for a permit applicant to demonstrate a legal right of entry and right to mine on land with severed surface and mineral estates. Kentucky submitted this proposed amendment to modify the requirements for demonstrating legal right of entry and right to mine on proposed coal mines sites with severed minerals.

DATES: The effective date is May 26, 2021.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Castle, Field Office Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503, Telephone: (859) 260-3902, Email: MCastle@osmre.gov.

SUPPLEMENTARY INFORMATION:

- I. Background on the Kentucky Program
- II. Submission of the Amendment
- III. OSMRE's Findings
- IV. Summary and Disposition of Comments
- V. OSMRE's Decision
- VI. Statutory and Executive Order Reviews

I. Background on the Kentucky Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the

Interior conditionally approved the Kentucky program on May 18, 1982. You can find background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and conditions of approval, in the May 18, 1982 **Federal Register** (47 FR 21404). You can also find later actions concerning the Kentucky program and program amendments at 30 CFR 917.11, 917.12, 917.13, 917.15, 917.16, and 917.17.

II. Submission of the Amendment

By letter dated January 29, 2015 (Administrative Record No. KY-2001), the Kentucky Department for Natural Resources (KYDNR) submitted to OSMRE an amendment to the Kentucky program under SMCRA. Kentucky proposed to establish, as it relates to underground mines, and amend, as it relates to surface mines, permit application requirements for an operator seeking to mine land with severed surface and mineral estates. Under the existing rule, if there is no conveyance expressly granting or reserving the right to extract coal by surface mining methods or no surface owner consent, then the applicant is nonetheless able to obtain a permit by submitting documentation that, under applicable state law, the applicant has the legal authority to extract coal by those methods. The additional, Kentucky requirement found in the existing rule—that the applicant also provide a copy of the original instrument of severance upon which the applicant bases his right to extract coal by surface mining methods—has been removed. Without the additional Kentucky requirement that Kentucky proposed to remove, the rule now mirrors and is consistent with Federal regulations.

We announced receipt of the proposed amendment in the June 12, 2015, **Federal Register** (80 FR 33456). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. The public comment period ended on July 13, 2015. We did not hold a public hearing or meeting because one was not requested. We received comments from one commenter. Those comments are addressed in the Public Comments section, part IV, Summary and Disposition of Comments, below.

III. OSMRE's Findings

The following are the findings we made concerning the proposed Kentucky amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, which govern

OSMRE approval of state programs and program amendments. We are approving the amendment as described below. The full text of the approved amendment is available online at <https://www.regulations.gov/>.

SMCRA allows for state regulatory authorities to promulgate rules no less effective and no less stringent than the Federal regulations. In addition, under Ky. Rev. Stat. section 13A.120(1)(a) (*Promulgation of administrative regulations—Prohibitions concerning promulgations*), administrative regulations may be no more stringent than Federal law or regulations.

Kentucky proposed to revise section 4(2) of 405 KAR 8:030 for surface coal mining permits and to establish a new section 4(2) in 405 KAR 8:040 for underground coal mining permits. As required by SMCRA, these regulations would establish administrative regulations that are as effective as, but no less stringent than, those required under Federal law.

In accordance with the KYDNR's stated intent, section 4(2) of 405 KAR 8:030 is being amended to modify a permit applicant's proof of legal right of entry and right to mine requirements. An identical provision is established as section 4(2) of 405 KAR 8:040 relating to underground mines. The amendment, as approved, removes the language in existing section 4(2)(c) (405 KAR 8:030), which requires submission of a copy of the original severance instrument as a means to establish a legal right of entry and right to mine the mineral estate. An additional revision moves the existing proviso, that the regulation does not authorize the cabinet to adjudicate property rights disputes, into a new subsection, found at section 4(3), with no modification to the existing language.

We note that the language in section 4(2) of 405 KAR 8:030 and section 4(2) of 405 KAR 8:040 is substantively identical and, for this reason, this final rule addresses them as one. Kentucky's proposed amendment language is also substantively identical to that found in 30 CFR 778.15. However, the existing version of section 4(2) in 405 KAR 8:030 requires an additional element that the proposed version does not: It requires each applicant to submit a copy of the original instrument of severance upon which the applicant bases his right of entry and right to extract coal by surface mining methods. This requirement does not appear in SMCRA or its implementing regulations and, as a result, the existing provision imposes an additional obligation than that which SMCRA and its implementing regulations require. This additional

requirement in existing 405 KAR 8:030 makes it more stringent than 30 U.S.C. 1260(b)(6) and 30 CFR 778.15.

Kentucky's proposed amendment removes this additional requirement from the existing State regulations at 405 KAR 8:030 and also ensures the requirements of Ky. Rev. Stat. section 13A.120, that does not allow administrative regulations to be more stringent than the Federal law or regulations, are conformed with.

We find that Kentucky's proposed amendment complies with the requirement that state regulations be no less stringent than and no less effective than the Federal regulations found at 30 CFR 778.15. Therefore, we are approving Kentucky's proposed amendment.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on this amendment in a proposed rule published in the **Federal Register** on June 12, 2015 (80 FR 33456). OSMRE received one set of comments from Appalachian Citizens' Law Center, Inc. (ACLC) on July 13, 2015. Each of the ACLC's comments are summarized and addressed below.

A. ACLC Comments Identifying Submission Omissions and Deficiencies

The ACLC contends that OSMRE cannot approve the proposed amendment as Kentucky's submission is, according to ACLC, incomplete and procedurally defective.

The ACLC contends that Kentucky's submission fails to acknowledge or explain how the proposed amendment would achieve the State's intent of "clarify[ing] the process by which an entity submits proof of right of entry procedures on proposed coal mine sites with severed minerals." (Administrative Record No. KY-2001). In addition, the ACLC argues that the KYDNR's submission fails to explain what effect the proposed changes would have in administering the Kentucky program as well as whether those proposed changes, if approved, would render the Kentucky program no less stringent than SMCRA and no less effective than the Federal regulations.

Further, the ACLC claims that additional documentation, received through information requests, identifies the KYDNR's actual intent in submitting the proposed amendment. The ACLC contends that the KYDNR has been administering changes to its program, without OSMRE's approval, through guidance referred to as the Kentucky

Reclamation Advisory Memorandum, or RAM-159.

OSMRE Response: The amendment to Kentucky's program modifies the requirements that an applicant must submit to demonstrate legal right of entry and right to mine on proposed coal mine sites with severed minerals. The current version of section 4(2) of 405 KAR 8:030, is more stringent than 30 CFR 778.15 because it requires each applicant to submit a copy of the original instrument of severance upon which the applicant bases his right of entry and right to extract coal by surface mining methods. The requirement to submit a copy of the original instrument of severance in the current Kentucky regulations is not in SMCRA or in the Federal regulations and is more stringent than the Federal equivalents. The changes to existing regulation clearly remove the requirement that is more stringent than Federal law. This change is consistent with the Kentucky law that requires its administrative regulations to be no more stringent than Federal laws or regulations. See Ky. Rev. Stat. 13A.120(1)(a). Because section 4(2) of 405 KAR 8:030 as modified is now substantively identical to the Federal regulation at 30 CFR 778.15, we find that it is no less stringent than SMCRA and no less effective than the Federal regulations.

We acknowledge the stated intent in RAM-159. A RAM is intended to be "an open correspondence from the commissioner of the Department for Natural Resources (DNR) to operators and other interested persons that provides information related to DNR's surface mining regulatory program." RAM 159 does not modify state law but is intended to provide the regulatory authority with internal guidance for the implementation of the State program. Under 30 CFR 732.17, states are required to submit changes to its laws immediately as an amendment, but this kind of internal guidance does not change State law.

B. ACLC Comments Regarding Interpretation of the State's Proposed Changes and Construction of SMCRA Section 1260(b)(6)(A)-(C)

The ACLC contends that Kentucky's interpretation and proposed changes, when read as a whole, would bring 30 U.S.C. 1260(b)(6)(A) and (C) into conflict and remove language OSMRE previously determined to meet the requirements in 30 U.S.C. 1260(b)(6)(C). By removing the requirement that an application provide "the original instrument of severance" under the proposed section 4(2)(C), the ACLC argues this change would create an

unintended loophole. The ACLC states that removing the language would broaden the requirement in a manner inconsistent with SMCRA, thereby allowing the KYDNR to circumvent the requirement to obtain written consent from all surface owners. According to the ACLC, this change would no longer specify that state law is to be applied only when determining the surface-subsurface legal relationship, but would instead allow the KYDNR to issue SMCRA permits under subsection (c) based upon a single surface owner's consent deemed as sufficient for right of entry under state law. The ACLC cites to the KYDNR's RAM-159 as support for this contention.

OSMRE Response: KYDNR's RAM 161, dated June 25, 2015, updates and modifies previously issued RAMs 159 and 160. RAM 161 explains how the Division of Mine Permits will apply those provisions of RAMs 159 and 160 relating to identification of property ownership, to renewals, transfers and mined out areas.

ACLC's concern—that the change brings 30 U.S.C. 1260(b)(6)(A) and 1260(b)(6)(C) into disharmony and renders 30 U.S.C. 1260(b)(6)(A) superfluous—ignores the plain language of SMCRA and OSMRE's implementing regulation. 30 U.S.C. 1260(b)(6)(A), (B), and (C) are presented in the disjunctive. An applicant need only submit documentation satisfying one of them. If the applicant has the written consent from the surface owner (*i.e.*, subsection A), then he or she need only submit documentation reflecting that consent. If the applicant has a conveyance that expressly grants or reserves the right to extract coal (*i.e.*, subsection B), then he or she need only submit that documentation. If the applicant cannot satisfy either A or B, then he or she may proceed under subsection C, which provides that if a conveyance does not expressly grant the right to extract coal, state law may be consulted. See *M.L. Johnson Family Properties, LLC v. Bernhardt*, 924 F.3d 842, 852 (6th Cir. 2019) ("Reading the subsections harmoniously, however, does not mandate such a narrow interpretation of subsection (C). An equally harmonious interpretation is that when an applicant has neither the consent of all surface owners, as allowed under subsection (A), nor an express conveyance, as allowed under subsection (B), it may establish a right to surface mine through any other method "in accordance with State law" under subsection (C). That interpretation does not create any inconsistencies between the three subsections.").

Consistent with 30 U.S.C. 1260(b)(6)(C), the Kentucky amendment provides in section 4(2) of both Kentucky regulations that if “the conveyance does not expressly grant the right to extract the coal by surface mining methods,” then he or she may submit “documentation that under applicable state law, the applicant has the legal authority to extract coal by surface mining methods.” This presents no conflict under Kentucky law, where unanimous consent of the surface holders is not required. *M.L. Johnson Family Properties*, 924 F.3d at 852–853; see also *Johnson v. Environmental and Public Protection Cabinet*, 289 SW3d 216, 219–220 (Ky. App. 2009) (holding that “a cotenant ha[s] the right to begin strip mining operations on . . . property despite objections from another cotenant.”). As stated above, subsection (C) provides an applicant with an alternate right of entry, which is dependent on State law.

C. ACLC Argues the Proposed Revisions Are Inconsistent With SMCRA’s Legislative History

The ACLC contends that SMCRA’s text and legislative history requires determination of the “the surface-subsurface legal relationship” in accordance with state law. From this, the commenter suggests that 30 CFR 778.15(b)(3) requires documentation that under applicable State law, the applicant has the legal authority to extract the coal by those methods. The ACLC states that Kentucky has no State statute or regulation that requires KYDNR to demand a demonstration that “the surface-subsurface legal relations” for the proposed permit area, determined in accordance with Kentucky law, implicitly authorizes the mineral owner’s right to surface mine the permit area.

OSMRE Response: The language of the proposed amendment is substantively identical to the comparable Federal rule found in 30 CFR 778.15, and it is unambiguous. Consulting the legislative history of the regulation is therefore unnecessary. *M.L. Johnson Family Properties*, 924 F.3d at 852–853 (“The text of subsection (C), then, is quite clear: When a conveyance does not expressly grant the right to surface mine, the regulatory authority may rely on any state law to determine whether the documents describing the surface-subsurface legal relationship of the severed estate grant such a right. Because subsection (C) is plain and unambiguous, our analysis ends where it began: With the statutory text. We need not consider Johnson’s lengthy citations to conflicting legislative

history.” (citation omitted)). Further, the fact that the Kentucky regulation as amended mirrors the Federal rule, which itself tracks closely with the text of the corresponding SMCRA provision, is indicative that the amendment is no less stringent than SMCRA and is no less effective than the Federal regulations.

Federal Agency Comments

On April 21, 2017, pursuant to 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA (30 U.S.C. 1253(b)), we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Kentucky program (Administrative Record No. KY–2002). We did not receive any comments.

Environmental Protection Agency (EPA) Concurrence and Comments

Under 30 CFR 732.17(h)(11)(ii), we are required to obtain a written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). This proposed amendment does not pertain to air or water quality standards. Therefore, we did not ask EPA to concur on the amendment. However, on April 21, 2017, under 30 CFR 732.17(h)(11)(i), we requested comments from the EPA on the proposed amendment (Administrative Record No. KY–2002). The EPA did not respond to our request.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on any proposed amendment that may have an effect on historic properties. On April 21, 2017, we requested comments on Kentucky’s proposed amendment (Administrative Record No. KY–2002). We did not receive any comments.

V. OSMRE’s Decision

Based on the above findings, we approve Kentucky’s January 29, 2015 proposed amendments. To implement this decision, we are amending the Federal regulations, at 30 CFR part 917, that codify decisions concerning the Kentucky program. In accordance with the Administrative Procedure Act (5 U.S.C. 553), this rule will take effect 30 days after the date of publication. Section 503(a) of SMCRA (30 U.S.C. 1253(a)) requires that the State’s program must demonstrate that the State

has the capability of carrying out the provisions of the Act and meeting its purposes. SMCRA requires consistency of State and Federal standards.

VI. Statutory and Executive Order Reviews

Executive Order 12630—Governmental Actions and Interference With Constitutionally Protected Property Rights

This rule would not affect a taking of private property or otherwise have taking implications that would result in public property being taken for government use without just compensation under the law. Therefore, a takings implication assessment is not required. This determination is based on an analysis of the corresponding Federal regulations.

Executive Orders 12866—Regulatory Planning and Review and 13563—Improving Regulation and Regulatory Review

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance, dated October 12, 1993, the approval of State program amendments is exempted from OMB review under Executive Order 12866. Executive Order 13563, which reaffirms and supplements Executive Order 12866, retains this exemption.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has reviewed this rule as required by section 3(a) of Executive Order 12988. The Department has determined that this **Federal Register** document meets the criteria of section 3 of Executive Order 12988, which is intended to ensure that the agency review its legislation and regulations to minimize litigation; and that the agency’s legislation and regulations provide a clear legal standard for affected conduct, rather than a general standard, and promote simplification and burden reduction. Because section 3 focuses on the quality of Federal legislation and regulations, the Department limited its review under this Executive order to the quality of this **Federal Register** document and to changes to the Federal regulations. The review under this Executive order did not extend to the language of the State regulatory program or to the program amendment that Kentucky drafted.

Executive Order 13132—Federalism

This rule has potential federalism implications as defined under Section 1(a) of Executive Order 13132.

Executive Order 13132 directs agencies to “grant the States the maximum administrative discretion possible” with respect to Federal statutes and regulations administered by the States. Kentucky, through its approved regulatory program, implements and administers SMCRA and its implementing regulations at the state level. This rule approves an amendment to the Kentucky program submitted and drafted by the State, and thus is consistent with the direction to provide maximum administrative discretion to States.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

The Department of the Interior strives to strengthen its government-to-government relationship with Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department’s consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on federally recognized Tribes or on the distribution of power and responsibilities between the Federal Government and Tribes. Therefore, consultation under the Department’s tribal consultation policy is not required. The basis for this determination is that our decision is on the Kentucky program, which does not include Tribal lands or regulation of activities on Tribal lands. Tribal lands are regulated independently under the applicable, approved Federal program.

Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

Executive Order 13211 requires agencies to prepare a Statement of Energy Effects for a rulemaking that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not a significant energy action under the definition in Executive Order 13211, a Statement of Energy Effects is not required.

Executive Order 13045—Protection of Children From Environmental Health Risks and Safety Risks

This rule is not subject to Executive Order 13045 because this is not an

economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

National Environmental Policy Act

Consistent with sections 501(a) and 702(d) of SMCRA (30 U.S.C. 1251(a) and 1292(d), respectively) and the U.S. Department of the Interior Departmental Manual, Part 516, section 13.5(A), State program amendments are not major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (15 U.S.C. 3701 *et seq.*) directs OSMRE to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. (OMB Circular A–119 at p. 14). This action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with SMCRA.

Paperwork Reduction Act

This rule does not include requests and requirements of an individual, partnership, or corporation to obtain information and report it to a Federal agency. As this rule does not contain information collection requirements, a submission to the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required.

Regulatory Flexibility Act

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon corresponding Federal regulations for which an economic analysis was prepared, and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

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) Does not have an annual effect on the economy of \$100 million; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) does 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 determination is based on an analysis of the corresponding Federal regulations, which were determined not to constitute a major rule.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments, or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to impose an unfunded mandate. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Thomas D. Shope,
Regional Director, North Atlantic—Appalachian Region.

For the reasons set out in the preamble, 30 CFR part 917 is amended as set forth below:

PART 917—KENTUCKY

■ 1. The authority citation for part 917 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 2. Section 917.15 is amended in paragraph (a) by adding an entry for “January 29, 2015” at the end of the table to read as follows:

§ 917.15 Approval of Kentucky regulatory program amendments.

(a) * * *

Original amendment submission date	Date of final publication	Citation/description
January 29, 2015	April 26, 2021	Section 4(2) of 405 KAR 8:030, Section 4(2) of 405 KAR 8:040, related to Right of Entry.

* * * * *
 [FR Doc. 2021-08332 Filed 4-23-21; 8:45 am]
BILLING CODE 4310-05-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2020-0523; FRL-10022-35-Region 9]

Air Plan Approval; California; Feather River Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Feather River Air Quality Management District (FRAQMD) portion of the California State Implementation Plan (SIP). This revision concerns emissions of volatile organic compounds (VOCs) from surface

preparation and clean-up operations. We are approving a local rule that regulates these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule will be effective on May 26, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2020-0523. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If

you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947-4125 or by email at vineyard.christine@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us” and “our” refer to the EPA.

Table of Contents

- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. Proposed Action

On January 19, 2021 (86 FR 5086), the EPA proposed to approve the following rule into the California SIP.

Local agency	Rule #	Rule title	Amended	Submitted
FRAQMD	3.14	Surface Preparation and Clean-up	08/01/16	01/24/17

We proposed to approve this rule because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

The EPA’s proposed action provided a 30-day public comment period. During this period, we received two (2) anonymous comments in support of the rule.

III. EPA Action

No comments were submitted that change our assessment of the rule as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving this rule into the California SIP. The August 1, 2014 version of Rule 3.14 replaces the previously approved version of this rule in the SIP.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the FRAQMD rules described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents available through www.regulations.gov and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to approve state choices, provided that they meet the criteria of the Act. Accordingly, this action merely

approves 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);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have federalism implications as specified in Executive

Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

• Does not provide the EPA with the discretionary authority to address, 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 the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a 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. The EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 25, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to

enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 19, 2021.

Deborah Jordan,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

- 2. Section 52.220 is amended by adding paragraphs (c)(442)(i)(E)(6) and (c)(497)(i)(E)(2) to read as follows:

§ 52.220 Identification of plan-in part.

* * * * *

- (c) * * *
- (442) * * *
- (i) * * *
- (E) * * *

(6) Previously approved on August 1, 2014 in paragraph (c)(442)(i)(E)(1) of this section and now deleted with replacement in paragraph (c)(497)(i)(E)(2) of this section, Rule 3.14, "Surface Preparation and Clean-Up," amended on August 1, 2011.

* * * * *

- (497) * * *
- (i) * * *
- (E) * * *

(2) Rule 3.14, "Surface Preparation and Clean-up," amended on August 1, 2016.

* * * * *

[FR Doc. 2021-08557 Filed 4-23-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R01-OAR-2020-0209; FRL-10022-62-Region-1]

Air Plan Approval; New Hampshire; Sulfur Content Limitations for Fuels

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of New Hampshire on March 11, 2019. This revision establishes sulfur content limitations for fuels. In addition, the State requested withdrawal from the SIP of the existing sulfur limitations regulation, which will be superseded by the State's revised sulfur limitations regulation. The intended effect of this action is to approve the State's March 11, 2019 submittal into the New Hampshire SIP and remove from the SIP the superseded sulfur in fuels limitations. This action is being taken under the Clean Air Act.

DATES: This rule is effective on May 26, 2021.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-R01-OAR-2020-0209. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at <https://www.regulations.gov> or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays and facility closures due to COVID-19.

FOR FURTHER INFORMATION CONTACT: Anne McWilliams, Air Quality Branch, U.S. Environmental Protection Agency, EPA Region 1, 5 Post Office Square—Suite 100, (Mail code 05-2), Boston, MA 02109-3912, tel. (617) 918-1697, email mcwilliams.anne@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document whenever "we," "us," or "our" is used, we mean EPA.

Table of Contents

- I. Background and Purpose
- II. Response to Comments
- III. Final Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. Background and Purpose

New Hampshire's Env-A 400 Sulfur Content Limits of Fuels (Env-A 400) was approved by EPA as a revision to the New Hampshire SIP on August 14, 1992 (57 FR 36603). Env-A 400 was subsequently renumbered by the State as Env-A 1600 Fuel Specifications (Env-A 1600). Env-A 1600 was submitted to EPA as a revision to the SIP in 2003 with a subsequent amendment submitted in 2015. However, New Hampshire withdrew both submittals prior to EPA action. Effective July 1, 2018, New Hampshire's Revised Statutes Annotated (RSA) 125-C:10-d was amended to reduce the sulfur limits in liquid fuels imported into or distributed within the State. The State's March 11, 2019 SIP submittal of revised Env-A 1600 Fuel Specifications implements the State statute, (RSA) 125-C:10-d as amended.

Env-A 1600 is intended to prevent, abate, and control the use of fuels containing specific pollutant elements and compounds. In conjunction with the submittal of Env-A 1600, on May 22, 2019, the New Hampshire Department of Environmental Services (NH DES) requested removal of Env-A 400, which currently exists in the New Hampshire SIP but has been superseded as a matter of State law by Env-A 1600. Env-A 400 is now a State regulation unrelated to sulfur limitations in fuels. Other specific requirements of New Hampshire's sulfur in fuels requirements and the rationale for EPA's proposed action are explained in the notice of proposed rulemaking (NPRM) (86 FR 8566, February 8, 2021) and will not be restated here.

II. Response to Comments

During the comment period, two commenters expressed support for EPA's proposed rulemaking. One additional commenter provided comments that were unclear as to how the comments related to EPA's proposed approval and did not include any discussion of how the proposed rulemaking should change in any way. In closing, this commenter expressed overall support for the proposed rulemaking.

III. Final Action

EPA is approving Env-A 1600, Fuel Specifications, which was submitted to EPA by New Hampshire on March 11, 2019 as a revision to the New Hampshire SIP. In addition, EPA is removing previously SIP approved Env-A 400, Sulfur Content of Fuels, which has been superseded by Env-A 1600 as a matter of State law. Our proposed

rulemaking included a demonstration that removal from the SIP of Env-A 400 meets the anti-backsliding requirements of CAA section 110(l).

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the New Hampshire Env-A 1600 "Fuel Specifications" described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents generally available through <https://www.regulations.gov> and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.¹

Also in this rule, in accordance with the requirements of 1 CFR part 51, EPA is finalizing the removal of provisions of the Env-A 400 "Sulfur Content Limits in Fuels" from the New Hampshire State Implementation Plan, as described in the amendments to 40 CFR part 52 set forth below.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves 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);
- Does not impose an information collection burden under the provisions

of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

- Does not provide 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 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).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a 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. EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

¹ 62 FR 27968 (May 22, 1997).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 25, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 19, 2021.

Deborah Szaro,

Acting Regional Administrator, EPA Region 1.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart EE—New Hampshire

■ 2. In § 52.1520(c), amend the table by removing the entry “Env-A 400” and adding the entry “Env-A 1600” in numerical order to read as follows:

§ 52.1520 Identification of plan.

* * * * *
(c) * * *

EPA-APPROVED NEW HAMPSHIRE REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanations
Env-A 1600	Fuel Specifications.	12/21/2018	April 26, 2021 [Insert Federal Register citation].	Env-1600 replaces the previously approved Env-400 Sulfur Content Limits in Fuels.

* * * * *
[FR Doc. 2021-08376 Filed 4-23-21; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2020-0478; FRL-10020-49]

Flupyradifurone; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for residues of the insecticide flupyradifurone including its degradates and metabolites in or on sugarcane, cane and sugarcane, molasses. This action is associated with the utilization of a crisis exemption under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on sugarcane. This regulation establishes a maximum permissible level for residues of flupyradifurone in or on these commodities. The time-limited tolerances expire on December 31, 2023.

DATES: This regulation is effective April 26, 2021. Objections and requests for hearings must be received on or before June 25, 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-2020-0478, 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 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 section 408(g) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, 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-2020-0478 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 25, 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-2020-0478, 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. Background and Statutory Findings

EPA, on its own initiative, in accordance with FFDCA sections 408(e) and 408(l)(6) of, 21 U.S.C. 346a(e) and 346a(1)(6), is establishing time-limited tolerances for residues of flupyradifurone in or on sugarcane, cane at 3 parts per million (ppm) and sugarcane, molasses at 90 ppm. These time-limited tolerances expire on December 31, 2023.

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on FIFRA section 18 related time-limited tolerances to set binding precedents for the application of FFDCA section 408 and the safety standard to other tolerances and exemptions. Section 408(e) of FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, *i.e.*, without having received any petition from an outside party.

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. . . .”

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that “emergency conditions exist which require such exemption.” EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemption for Flupyradifurone on Sugarcane, Cane and Sugarcane, Molasses and FFDCA Tolerances

The Louisiana Department of Agriculture and Forestry (LDAF) asserts that an emergency condition exists in accordance with the criteria for approval of an emergency exemption and has utilized a crisis exemption under FIFRA section 18 to allow the use of flupyradifurone for control of sugarcane aphid infestations in

Louisiana sugarcane. According to LDAF, the sugar industry is vital to Louisiana’s economy and sugarcane aphids which were once sporadic in the state are now widespread as outbreaks have become more frequent in recent years. After having reviewed the crisis exemption, EPA concurred on the 15-day stand-alone emergency action, which expired on August 5, 2020.

As part of its evaluation of the crisis exemption, EPA assessed the potential risks presented by residues of flupyradifurone in or on sugarcane, cane at 3 ppm and sugarcane, molasses at 90 ppm. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment as provided in FFDCA section 408(l)(6). Although these time-limited tolerances expire on December 31, 2023, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on sugarcane after that date will not be unlawful, provided the pesticide was applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by these time-limited tolerances at the time of that application. EPA will take action to revoke these time-limited tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because these time-limited tolerances are being approved under emergency conditions, EPA has not made any decisions about whether flupyradifurone meets FIFRA’s registration requirements for use on sugarcane or whether permanent tolerances for this use would be appropriate. Under these circumstances, EPA does not believe that this time-limited tolerance decision serves as a basis for registration of flupyradifurone by a State for special local needs under FIFRA section 24(c). Nor does this tolerance by itself serve as the authority for persons in any State other than Louisiana to use this pesticide on the applicable crops under FIFRA section 18 absent the issuance of an emergency exemption applicable within that State. For additional information regarding the emergency exemption for

flupyradifurone, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of the 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 the 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 the 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 therein, 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 expected as a result of this emergency exemption request and the time-limited tolerances for residues of flupyradifurone on sugarcane, cane at 3 ppm and sugarcane, molasses at 90 ppm.

On September 23, 2016 (81 FR 65552) (FRL-9951-68) and August 21, 2020 (85 FR 51668-51672) (FRL-10010-98), EPA published final rules that established tolerances for residues of flupyradifurone in or on multiple commodities based on the Agency's determination that aggregate exposure to flupyradifurone resulting from the residues subject to those tolerances is safe for the U.S. general population, including infants and children. The toxicity profile for flupyradifurone has not changed since the September 23, 2016 (81 FR 65552) (FRL-9951-68) rule was published, therefore EPA is relying upon the discussion of that profile (Unit III.A.) and the identified toxicological endpoints (Unit III.A.) and the identified toxicological endpoints (Unit III.B.), as part of this rulemaking.

EPA's most recent exposure assessment for flupyradifurone appears in the comprehensive risk assessment

dated June 30, 2020 and entitled: "Flupyradifurone: Human Health Risk Assessment for Uses on Grass Forage Fodder and Hay Group 17, Pineapple, Rapeseed Subgroup 20A, Sesame Seed, Stalk and Stem Vegetable Subgroup 22A (except Prickly Pear Pads and Prickly Pear Texas Pads), Sunflower Subgroup 20B, Sweet Sorghum, Tropical and Subtropical Palm Fruit Edible Peel Subgroup 23C, Crop Group Expansions/Conversions of Tolerances to *Brassica* Leafy Greens Subgroup 4-16B, Leafy Greens Subgroup 4-16A, Leaf Petiole Vegetable Subgroup 22B, Tropical and Subtropical Inedible Peel Cactus Subgroup 24D, Vegetable *Brassica* Head and Stem Group 5-16 and Establish Individual Tolerances on Lettuce, Fennel Florence, Kohlrabi; and Coffee," as that assessment included dietary and aggregate exposures to flupyradifurone in or on multiple agricultural and non-agricultural commodities that are complete except for exposures due to the emergency use addressed in this document.

For aggregate risk assessment, risk estimates resulting from food, drinking water, and residential uses are combined. Acute, short- and intermediate-term, and long-term (chronic) aggregate assessments were performed for flupyradifurone. Further information about EPA's risk assessment and determination of safety supporting the tolerances established in the August 21, 2020 final rule can be found at <http://www.regulations.gov> in the document entitled "Flupyradifurone: Human Health Risk Assessment for Uses on Grass Forage Fodder and Hay Group 17, Pineapple, Rapeseed Subgroup 20A, Sesame Seed, Stalk and Stem Vegetable Subgroup 22A (except Prickly Pear Pads and Prickly Pear Texas Pads), Sunflower Subgroup 20B, Sweet Sorghum, Tropical and Subtropical Palm Fruit Edible Peel Subgroup 23C, Crop Group Expansions/Conversions of Tolerances to *Brassica* Leafy Greens Subgroup 4-16B, Leafy Greens Subgroup 4-16A, Leaf Petiole Vegetable Subgroup 22B, Tropical and Subtropical Inedible Peel Cactus Subgroup 24D, Vegetable *Brassica* Head and Stem Group 5-16 and Establish Individual Tolerances on Lettuce, Fennel Florence, Kohlrabi; and Coffee," dated June 30, 2020 (docket ID EPA-HQ-OPP-2019-0460).

EPA conducted unrefined and slightly refined chronic dietary analyses for all current uses of flupyradifurone together with the emergency use in or on sugarcane, cane and sugarcane, molasses. The assessments incorporated tolerance-level residues, average residues (chronic), 2018 default or empirical processing factors,

conservative drinking water estimates, and assumed that 100% of the proposed crops were treated. The results of the acute and chronic analyses do not exceed the Agency's level of concern (LOC). That is, <100% of the acute population adjusted dose (aPAD) or <100% of the chronic population adjusted dose (cPAD) are not of concern for the general U.S. population and all population subgroups. At the 95th percentile of exposure, the acute dietary (food and drinking water) risk estimates utilized 24% of the aPAD for the general U.S. general population and utilized 39% the aPAD for children 1 to 2 years old, the most highly exposed population subgroup. The chronic dietary (food and drinking water) risk estimates utilized 29% of the cPAD for the U.S. population and utilized 68% of the cPAD for children 1 to 2 years old, the group with the highest exposed population subgroup.

The aggregate exposure assessment for flupyradifurone is based on food and drinking water as well as residential uses. Neither intermediate- nor long-term (chronic) residential exposures are expected, so only a short-term aggregate assessment was conducted. Aggregate short-term residential exposure to adults and children (residential exposures to handlers and post-application exposures to adults and children) with the chronic (background) dietary exposure yields margins of exposure MOEs of 300 for adults and 220 for children); neither is of concern because EPA considers MOEs of less than 100 to be of concern for aggregate risk.

Therefore, 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 flupyradifurone residues. More detailed information on the subject action to establish time-limited tolerances in or on sugarcane, cane and sugarcane, molasses can be found at <http://www.regulations.gov> in the document entitled "Flupyradifurone: Human Health Risk Assessment for Section 18 Emergency Exemption Request for Use on Sugarcane in Louisiana." This document can be found in docket ID number EPA-HQ-OPP-2020-0478.

V. Other Considerations

A. Analytical Enforcement Methodology

An adequate enforcement methodology (Method RV-001-P10-03) is available to enforce the tolerance expression. This method uses high-performance liquid chromatography

with tandem mass spectrometry [HPLC/MS/MS] to quantitate residues of flupyradifurone in various crops is available for enforcement.

These methods may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Road, Ft. Meade, MD 20755-5350; telephone number: (410) 305-2905; email address: residuemethods@epa.gov.

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). The Codex Alimentarius 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. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

There are no Codex and Canadian MRLs established on sugarcane.

VI. Conclusion

Therefore, time-limited tolerances are established for residues of flupyradifurone in or on sugarcane, cane at 3 ppm and sugarcane, molasses at 90 ppm. These tolerances expire on December 31, 2023.

VII. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA sections 408(e) and 408(l)(6). 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), nor is it considered a regulatory action under 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, 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 in accordance with FFDCA sections 408(e) and 408(l)(6), such as the tolerances 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, but does not directly regulate 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).

VIII. 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 20, 2021.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I 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 § 180.679, amend paragraph (b) by:

- a. Revising the introductory text; and
- b. Adding in alphabetical order to the table the entries “Sugarcane, cane” and “Sugarcane, molasses”.

The revision and additions read as follows:

§ 180.679 Flupyradifurone; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for residues of the insecticide flupyradifurone, including its metabolites and degradates in or on the specified agricultural commodities listed in table 2 to this paragraph (b), resulting from use of the pesticide pursuant to a Federal Insecticide, Fungicide, and Rodenticide Act (FFIFRA) section 18 emergency exemption. Compliance with the tolerance levels specified in table 2 to this paragraph (b) is to be determined by measuring only flupyradifurone, 4-[[[6-chloro-3-pyridinyl)methyl]](2,2-difluoroethyl)amino]-2(5H)-furanone. The tolerances expire on the date specified in table 2 to this paragraph (b).

TABLE 2 TO PARAGRAPH (b)

Commodity	Parts per million	Expiration date
* * * * *		
Sugarcane, cane	3	12/31/2023
Sugarcane, molasses	90	12/31/2023
* * * * *		

* * * * *
 [FR Doc. 2021-08598 Filed 4-23-21; 8:45 am]
 BILLING CODE 6560-50-P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105-70

[FPMR Case 2021-101-1; Docket No. 2021-0007; Sequence No. 1]

RIN 3090-AK43

Program Fraud Civil Remedies Act of 1986, Civil Monetary Penalties Inflation Adjustment

AGENCY: Office of General Counsel, General Services Administration.
ACTION: Final rule.

SUMMARY: In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996 and further amended by the Federal Civil Penalties Inflation Adjustment Act Improvement Act of 2015, this final rule incorporates the penalty inflation adjustments for the civil monetary penalties set forth in the United States Code, as codified in our regulations.

DATES: *Effective:* May 26, 2021.

FOR FURTHER INFORMATION CONTACT: Mr. Aaron Pound, Assistant General Counsel, General Law Division (LG), General Services Administration, 1800 F Street NW, Washington, DC 20405. Telephone Number 202-501-1460.

SUPPLEMENTARY INFORMATION:

I. The Debt Collection Improvement Act of 1996

To maintain the remedial impact of civil monetary penalties (CMPs) and to promote compliance with the law, the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410) was amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104-134) to require Federal agencies to regularly adjust certain CMPs for inflation and further amended by the Federal Civil Penalties Inflation

Adjustment Act Improvement Act of 2015 (Sec. 701 of Pub. L. 114-74). As amended, the law requires each agency to make an initial inflationary adjustment for all applicable CMPs, and to make further adjustments at least once every year thereafter for these penalty amounts. The Debt Collection Improvement Act of 1996 further stipulates that any resulting increases in a CMP due to the calculated inflation adjustments shall apply only to violations which occur after the date the increase takes effect, *i.e.*, thirty (30) days after date of publication in the **Federal Register**. Pursuant to the 2015 Act, agencies are required to adjust the level of the CMP with an initial “catch up”, and make subsequent annual adjustments for inflation. Catch up adjustments are based on the percent change between the Consumer Price Index for Urban Consumers (CPI-U) for the month of October for the year of the previous adjustment, and the October 2015 CPI-U. Annual inflation adjustments will be based on the percent change between the October CPI-U preceding the date of adjustment and the prior year’s October CPI-U.

II. The Program Fraud Civil Remedies Act of 1986

In 1986, sections 6103 and 6104 of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99-501) set forth the Program Fraud Civil Remedies Act of 1986 (PFCRA). Specifically, this statute imposes a CMP and an assessment against any person who, with knowledge or reason to know, makes, submits, or presents a false, fictitious, or fraudulent claim or statement to the Government. The General Services Administration’s regulations, published in the **Federal Register** (61 FR 246, December 20, 1996) and codified at 41 CFR part 105-70, set forth a CMP of up to \$10,781 for each false claim or statement made to the agency. Based on the penalty amount inflation factor calculation, derived from originally dividing the June 2015 CPI by the June 1996 CPI and making the CPI-based annual adjustment thereafter, after rounding we are adjusting the maximum

penalty amount for this CMP to \$11,001 per violation.

III. Waiver of Proposed Rulemaking

In developing this final rule, we are waiving the usual notice of proposed rulemaking and public comment procedures set forth in the Administrative Procedure Act, 5 U.S.C. 553 (APA). The APA provides an exception to the notice and comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that under 5 U.S.C. 553(b)(3)(B) good cause exists for dispensing with the notice of proposed rulemaking and public comment procedures for this rule. Specifically, this rulemaking comports and is consistent with the statutory authority set forth in the Debt Collection Improvement Act of 1996, with no issues of policy discretion. Accordingly, we believe that opportunity for prior comment is unnecessary and contrary to the public interest, and we are issuing these revised regulations as a final rule that will apply to all future cases under this authority.

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 is a not 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. This rule is not a major rule under 5 U.S.C. 804.

The Office of Management and Budget (OMB) has reviewed this final rule in

accordance with the provisions of E.O. 12866 and has determined that it does not meet the criteria for a significant regulatory action. As indicated above, the provisions contained in this final rulemaking set forth the inflation adjustments in compliance with the Debt Collection Improvement Act of 1996 for specific applicable CMPs. The great majority of individuals, organizations and entities addressed through these regulations do not engage in such prohibited conduct, and as a result, we believe that any aggregate economic impact of these revised regulations will be minimal, affecting only those limited few who may engage in prohibited conduct in violation of the statute. As such, this final rule and the inflation adjustment contained therein should have no effect on Federal or state expenditures.

V. Regulatory Flexibility Act

The Administrator of General Services certifies that this final rule will not have a significant economic impact on a substantial number of small business entities. While some penalties may have an impact on small business entities, it is the nature of the violation and not the size of the entity that will result in an action by the agency, and the aggregate economic impact of this rulemaking on small business entities should be minimal, affecting only those few who have engaged in prohibited conduct in violation of statutory intent.

VI. Paperwork Reduction Act

This final rule imposes no new reporting or recordkeeping requirements necessitating clearance by OMB.

List of Subject in 41 CFR Part 105–70

Administrative hearing, Claims, Program fraud.

Katy Kale,

Acting Administrator.

Accordingly, 41 CFR part 105–70 is amended as set forth below:

PART 105–70—IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

■ 1. The authority citation for part 105–70 continues to read as follows:

Authority: 40 U.S.C. 121(c); 31 U.S.C. 3809.

§ 105–70.003 [Amended]

■ 2. Amend § 105–70.003 by—

■ a. Removing from paragraph (a)(1)(iv) the amount “11,282” and adding “11,400” in its place; and

■ b. Removing from paragraph (b)(1)(ii) the amount “11,282” and adding “11,400” in its place.

[FR Doc. 2021–08600 Filed 4–23–21; 8:45 am]

BILLING CODE 6820–81–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 414

[CMS–1687–RCN]

RIN 0938–AT21

Medicare Program; Durable Medical Equipment Fee Schedule Adjustments To Resume the Transitional 50/50 Blended Rates To Provide Relief in Rural Areas and Non-Contiguous Areas; Extension of Timeline for Final Rule Publication

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

ACTION: Continuation of effectiveness and extension of timeline for publication of the final rule.

SUMMARY: This document announces the continuation of effectiveness of a Medicare interim final rule and the extension of the timeline for publication of the final rule. Section 1871(a)(3)(B) of the Social Security Act (the Act) specifies that a Medicare final rule must be published no later than 3 years after the publication date of the proposed or interim final rule, except under exceptional circumstances. In accordance with sections 1871(a)(3)(B) and 1871(a)(3)(C) of the Act, we are providing a notification of continuation for a Medicare interim final rule, announcing the different timeline on which we intend to publish the final rule, and explaining why we were unable to publish the final rule on the regular, required 3-year timeline.

DATES: As of April 23, 2021, the Medicare provisions adopted in the interim final rule published on May 11, 2018 (83 FR 21912) continue in effect and the regular timeline for publication of the final rule is extended for an additional year, until May 11, 2022.

FOR FURTHER INFORMATION CONTACT: Alexander Ullman, (410) 786–9671 or DMEPOS@cms.hhs.gov.

SUPPLEMENTARY INFORMATION: In the May 11, 2018 *Federal Register* (83 FR 21912), we published an interim final rule with comment period (IFC) titled “Medicare Program; Durable Medical

Equipment Fee Schedule Adjustments to Resume the Transitional 50/50 Blended Rates to Provide Relief in Rural Areas and Non-Contiguous Areas”. The May 2018 IFC made technical amendments to the regulation to reflect the extension of the transition period from June 30, 2016 to December 31, 2016 that was mandated by the 21st Century Cures Act for phasing in fee schedule adjustments for certain durable medical equipment (DME) and enteral nutrition furnished in areas not subject to the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Competitive Bidding Program (CBP) (83 FR 21915). In addition, in the May 2018 IFC, CMS—(1) amended 42 CFR 414.210(g) to resume the transition period’s blended fee schedule rates for items furnished in rural areas and non-contiguous areas (Alaska, Hawaii, and United States territories) not subject to the CBP from June 1, 2018 through December 31, 2018 (83 FR 21915); (2) made technical amendments to existing DMEPOS regulations to reflect the exclusion of infusion drugs used with DME from the DMEPOS CBP (83 FR 21919); and (3) stated that the fee schedule amounts for wheelchair accessories and back and seat cushions used in conjunction with group 3 power wheelchairs would continue to be based on the unadjusted fee schedule amounts updated by the covered item update specified in section 1834(a)(14) of the Act (83 FR 21919). We stated that the fee schedule amounts for all other accessories used with different types of base equipment would continue to be calculated in accordance with the adjustment methodology set forth in § 414.210(g)(5) of our regulations (83 FR 21919).

Section 1871(a)(3)(B) of the Act requires CMS to publish a Medicare final rule no later than 3 years after the publication of a proposed or interim final rule, except under exceptional circumstances. In such circumstances, section 1871(a)(3)(B) of the Act allows the Secretary to vary the final regulation publication timeline if the Secretary provides public notice of the different timeline on which it intends to publish the final regulation, and that notice includes a brief explanation of the justification for the variation. The notice must be published by no later than the timeline previously established with respect to the final rule publication date.

The May 2018 IFC was published on May 11, 2018. Therefore, in accordance with section 1871(a)(3)(B) of the Act, we must finalize the May 2018 IFC by May 11, 2021, except under exceptional

circumstances. We will not be able to finalize the May 2018 IFC within the required 3-year timeline for publication (by May 11, 2021) for the following reasons:

In the November 4, 2020 **Federal Register** (85 FR 70358), we published a proposed rule titled “Medicare Program; Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Policy Issues and Level II of the Healthcare Common Procedure Coding System (HCPCS)” (hereinafter DMEPOS and HCPCS proposed rule). In the DMEPOS and HCPCS proposed rule (85 70373), we stated that we solicited comments on the 2018 Interim Final Rule, but because we have not yet responded to the comments we received, we are signaling our intent to do so in the final rule.

On January 20, 2021, the Assistant to the President and Chief of Staff issued a memorandum concerning “Regulatory Freeze Pending Review” (“Regulatory Freeze memorandum”).¹ The Office of Management and Budget (OMB) issued Memorandum M–21–14 on January 20, 2021, providing guidance on implementing the Regulatory Freeze memorandum.² The Regulatory Freeze memorandum seeks to ensure that the President’s appointees or designees have the opportunity to review any new or pending rules. Paragraph 1 of the Regulatory Freeze memorandum directs agencies, subject to any exceptions the Director of the OMB allows for emergency situations or other urgent circumstances relating to health, safety, environmental, financial, or national security matters, or otherwise, to propose or issue no rule in any manner—including by sending a rule to the Office of the Federal Register—until a department or agency head appointed or designated by the President after noon on January 20, 2021, reviews and approves the rule. Additionally, paragraph 3 of the Regulatory Freeze memorandum describes the agency option to temporarily postpone agency rules to permit review by an agency head appointed or designated by the President after noon on January 20, 2021.

In light of our efforts to comply with the Regulatory Freeze memorandum, and to allow policy officials in the new administration the opportunity to review the DMEPOS and HCPCS proposed rule and May 2018 IFC, we do not believe we will have sufficient time

to finalize the IFC, and relatedly the DMEPOS and HCPCS proposed rule, by the May 11, 2021 deadline. As a result of these exceptional circumstances, we are issuing this notification of continuation and extending the timeline for finalizing the May 2018 IFC by 1 year. This extension will grant policy officials the opportunity to review the DMEPOS and HCPCS proposed rule and the May 2018 IFC. In accordance with section 1871(a)(3)(C) of the Act, this notification of continuation also ensures that the May 2018 IFC continues in effect beyond May 11, 2021. As a result of the publication of this notification of continuation, the timeline for publication of the final rule will be treated as having been extended until May 11, 2022.

Dated: April 21, 2021.

Wilma Robinson,

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

[FR Doc. 2021–08661 Filed 4–23–21; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–HQ–ES–2017–0047; FF09E22000 FXES11180900000 212]

RIN 1018–BC83

Endangered and Threatened Wildlife and Plants; Listing the Yangtze Sturgeon as an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), determine endangered species status under the Endangered Species Act of 1973 (Act), as amended, for the Yangtze sturgeon (*Acipenser dabryanus*). Loss of individuals due to overharvesting on the Yangtze River is the main factor that contributed to the historical decline of the species. Despite conservation efforts, this species is still currently in decline, due primarily to the effects of dams and bycatch. This rule adds the Yangtze sturgeon to the List of Endangered and Threatened Wildlife.

DATES: This rule is effective May 26, 2021.

ADDRESSES: Comments and materials received, as well as supporting documentation used in the preparation of this rule, are available for public

inspection at <http://www.regulations.gov> under Docket No. FWS–HQ–ES–2017–0047.

FOR FURTHER INFORMATION CONTACT: Maricela Constantino, Acting Chief, Branch of Delisting and Foreign Species, Ecological Services Program, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: ES, Falls Church, VA 22041; telephone 703–358–2171. If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Previous Federal Actions

On December 27, 2017, we published in the **Federal Register** (82 FR 61230) a 12-month finding and proposed rule to list the Yangtze sturgeon (*Acipenser dabryanus*) as an endangered species under the Act. A thorough review of the taxonomy, life history, ecology, and overall viability of the Yangtze sturgeon is also presented in the species status assessment (SSA) for the Yangtze sturgeon (Service 2017; available at <http://www.regulations.gov> at Docket No. FWS–HQ–ES–2017–0047), and a summary of this information, including the history of previous federal actions, a summary of the species’ description, taxonomy, biology, life history, habitat, distribution, and historical and current population, is provided in our December 27, 2017, proposed rule (82 FR 61230).

Summary of Changes From the Proposed Rule

We received one comment from a peer reviewer providing additional information regarding ongoing and new conservation efforts on the Yangtze River, which include lengthening fishing bans within the species’ range and the commencement of restocking efforts on reaches below Gezhouba Dam. We have incorporated this information into this rule and have updated our species status assessment (SSA) report.

Supporting Documents

A species status assessment team prepared an SSA report for the Yangtze sturgeon. The SSA team was composed of Service biologists, in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species.

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum

¹ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/regulatory-freeze-pending-review/> (86 FR 7424, January 28, 2021).

² <https://www.whitehouse.gov/wp-content/uploads/2021/01/M-21-14-Regulatory-Review.pdf>.

updating and clarifying the role of peer review of listing actions under the Act, we sought peer review of the SSA report. The Service sent the SSA report to six independent peer reviewers and received two responses. The purpose of peer review is to ensure that our listing determinations are based on scientifically sound data, assumptions, and analyses. The peer reviewers have expertise in the biology, habitat, and threats to the species.

Background

Presented below is a brief summary of the species' description, life history, distribution, and historical and current population. A more detailed examination of the information can be found in our SSA and proposed rule (Service 2017, entire; 82 FR 61230, December 27, 2017).

Species Description

The Yangtze sturgeon is a freshwater fish species that attains a maximum size of around 130 centimeters (4.3 feet (ft)) and a maximum weight of about 16 kilograms (35 pounds) (Billiard and Lecointre 2000, p. 368; Zhuang *et al.* 1997, pp. 257, 259). The species has a triangular head, an elongated snout, and large blowholes (Gao *et al.* 2009b, p. 117). Yangtze sturgeons have tactile barbels at the front of their mouths that they use to dig for food. On the dorsal side, Yangtze sturgeons are dark gray, brownish-gray, or yellow-gray in color. The rest of the body is milky white in color (Zhuang *et al.* 1997, p. 259).

Life History

Although the Yangtze sturgeon's life history is similar to other sturgeon species, there are key differences. Based on the best available information, much of what is known about the Yangtze sturgeon's life history comes from research on the more numerous and studied Chinese sturgeon due to similarities in morphology, taxonomy, and life history between the two species. Yangtze sturgeons spawn in the spring from March to April, with a smaller late fall/early winter spawning period occurring from October to December (Qiwei 2010, p. 3; Gao *et al.* 2009b, p. 117; Kynard *et al.* 2003, p. 28). Spawning migration begins when water level, flow velocity, and silt content enters a downward trend (Zhang H. *et al.* 2012, p. 4).

Juvenile sturgeons disperse around 100 to 200 kilometers (km) (62 to 124 miles (mi)) downstream from their spawning ground and arrive in backwater pools and sandy shallows with low velocity flow and rich mud and sand substrate where they feed on

insects, aquatic plants, and small fish (Zhang *et al.* 2011, p. 184; Zhuang *et al.* 1997, p. 259). During the spring flood on the main stem of the Yangtze River, juveniles will move to the tributaries to feed. Young sturgeons will remain in these feeding reaches until they reach maturity (4 to 6 years for males and 6 to 8 years for females) after which they begin migrating upstream towards the spawning ground during the spring flood (Zhuang *et al.* 1997, p. 261).

Historical Range

As its name implies, the Yangtze sturgeon is found in the Yangtze River (Wu *et al.* 2014, p. 5). The river is more than 6,397 km (3,975 mi) in length and is divided into three segments. The upper reach, which spans a total of about 4,300 km (2,671 mi), is further sub-divided into two segments: The Jinsha River segment, which stretches from the headwater in Yushu in the Tibetan Plateau to Yibin, a distance of about 2,300 km (1,429 mi), and the upper Yangtze River, which stretches from Yibin to the Three Gorges region at Yichang, a distance of about 1,000 km (621 mi) (Cheng *et al.* 2015, p. 571; Jiang *et al.* 2008, p. 1471; Fu *et al.* 2003, p. 1651). The middle reach is from Yichang to Hukou, a distance of about 950 km (590 mi). The Yangtze River widens in this segment and is identified by multiple large lakes, including Lake Dongting and Lake Poyang. The lower reach stretches from Hukou to the mouth of the river at Shanghai, a distance of about 930 km (577 mi) (Fu *et al.* 2003, p. 1651).

Historically, the Yangtze sturgeon was found in the lower portion of the Jinsha River and the upper, middle, and lower reaches of the Yangtze River, a distance of about 1,300 km (807 mi) (Wu *et al.* 2014, p. 5). The majority of historical sightings occurred in the lower Jinsha and upper Yangtze River with occasional sightings in the middle and lower Yangtze (Zhuang *et al.* 1997, p. 259). The species has also been found in major tributaries that feed into the upper Yangtze including the Min, Tuo, and Jialing (Artyukhin *et al.* 2007, p. 370). There have also been sightings of the species in Dongting Lake and Poyang Lake in the middle and lower reaches, respectively (Zhuang *et al.* 1997, p. 259). One sighting took place as far downstream as Anhui province, a distance of more than 2,000 km (1,242 mi) downstream from Yibin (Zhuang *et al.* 1997, p. 261). The species' spawning reach is understood by Yangtze sturgeon researchers to have occurred from Maoshui in the lower Jinsha River to Hejiang in the upper Yangtze River (Zhang *et al.* 2011, p. 184).

Current Range

The Yangtze sturgeon's current range has been reduced to the upper Yangtze River and its tributaries in the reaches between Yibin and Yichang, a distance of about 1,000 km (621 miles) (Wu *et al.* 2014, p. 5; Dudgeon 2010, p. 128; Huang *et al.* 2011, p. 575; Zhang *et al.* 2011, p. 181; Artyukhin *et al.* 2007, p. 370). The completion of the Gezhouba Dam in 1981 at Yichang prevented the upstream migration of adults to the species' spawning ground (Zhuang *et al.* 1997, p. 261). As a result of the construction of Gezhouba Dam, the species may have been extirpated in reaches below the dam (Li *et al.* 2015, p. 186; Zhu *et al.* 2008, p. 30). That said, from 2014–2017, fishermen below Gezhouba Dam accidentally captured four adult Yangtze sturgeons, suggesting the presence of a very small remnant population (Du 2017, pers. comm.). The construction of the Three Gorges Dam and its reservoir, which began in 2003 and was completed in 2009, further reduced the species' range by modifying reaches above Three Gorges Dam to a lentic (still water) system (Chen D. *et al.* 2009, p. 341; Fu *et al.* 2003, p. 1650). Loss of lotic (rapidly moving water) ecosystem reduces the quality of remaining habitat for the species (Kynard 2016, pers. comm.; Cheng *et al.* 2015, pp. 570, 576). On the lower Jinsha River, in the upstream portion of the species' historical range, the construction of the Xiangjiaba Dam, which was completed in 2008, limited the species' spawning ground to areas below the dam (Zhang *et al.* 2011, pp. 183–184). The species continues to ascend the major tributaries in the upper Yangtze, including the Min, Tuo, and Jialing River (Huang *et al.* 2011, p. 575; Artyukhin *et al.* 2007, p. 370).

Historical and Current Population

The Yangtze sturgeon was historically abundant and was commercially harvested up to the 1970s (Lu *et al.* 2015, p. 89; Zhang *et al.* 2013, p. 409; Kynard *et al.* 2003, p. 27). The majority (80 percent) of harvest of Yangtze sturgeon took place during the 1950s to the 1970s. However, overharvesting during this time period led to a sharp decline in the population size (Kynard *et al.* 2003, p. 27).

While there may have been natural recruitment of the species in the 1990s, no natural recruitment has been observed in the wild since the 2000s (Du *et al.* 2014, p. 1; Wu *et al.* 2014, p. 1). The population is currently being repopulated by artificial restocking. Between the years of 2010–2013, 7,030 Yangtze sturgeon juveniles were

released into the middle and upper Yangtze River in two to three batches each year (Wu *et al.* 2014, p. 3). Restocking efforts have been ongoing in the reaches below Gezhouba Dam since 2014 (Hu 2017, pers. comm.). However, restocked sturgeons suffer from low fitness; most notably, they lack the ability to survive to reproductive age. Capture data obtained from the releases in 2010–2013 found that 95 days after restocking, no restocked sturgeons were caught either by researchers or by fishermen in the upper Yangtze River (Wu *et al.* 2014, pp. 3–5). These results indicate that restocked sturgeon have a very low survival rate. Although we do not have population estimates for the species, based on the fact that there has been no observable natural reproduction since the 2000s and the low survival rate of restocked sturgeon, the species' population in the Yangtze River is likely to be very low when compared to historical numbers (Du *et al.* 2014, p. 1; Wu *et al.* 2014, p. 4).

Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species is an endangered species or a threatened species. The Act defines an “endangered species” as a species that is in danger of extinction throughout all or a significant portion of its range, and a “threatened species” as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether any species is an “endangered species” or a “threatened species” because of any of the following factors:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any

negative effects or may have positive effects.

We use the term “threat” to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term “threat” includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term “threat” may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an “endangered species” or a “threatened species.” In determining whether a species meets either definition, we must evaluate all identified threats by considering the expected response by the species, and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an “endangered species” or a “threatened species” only after conducting this cumulative analysis and describing the expected effect on the species now and in the foreseeable future.

The Act does not define the term “foreseeable future,” which appears in the statutory definition of “threatened species.” Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis. The term foreseeable future extends only so far into the future as the Services can reasonably determine that both the future threats and the species' responses to those threats are likely. In other words, the foreseeable future is the period of time in which we can make reliable predictions. “Reliable” does not mean “certain”; it means sufficient to provide a reasonable degree of confidence in the prediction. Thus, a prediction is reliable if it is reasonable to depend on it when making decisions.

It is not always possible or necessary to define foreseeable future as a particular number of years. Analysis of

the foreseeable future uses the best scientific and commercial data available and should consider the timeframes applicable to the relevant threats and to the species' likely responses to those threats in view of its life-history characteristics. Data that are typically relevant to assessing the species' biological response include species-specific factors such as lifespan, reproductive rates or productivity, certain behaviors, and other demographic factors.

Our proposed rule described “foreseeable future” as the extent to which we can reasonably rely on predictions about the future in making determinations about the future conservation status of the species. The Service since codified its understanding of foreseeable future at 50 CFR 424.11(d) (84 FR 45020, August 27, 2019). In those regulations, we explain the term “foreseeable future” extends only so far into the future as the Service can reasonably determine that both the future threats and the species' responses to those threats are likely. The Service will describe the foreseeable future on a case-by-case basis, using the best available data and taking into account considerations such as the species' life-history characteristics, threat-projection timeframes, and environmental variability. The Service need not identify the foreseeable future in terms of a specific period of time. These regulations did not significantly modify the Service's interpretation; rather they codified a framework that sets forth how the Service will determine what constitutes the foreseeable future based on our long-standing practice. Accordingly, although these regulations do not apply to the final rule for the Yangtze sturgeon because it was proposed prior to their effective date, they do not change the Service's assessment of foreseeable future for the Yangtze sturgeon as contained in our proposed rule and in this final rule.

Analytical Framework

The SSA report documents the results of our comprehensive biological status review for the species, including an assessment of the potential threats to the species. The SSA report does not represent a decision by the Service on whether the species should be listed as an endangered or threatened species under the Act. It does, however, provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies. The following is a summary of the key results and conclusions from the SSA report; the

full SSA report can be found at Docket FWS-HQ-ES-2017-0047 on <http://www.regulations.gov>.

To assess Yangtze sturgeon viability, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency supports the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years), redundancy supports the ability of the species to withstand catastrophic events (for example, droughts, large pollution events), and representation supports the ability of the species to adapt over time to long-term changes in the environment (for example, climate changes). In general, the more resilient and redundant a species is and the more representation it has, the more likely it is to sustain populations over time, even under changing environmental conditions. Using these principles, we identified the species' ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species' viability.

The SSA process can be categorized into three sequential stages. During the first stage, we evaluated the individual species' life-history needs. The next stage involved an assessment of the historical and current condition of the species' demographics and habitat characteristics, including an explanation of how the species arrived at its current condition. The final stage of the SSA involved making predictions about the species' responses to positive and negative environmental and anthropogenic influences. This process used the best available information to characterize viability as the ability of a species to sustain populations in the wild over time. We use this information to inform our regulatory decision.

Summary of Biological Status and Threats

Below, we review the biological condition of the species and its resources, and the threats that influence the species' current and future condition, in order to assess the species' overall viability and the risks to that viability.

Dams on the Yangtze River and Their Effects

The topography of the upper Yangtze River basin is characterized by mountains of varying heights. The change in elevation between the upper Yangtze to the lower Yangtze amounts to 3,280 meters (m) (10,761 feet (ft)),

which makes the upper Yangtze River an ideal place for hydroelectric projects (Fan *et al.* 2006, p. 33). The growth of dam construction in China has accelerated during the past decades. From the 1970s to the 1990s, an average of 4.4 large reservoirs (capacity greater than 0.1 kilometers³ (km³)) were constructed per year. By the 2000s, this number had increased to an average construction rate of 11.8 large reservoirs per year. By 2011, China possessed 552 large reservoirs, 3,269 medium reservoirs (capacity of 0.01–0.1 km³), and 84,052 small reservoirs (capacity of 0.0001–0.01 km³); of this number, the Yangtze River basin contained 45,000 dams and reservoirs, including 143 dams having large reservoirs, or a quarter of all large reservoirs in China (Miao *et al.* 2015, p. 2350; Mueller *et al.* 2008, p. 233). The construction of dams and reservoirs have multiple and broad effects on the Yangtze sturgeon and its habitat, including limiting connectivity between spawning and feeding reaches; altering water temperature, water discharge, and velocity rates; and changing sediment concentration.

Connectivity

Dam construction on Yangtze River limits the ability of the Yangtze sturgeon to migrate between spawning and feeding reaches. Dam construction on the Yangtze occurs on both the upstream and downstream portion of the species' current range. In the middle Yangtze River, the construction of Gezhouba Dam in 1981 prevented adults downstream of the dam from being able to migrate to the species' spawning ground in the upper Yangtze near Yibin (Miao *et al.* 2015, p. 2351; Dudgeon 2010, p. 128; Fang *et al.* 2006, p. 375; Zhuang *et al.* 1997, p. 261). Although the reaches below Gezhouba Dam might be suitable for the species, at present there has been no observed natural reproduction below Gezhouba Dam (Du 2017, pers. comm.). In addition to Gezhouba Dam, the construction of the Three Gorges Dam in 2003 created a reservoir that affected individuals of the species upstream. The Three Gorges Dam reservoir, which extends 600 km upstream from the dam, transformed the area into unsuitable habitat for Yangtze sturgeon (Kynard 2016, pers. comm.; Cheng *et al.* 2015, p. 570; Miao *et al.* 2015, p. 2351). As a result of the construction of the reservoir, the species now rarely swims downstream to reaches below Chongqing. The result is the species' current range is concentrated in the 500-km reach between the Yibin and Chongqing (Wu *et al.* 2015, p. 5).

Meanwhile, in the upstream portion of the species' range, the construction of Xiangjiaba Dam on the lower Jinsha River segment occurred on part of the historical spawning reach of the Yangtze sturgeon. Xiangjiaba Dam is a barrier to all fish species and prevents migration to areas above or below the dam (Wu *et al.* 2014, p. 2). However, the species may be able to use spawning reaches below the dam (Fan *et al.* 2006, p. 36). That said, a dam located upstream from the species' habitat affects the species downstream by altering water temperature and sedimentation rate, which we discuss below (Fan *et al.* 2006, p. 36).

In addition to dams currently present on the lower Jinsha and upper Yangtze River, in the early 2000s, a proposal was presented for the construction of the Xiaonanhai Dam, which would be located upstream from Chongqing. If built, this dam would create a barrier between the species' last known spawning ground and feeding reach, which, depending on design, could have a significant negative impact on the species (Cheng *et al.* 2015, p. 579). However, at present, China's Ministry of Environmental Protection has rejected the proposal and any future dam projects on the last stretch of free-flowing Yangtze River due to environmental impacts (Chang 2016, pers. comm.; Kynard 2016, pers. comm.; Mang 2015, unpaginated).

While the rejection of the proposal to construct the Xiaonanhai Dam will allow continued connectivity between the spawning and feeding reach for the Yangtze sturgeon, the country's twelfth 5-year plan stated that renewable resources should make up 15 percent of all energy generated in China with 9 percent coming from hydroelectric sources. This plan translates to an additional 230 gigawatts (GW) of power generated via hydroelectric dams. This target is a very ambitious one, given that Three Gorges Dam generates 18 GW of power per year (Dudgeon 2011, p. 1496). Furthermore, although the plan to construct the Xiaonanhai Dam has been rejected, plans to construct dams on the Jinsha River as part of a 12-dam cascade are still proceeding (Dudgeon 2010, p. 129).

Water Temperature

Dams negatively affect the reproductive success of Yangtze sturgeon by altering water temperature flowing through the species' habitat. Water temperature influences the reproductive success of the Yangtze sturgeon at two stages in its life cycle: Commencement of spawning migration and egg survival. Spawning migration of

the Yangtze sturgeon will not start until the water temperature reaches 18 degrees Celsius (°C) (64.4 degrees Fahrenheit (°F)) (Cheng *et al.* 2015, p. 578). Historically, before the construction of the Xiangjiaba and other dams on the lower Jinsha, the water temperature reached 18 °C (64.4 °F) around April. However, the construction of the dams stratified the water table. As most dams on the Yangtze are designed to release cold water located at the bottom of the dams, the spawning season for the Yangtze sturgeon could be delayed by more than a month (Deng *et al.* 2006 and Wang *et al.* 2009, as cited in Cheng *et al.* 2015, p. 578). This delay shortens the maturing season for juveniles and is likely to reduce the species' survival rate. Additionally, if the water remains too cold for too long, sturgeon eggs will not mature, resulting in total loss of reproduction for that season (Kynard 2016, pers. comm.).

Water Discharge and Velocity

By altering discharge rates, dams affect the Yangtze sturgeon's reproductive success by affecting the timing of spawning migration. The species' spawning migration begins when flow rate increases during the spring flood (Zhuang *et al.* 1997, p. 261). At Yichang, the most downstream portion of the Yangtze sturgeon's current range, the mean discharge rate from 1983 to 2004 (before the construction of Three Gorges Dam) was between 10,000 m³ per second (/s) and 17,000 m³/s. After the construction of the Three Gorges Dam, mean flow rate varies between 6,414 m³/s in low flow years to 12,780 m³/s in high flow years (Chen and Wu 2011, p. 384). For Chinese sturgeon, successful spawning occurs when water discharge is between 7,000 and 26,000 m³/s. This means that although the flow rate during high flow years remains in the optimal discharge rate for Chinese sturgeon spawning, discharge rates during low flow years are below the flows needed for spawning, and thus are likely to have a negative impact on spawning success rates (Chen and Wu 2011, p. 385). Given the similarities in the genetic and life history between the Yangtze and Chinese sturgeon, the reduction in discharge rate is likely to negatively affect the spawning success rate of the Yangtze sturgeon on reaches below the Three Gorges Dam as well.

While we do not have long-term historical data for the optimal water discharge rate for the Yangtze sturgeon at Yibin, the flow rate at Chongqing during the years 1950–2000 was between 4,540 m³/s and 11,000 m³/s

(Zhang *et al.* 2011, p. 183). Since Chongqing is farther upstream from Yichang, this flow rate may be the river's natural rate at this section of the Yangtze. However, following the impoundment by the Xiangjiaba Dam in October 2012 and the Xiluodo Dam in May 2013, discharge in the lower Jinsha has declined more than 50 percent, suggesting that the current flow rate is likely to be lower than the flow rate between 1950 and 2000 (Cheng *et al.* 2015, p. 577). The Jinsha River feeds into the upper Yangtze River. This means that a reduction in flow rate on the Jinsha will also reduce the flow rate on the upper Yangtze River. Given that the Yangtze sturgeon is closely related to the Chinese sturgeon, a reduction of flow rate by over 50 percent could have a significant negative impact on the reproductive success rate of the Yangtze sturgeon given its already tenuous biological status.

Sedimentation Concentration

In addition to affecting spawning of Yangtze sturgeon, dams affect the condition of the species' spawning ground through changes in the water velocity and sedimentation load. Because reproductive success of sturgeon is tied to the amount of suitable habitat, a reduction in habitat area can reduce the reproductive success of the species (Ban *et al.* 2011, p. 96; Bemis and Kynard 1997, p. 169). Specifically, flow rates affect the Yangtze sturgeon by affecting the sedimentation concentration in the water and on the riverbed. As noted before, Yangtze sturgeon lay their eggs on the interstitial spaces between rocks and boulders. The make-up of the riverbed needs to contain the right concentration of small pebbles and larger boulders to provide sufficient space for adherence and aeration of the eggs (Du *et al.* 2011, pp. 261–262; Bemis and Kynard 1997, p. 169).

Historically, discharge rates and sedimentation load were aligned with precipitation rates: A low discharge rate results in a low sedimentation load, while high discharge rates lead to a higher sediment load, as high flows are able to transport more sediments downstream (Chen Z. *et al.* 2001, pp. 88–89). However, with dams constructed along the lower Jinsha and Yangtze Rivers, discharge rate and sedimentation rate have become misaligned. While discharge rates typically remain aligned with the precipitation rate, the sedimentation load pattern displays a 2-month delay due to sediment being trapped behind the dams. When the spring flood occurs, numerous dams release highly

concentrated sediment downstream all at once, resulting in an asymmetrical sediment load pattern (Chen Z. *et al.* 2001, p. 90). The effects of sediment load patterns on the species' habitat occur at two stages: Release of sediments during high river stages and reduced sediment size and load over time (Dudgeon 2011, pp. 1488, 1495).

The Jinsha River dams trap up to 82 percent of the sediment during the winter months, resulting in “clean” (*i.e.*, sediment-free) water flowing downstream. This “clean” water lacks nutrients and may decrease the food supply for the Yangtze sturgeon over the winter months (Cheng *et al.* 2015, p. 578). During the subsequent spring flood, the release of concentrated sediment from dams likely results in sediment filling in all the interstitial spaces in the spawning habitat, thereby reducing available spawning habitat for that season.

Despite the spring release of concentrated sediments, sediment load is expected to decline over time. At Yichang, sediment load per year has decreased from 530 Megatonnes (Mt) (530 million metric tons) per year in the 1950s–1960s, to 60 Mt (60 million metric tons) per year after 2003. Additionally, suspended sediment at Yichang below Three Gorges Dam has decreased in size from 8–10 micrometers in 1987–2002 to 3 micrometers after 2003 (Yang *et al.* 2011, pp. 16–17). Reduction in sediment size can lead to increased embeddedness of available interstitial space, which prevents the adherence of eggs to the river bottom and reduces the quality of remaining spawning habitats. At the reaches below Gezhouba Dam, sedimentation has reduced available interstitial space by as much as 50 to 70 percent (Du *et al.* 2011, p. 262).

Summary of Effects of Dams on the Yangtze Sturgeon

Dam construction in the middle Yangtze and lower Jinsha has restricted the species' range to the reaches of the Yangtze between Yibin and Yichang (Wu *et al.* 2014, p. 5). These projects prevented the migration of the species upstream and downstream of the dams. Although there is currently access between the species' remaining spawning and feeding grounds, the condition of the remaining habitat is likely to be negatively affected by changes to the river flow and sedimentation rate. The formation of the Three Gorges reservoir has transformed the 600-km reach above the dam into a lentic (still water) system, resulting in unsuitable habitat for the species (Kynard 2016, pers. comm.; Cheng *et al.*

2015, pp. 570, 576). As a result, Yangtze sturgeon rarely use habitat downstream from Chongqing (Wu *et al.* 2014, p. 5).

Upstream from the species' current range, the construction of the Xiluodu and Xiangjiaba Dams are likely to negatively affect the reproductive success of the Yangtze sturgeon. Through the release of cold water during the spring flood, the dam can delay the spawning migration of the sturgeon, which will shorten the maturation time for juveniles and possibly prevent the successful maturation of eggs altogether (Kynard 2016, pers. comm.; Cheng *et al.* 2015, p. 578). Alteration to sediment concentration in both the short term and long term reduces the quality of remaining habitat (Du *et al.* 2011, p. 262). Given the lack of observed natural reproduction of the species in the upper Yangtze, present and future dam construction could significantly affect the viability of the species.

Overfishing (Historical) and Bycatch (Current)

Historically, the Yangtze sturgeon was commercially harvested on the Yangtze River. In the 1970s, 5,000 kilograms (5.5 tons) of Yangtze sturgeons were caught in the spring season at Yibin (Zhuang *et al.* 1997, p. 262). Since then, however, the population of Yangtze sturgeon has declined significantly (Zhang *et al.* 2013, p. 409). There are multiple reasons for this decline: Fishermen use fine mesh nets that prevent smaller fish, weighing as little as 50 grams (1.7 ounces), from being able to escape; the number of fishing boats in the Yangtze River increased from 500 in the 1950s to 2,000 by 1985; and more than 140,000 fishermen currently depend on the river for a living. Furthermore, the fishing season historically overlapped with the main spawning season of the Yangtze sturgeon (Yi 2016, p. 1; Fan *et al.* 2006, p. 37; Zhuang *et al.* 1997, p. 262). The replacement of bamboo and reed gear with gear made from synthetic fibers further contributed to a higher catch rate of sturgeons (Chen D. *et al.* 2009, p. 346).

Despite attempts to help conserve the species by restocking, restocked juveniles experience very low survival rates (Wu *et al.* 2014, p. 4). From 2010 to 2013, restocking operations released 7,030 juveniles into the upper Yangtze River main stem. Subsequent bycatch between 2010 and 2013 recorded a total of 112 sturgeons caught, indicating a very low survival rate of stocked juveniles (Wu *et al.* 2014, p. 3). These results suggest that although other factors also played a role in low survival rate of juveniles, the existing bycatch

rate continues to put pressure on the survival of the species (Wu 2016, pers. comm.; Wu *et al.* 2014, p. 4).

Riverbed Modification

To reproduce successfully, the Yangtze sturgeon requires the river substrate to contain a suitable concentration of sediment (Du *et al.* 2011, p. 257). Alteration of the riverbed has reduced the reproductive success of this species. To improve navigation on the lower Jinsha and upper Yangtze River, multiple projects, including sand and gravel extraction operations, were implemented on the reaches between Shuifu and Yibin, and Yibin and Chongqing (Zhang *et al.* 2011, p. 184). Between 2005 and 2009, \$44 million (converted to U.S. dollars) were invested to improve the navigation between Yibin and Chongqing. These investments have led to the modification of 22 riffles (a shallow section of a stream or river with rapid current and a surface broken by gravel, rubble, or boulders) on the upper Yangtze and the deepening of the channel from 1.8 m (5.9 ft) to 2.7 m (8.8 ft) (Zhang *et al.* 2011, p. 184). Additionally, up to 10, 6, and 3 river dredge ships operate in the Yangtze River, the Jinsha River, and the Min River, respectively. The operations of these ships alter the bottom topography of the riverbeds, which results in the loss of benthic (bottom-dwelling) habitat and spawning ground for many fish species, including the Yangtze sturgeon (Fan *et al.* 2006, p. 37). These projects are occurring on or near current Yangtze sturgeon spawning and feeding grounds from Yibin to Hejiang. Thus, these operations will continue to reduce the quality and quantity of remaining habitat (Zhang *et al.* 2011, p. 184).

Industrial Pollution

As a benthic predator, the Yangtze sturgeon is exposed to higher concentrations of industrial pollution than many other fish species (Yujun *et al.* 2008, pp. 341–342). While we are not aware of any studies that analyze the impacts of industrial pollution on Yangtze sturgeon specifically, there have been studies on Chinese sturgeon and other sturgeon species. Industrial pollutants such as triphenyltin (TPT) affect the reproductive success of the Chinese sturgeon. TPT, used in paint on ship hulls and in fishnets in China, can be absorbed into the eggs of Chinese sturgeon, resulting in increased deformities, including abnormal development and skeletal and morphological deformities in embryos (Hu *et al.* 2009, pp. 9339–9340).

A study on TPT exposure to 2- to 3-day-old Chinese sturgeon larvae found that 6.3 percent showed skeletal/morphological deformities and 1.2 percent had no eyes or only one eye. At the same time, larvae from spawning hatches of captured adults showed skeletal/morphological deformities of 3.9 percent and 1.7 percent that had only one eye or no eyes. Given the rate of deformities found in this study, reproduction in the studied Chinese sturgeon was reduced by 58.4 to 75.9 percent (Hu *et al.* 2009, p. 9342). Because the Yangtze and Chinese sturgeon are closely related species, the presence of TPT in the upper Yangtze River is likely reducing the reproductive success of the Yangtze sturgeon at a similar rate.

In addition to TPT, the presence of endocrine disruptor compounds (EDC) affects Chinese sturgeon by inducing declining sperm activity, intersex testis-ova, and a decline in the male to female ratio in the population (An and Hu 2006, p. 381). A study on EDC found that the concentration of EDC in the Yangtze River from industrial discharge (1.55 to 6.85 micrograms per liter) is very high and could have a detrimental impact on sturgeon in the river.

As a result of rapid industrialization along the Yangtze River, higher concentrations of heavy metals are found in the river (Yujun *et al.* 2008, p. 338). A high concentration of heavy metals leads to greater accumulation of these metals in all aquatic organisms (Yujun *et al.* 2008, p. 339). The toxicity effect of heavy metal accumulation is especially pronounced in zoobenthic predators, like the Yangtze sturgeon, because they occupy a higher position in the food chain. The result is that by consuming smaller prey species that have absorbed heavy metal, zoobenthic predators accumulate heavy metals inside their bodies (Yujun *et al.* 2008, p. 346). Given that the heavy metal concentration is highest in benthic animals, especially zoobenthic predators like the sturgeon, the effect of heavy metals on the sturgeon could be more pronounced than in other aquatic species (Yujun *et al.* 2007, p. 341; An and Hu 2006, p. 381). Despite the known impacts on captured Chinese sturgeon, we currently do not have evidence of population-level impacts of EDC or heavy metals on the wild Yangtze sturgeon population. That said, even though we have no evidence of morphological deformities in wild sturgeon, it is likely that industrial pollution does have an effect on the reproductive success of wild sturgeon.

Hybridization With Displaced Native and Nonnative Sturgeon

Despite the decline in wild fishery yields, the Yangtze basin remains one of the major centers of China's aquaculture industry. Fishery yields from the basin account for 65 percent of total freshwater fisheries production in China (Shen *et al.* 2014, p. 1547; Chen D. *et al.* 2009, p. 338). In the past 30 years, sturgeon aquaculture in China has risen significantly. Although commercial aquaculture for sturgeon only started in the 1990s, by 2006, production had reached 17,424 tons, which accounts for 80 percent of the world total production (Shen *et al.* 2014, p. 1548). The growth of the aquaculture industry in China saw aquaculture farms constructed across all branches of the Yangtze River (Li R. *et al.* 2009, p. 636). Sturgeon species that are commonly used in the aquaculture industry include the Amur sturgeon (*Acipenser schrenckii*), kaluga (*Huso dauricus*), and other Amur River sturgeon hybrids (Li R. *et al.* 2009, p. 636). However, none of these commonly cultured species is native to the Yangtze River. The existing fishing management regulations are not adequate to address the threat of hybridization, and the regulations that do exist are not enforced. In particular, non-native aquaculture sturgeon and hybridized aquaculture sturgeon are escaping from sturgeon farms into the wider river system (Li R. *et al.* 2009, p. 636). The result is a comingling of native, exotic, and hybrid sturgeon species which could have a negative impact on the Yangtze sturgeon (Shen *et al.* 2014, p. 1549; Li R. *et al.* 2009, p. 636).

Currently, no aquaculture efforts in China use native strains of sturgeon. Because no farms in China focus on raising native stock in large enough numbers, this system creates shortages of parental stock of native sturgeon. In response to this shortage, farmers crossbreed wild-caught sturgeon with any sturgeon species available, including nonnative species (Xiong *et al.* 2015, p. 658; Li R. *et al.* 2009, p. 636). For example, in 2006, there was a shortage of Siberian sturgeon (*Acipenser baerii*) in China. Farmers then started crossbreeding Siberian sturgeon with Russian sturgeon (*A. gueldenstaedtii*), Sterlet sturgeon (*A. ruthenus*), and Amur sturgeon (*A. schrenckii*) (Li R. *et al.* 2009, p. 636). Crossbreeding of sturgeon species in China alters the makeup of the wild population. Of the 221 young sturgeons captured on the Yangtze River in 2006, 153 were hybrids, which accounted for 69.9 percent of total sturgeons caught (Li R. *et al.* 2009, p. 636). This information

indicates that farmed hybrids are escaping into the river system. Although this study was conducted in the lower Yangtze River below the range of the Yangtze sturgeon, because sturgeon aquaculture occurs across the Yangtze River system, it is likely that hybridization is occurring in the upper Yangtze River as well.

The uncontrolled hybridization of native and nonnative species on the Yangtze alters the population dynamics between hybrids and native stocks. Hybridization may reduce the fitness of the overall population or replace a population of native fish with hybrids (Shen *et al.* 2014, p. 1549; Li R. *et al.* 2009, p. 636). Hybridization may also result in hybrids with better fitness than wild stock that outcompete the wild native stock of Yangtze sturgeon for habitat and resources. When native fish are unavailable, farmers tend to import nonnative fish that have more desirable characteristics, such as a higher growth rate and better adaptability. These nonnative sturgeons are bred with available native sturgeon to produce hybrids. These hybrids oftentimes escape or are accidentally introduced into the wild and then compete with the Yangtze sturgeon for resources (Xiong *et al.* 2015, pp. 657–658). Although hybridization is likely occurring all along the Yangtze River, we currently do not have information on the rate of hybridization in sturgeon in the upper Yangtze or how significant the effects are on the Yangtze sturgeon. Given that hybridized sturgeons make up 69.9 percent of sturgeons found in the studied area, it is likely that sturgeon hybrids are competing, and will likely continue to compete, with native stocks for habitat and resources throughout the Yangtze River system.

Management Efforts

As a result of overfishing and the construction of Gezhouba Dam in 1981, the population of Yangtze sturgeon has continued to decline (Du *et al.* 2014, p. 1; Wu *et al.* 2014, p. 1; Zhang H. *et al.* 2011, p. 181). In response to the decline of the species, national and local officials have embarked on a number of initiatives to help conserve the species. These initiatives include increasing legal protection for the Yangtze sturgeon, creating and designating part of the species' range as a protected area, and repopulating the species in the wild through restocking (Zhang H. *et al.* 2011, p. 181; Fan *et al.* 2006, p. 35; Wei *et al.* 2004, p. 322).

Legal Protections

In response to the decline of the Yangtze sturgeon, in 1989, China's State

Council added the Yangtze sturgeon to the National Red Data Book for Threatened Chinese Fish as a Class I Protected Animal (Wu *et al.* 2014, p. 1; Zhang H. *et al.* 2011, p. 181; Dudgeon 2010, p. 128; Wei *et al.* 2004, p. 322; Zhuang *et al.* 1997, p. 258). Animals listed as a Class I species are protected from certain activities, including hunting, capturing, or killing, for both commercial and personal uses. Scientific research, domestication, breeding, and exhibition are exempted (Wei *et al.* 2004, p. 322). Transportation of Class I-listed species requires approval from the Department of Wildlife Administration. Import or export of Class I aquatic species is regulated by the Fisheries Bureau of the Minister of Agriculture (Wei *et al.* 2004, p. 323).

In addition to its listing under national law, the species has also been included in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) since 1998 (Ludwig 2008, p. 5; CITES 1997, pp. 152–153). A query of the CITES trade database does not show any records of legal international trade in Yangtze sturgeon from 1975 to 2017 (CITES 2019). International trade in CITES species is regulated via a permit system. Under Article IV of CITES, export of an Appendix-II specimen requires a prior grant and presentation of an export permit. Export permits for Appendix-II specimens are only granted if the Management Authority of the State of export is satisfied that the specimens were lawfully obtained and if the Scientific Authority of the State of export has advised that the trade is not detrimental to the survival of the species in the wild. For any living specimen, the Management Authority of the State of export must also be satisfied that the specimen will be so prepared and shipped as to minimize the risk of injury, damage to health, or cruel treatment. Re-export of an Appendix-II specimen requires the prior grant and presentation of a re-export certificate, which is only granted if the Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with CITES and, for any living specimen, that the specimen will be so prepared and shipped as to minimize the risk of injury, damage to health, or cruel treatment. Certain exemptions and other special provisions relating to trade in CITES specimens are also provided in Article VII of CITES. In the United States, CITES is

implemented through the Act and regulations at 50 CFR part 23.

Additionally, since 2003, a fishing ban on all fish species has been implemented in the upper Yangtze River from February 1 to April 30. Starting in 2017, the fishing ban was changed and extended from March to June (Du 2017, pers. comm.). One of the effects of this ban is a reduction in the bycatch of Yangtze sturgeon, as the time period of the ban coincides with the spawning season of the Yangtze sturgeon (Chen D. *et al.* 2012, p. 532; Chen D. *et al.* 2009, p. 348).

Despite the implementation of legal protection for the species, the current regulatory mechanisms for the species have several shortcomings. China currently does not have a specialized, dedicated agency to manage fisheries resources across the country. Riverine resource management is maintained at local levels, which are often located in major population centers, far away from the fishery resource (Chen D. *et al.* 2012, p. 541). In the case of Yangtze sturgeon, these different jurisdictions have variations in regulation and conservation goals for the Yangtze River ecosystem, which limits the coordination of species-conservation efforts and the overall effectiveness of managing species conservation across the Yangtze River basin (Chen D. *et al.* 2012, p. 541).

In addition to a lack of a specialized body or other effective basin-wide conservation efforts, lack of funding is a major problem for local jurisdictions. Enforcement officers often lack basic equipment, such as boats, to carry out fishing regulations within the fishery (Chen D. *et al.* 2012, p. 541). Additionally, while commercial harvesting of the species is prohibited, bycatch is still occurring and may still be too high to sustain a wild breeding population (Zhang H. *et al.* 2011, p. 184). The new seasonal fishing ban implemented in 2017 has the potential to reduce bycatch (Du 2017, pers. comm.). However, the positive effects from a fishing ban on the Yangtze River may be limited, given the fact that entire stretches of the river cannot be closed off to fishing due to the importance of the river to the economic well-being of riverside communities (Fan *et al.* 2006, p. 38).

Protected Areas

To offset the effects of habitat loss due to dams, in 2000, China's State Department established the National Reserve of Hejiang-Leibo Reaches of the Yangtze River for Rare and Endangered Fishes (Zhang H. *et al.* 2011, p. 181; Fan *et al.* 2006, p. 35). The reserve is located

on the upper Yangtze River on the reaches between Xiangjiaba Dam and the city of Chongqing. This reserve is intended to protect 3 imperiled fish species, the Yangtze sturgeon, the Chinese paddlefish (*Psephurus gladius*), and the Chinese high-fin banded shark (*Myxocyprinus asiaticus*), as well as 37 other endemic fish species (Fan *et al.* 2006, p. 35). In 2005, the reserve was expanded to mitigate the impact from current and future dam constructions (Zhang H. *et al.* 2011, pp. 181–182). While the reserve plays an important role in protecting wildlife within its borders, expansion of the hydroelectric projects in the lower Jinsha River and upper Yangtze outside the protected area is likely to undermine the effectiveness of the reserve. In order to facilitate economic growth, China has decentralized authority for infrastructure development from the state to local municipalities. This decentralized model has resulted in provincial governments prioritizing economic growth over environmental impacts (Dudgeon 2011, p. 1496).

Since 2003, hydroelectric projects in China are subject to environmental assessments and approval from the Ministry of Environmental Protection (Ministry) (Dudgeon 2011, p. 1496). However, this approval is routinely ignored even by nationally owned corporations. For example, in 2004, China Three Gorges Corporation (CTGC) began construction of the Xiluodu Dam in the Lower Jinsha without obtaining permission from the Ministry (Dudgeon 2011, pp. 1496–1497). In response, the Ministry suspended work on the dam in 2005. However, despite initial reservations about the lack of an environmental impact assessment, the Ministry quickly compiled reports and allowed the dam construction to proceed (Dudgeon 2011, p. 1499). Additionally, in 2009, the Ministry gave the authority to build two additional dams on the Jinsha segment after a brief suspension (Dudgeon 2010, p. 129). Overall, these temporary suspensions of construction have done little to slow down the pace of dam development. In addition to dam construction occurring outside the reserve, there was also a case of dam construction occurring within the reserve. In 2011, CTGC began constructing the Xiangjiaba Dam on the Lower Jinsha. The location of this dam was within the 500-km boundary of the National Reserve of Hejiang-Leibo Reaches. The CTGC successfully petitioned the State Council to redraw the boundaries of the reserve to exclude the section of the river where the Xiangjiaba Dam is located (Dudgeon

2011, p. 1500; Dudgeon 2010, p. 129). The reserve, now renamed the National Natural Reserve Area of Rare and Special Fishes of the Upper Yangtze River, encompasses the reaches below the Xiangjiaba Dam from Yibin to Chongqing, as well as the tributaries that feed into the Yangtze (Zhang H. *et al.* 2011, p. 182; Fan *et al.* 2006, p. 35). The redrawing of the area of the reserve to accommodate the construction of Xiangjiaba Dam lends further evidence that local governments are prioritizing growth over environmental impacts. The construction of the Xiangjiaba Dam led to the impoundment of the reach upriver, which will affect the flow and sedimentation rate downstream (Cheng *et al.* 2015, p. 577; Dudgeon 2011, p. 1500). Given the lack of natural reproduction of the Yangtze sturgeon and future impacts from the dam, it is unlikely that the current boundary of the reserve will be sufficient to maintain a wild breeding population of this species (Kynard 2016, pers. comm.; Dudgeon 2011, p. 1500).

Restocking

As a result of the decline of the species, controlled reproduction and release of juvenile Yangtze sturgeon has occurred every year since 2007 (Zhang H. *et al.* 2011, p. 181). Between 2007 and 2012, more than 10,000 Yangtze sturgeon juveniles were released into the upper Yangtze on reaches downstream from Xiangjiaba Dam (Wu *et al.* 2014, p. 1). In 2014, restocking was started on the reaches below Gezhouba Dam (Du 2017, pers. comm.). While this number is relatively small in comparison with the 6 million Chinese sturgeon that have been released since 1983, the restocking of the Yangtze sturgeon represents efforts by local and state officials to try to maintain the species in the wild (Chen D. *et al.* 2009, p. 349).

Despite the efforts to restock the Yangtze sturgeon in the wild, current restocking efforts are unsuccessful (Wu *et al.* 2014, p. 4). No juveniles were caught 95 days after release, indicating that released sturgeon experienced a very high mortality rate (Wu *et al.* 2014, p. 4). There are multiple possible reasons for the limited success of current restocking efforts, including poor breeding and rearing techniques that result in progeny with low survival rates in the wild, high bycatch rate, and loss or deterioration of remaining habitats (Cheng *et al.* 2015, pp. 579–580; Du *et al.* 2014, p. 2; Shen *et al.* 2014, p. 1549; Zhang H. *et al.* 2011, p. 184). Thus, despite attempts to conserve the species in the wild through restocking, with all the other forces acting on the

Yangtze sturgeon, it is unlikely that current restocking efforts are adequate to improve the species' condition in the wild.

Stochastic (Random) Events and Processes

Species endemic to small regions, or known from few, widely dispersed locations, are inherently more vulnerable to extinction than widespread species because of the higher risk from localized stochastic (random) events and processes, such as industrial spills and drought. These problems can be further magnified when populations are very small, due to genetic bottlenecks (reduced genetic diversity resulting from fewer individuals contributing to the species' overall gene pool) and random demographic fluctuations (Lande 1988, pp. 1455–1458; Pimm *et al.* 1988, p. 757). Species with few populations, limited geographic area, and a small number of individuals face an increased likelihood of stochastic extinction due to changes in demography, the environment, genetics, or other factors, in a process described as an extinction vortex (a mutual reinforcement that occurs among biotic and abiotic processes that drives population size downward to extinction) (Gilpin and Soulé 1986, pp. 24–25). The negative impacts associated with small population size and vulnerability to random demographic fluctuations or natural catastrophes can be further magnified by synergistic interactions with other threats.

The Yangtze sturgeon is known from a single geographic population in the upper Yangtze River and its tributaries (Zhang *et al.* 2011, pp 181–182; Zhuang *et al.* 1997, p. 259). As a result, the species is highly vulnerable to stochastic processes and is negatively affected by these processes. In March 2000, for example, the Jinguang Chemical Plant, located on the Dadu River (a tributary of the Yangtze River), was found to be releasing yellow phosphorous into the Yangtze. This substance is highly toxic to aquatic organisms, including the Yangtze sturgeon (Chen D. *et al.* 2009, p. 343). Another spill in 2006 on the Yuexi River, which also feeds into the Yangtze, involved mercury being released into the river (Worldwatch Institute 2006, entire). These and other incidents, combined with the fact that the Yangtze River system is home to a large number of chemical plants, suggest that the risk of industrial spills is quite high. Therefore, stochastic processes will have negative impacts on the species in combination with other

factors such as habitat modification and loss, and bycatch.

We note that, by using the SSA framework to guide our analysis of the scientific information documented in the SSA report, we have not only analyzed individual effects on the species, but we have also analyzed their potential cumulative effects. We incorporate the cumulative effects into our SSA analysis when we characterize the current and future condition of the species. Our assessment of the current and future conditions encompasses and incorporates the threats individually and cumulatively. Our current and future condition assessment is iterative because it accumulates and evaluates the effects of all the factors that may be influencing the species, including threats and conservation efforts. Because the SSA framework considers not just the presence of the factors, but to what degree they collectively influence risk to the entire species, our assessment integrates the cumulative effects of the factors and replaces a standalone cumulative effects analysis.

Summary of Comments and Recommendations

In the proposed rule published on December 27, 2017 (82 FR 61230), we requested that all interested parties submit written comments on the proposal by February 26, 2018. We also contacted appropriate Federal and State agencies, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. We published a press release notifying the general public of the opportunity to comment on our proposed rule. We did not receive any requests for a public hearing. We reviewed all comments we received from peer reviewers and the public for substantive issues and new information. All substantive information provided during the comment period has either been incorporated directly into this final determination or is addressed below.

Peer Reviewer Comments

As discussed in Supporting Documents above, we received responses from two peer reviewers. We reviewed all comments we received from the peer reviewers for substantive issues and new information regarding the information contained in the SSA report. The peer reviewers generally concurred with our methods and conclusions, and provided additional information, clarifications, and suggestions to improve the final SSA report. Peer reviewer comments are addressed in the following summary

and were incorporated into the final SSA report as appropriate.

One peer reviewer provided additional information on ongoing and new conservation efforts on the Yangtze River. These efforts include lengthening fishing bans within the species' range and the commencement of restocking efforts on reaches below Gezhouba Dam. We have incorporated the new information into this rule.

We received 24 public comments on the proposed rule to list the Yangtze sturgeon as an endangered species under the Act. The majority of the comments reviewed were nonsubstantive as they were unrelated to the rule to list the Yangtze sturgeon. The following discussion summarizes issues and substantive information from public comments and provides our responses.

Comment (1): One commenter questioned the effectiveness of the listing of foreign species and stated that the listing of foreign species can have a negative impact on conservation efforts for foreign species undertaken by private entities.

Our Response: The decision to list a species under the Act is based on whether the species meets the definition of an endangered species or a threatened species, as defined under section 3 of the Act, and is made solely on the basis of the best scientific and commercial data available. Additionally, we were petitioned to list this species and are required to respond to the petition. Conservation measures provided to species listed as endangered or threatened under the Act include recognition, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness, and may encourage and result in conservation actions by foreign governments, Federal and State governments, private agencies and interest groups, and individuals. Listing under the Act can help ensure that the United States and its citizens do not contribute to the further decline of the species. For additional information see Available Conservation Measures, below.

Comment (2): One commenter stated that the species should not be listed until more sources are included.

Our Response: The Service is required by the Act to make determinations solely on the basis of the best scientific and commercial data available. We based this final rule on all the information we received following the publication of the proposed rule, as well as all of the information we found during our own research. At this time, we consider the information we

compiled to be the best available information. The information we received during the proposed rule's comment period has been incorporated into this final rule, as appropriate.

Determination of Yangtze Sturgeon Status

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act defines an "endangered species" as a species that is in danger of extinction throughout all or a significant portion of its range, and a "threatened species" as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether a species meets the definition of "endangered species" or "threatened species" because of any of the following factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.

Yangtze Sturgeon Status Throughout All of Its Range

We have carefully assessed the best scientific and commercial information available on the Yangtze sturgeon. While we do not know the exact population size of the Yangtze sturgeon, the species was historically abundant enough to be commercially viable up to the 1970s, after which it experienced a significant decline (Kynard *et al.* 2003, p. 27). Loss of individuals due to overharvesting by fishermen on the Yangtze (Factor B) is the main factor that contributed to the historical decline of the species. Subsequent construction of dams on the Yangtze prevented the migration in the middle Yangtze and lower Jinsha, which has prevented recovery of the species in these areas (Miao *et al.* 2015, p. 2351; Wu *et al.* 2014, p. 2; Dudgeon 2010, p. 128; Fang *et al.* 2006, p. 375; Zhuang *et al.* 1997, p. 261). Additionally, dams affect the quality of the species' habitat through changes in discharge, temperature, and sedimentation rate (Zhang G. *et al.* 2012, p. 445; Du *et al.* 2011, p. 262; Chen Z. *et al.* 2001, p. 90). In addition to dams, the species' habitat is also adversely affected by riverbed modification to accommodate increasing boat traffic.

The combined effects of dams and riverbed modification on the Yangtze River have resulted in the loss and reduction in quality of remaining habitat for the species (Factor A).

Despite conservation efforts undertaken by local and national authorities, such as fishing bans and restocking, current efforts do not appear to be successful in conserving the species. No natural reproduction has been documented in the wild since 2008 (Wu *et al.* 2014, p. 1). Additionally, restocked juvenile sturgeon experience very high mortality rates due to a high bycatch rate and an inability to survive in wild conditions (Du *et al.* 2014, p. 1; Wu *et al.* 2014, p. 4).

Industrial pollution, and hybridization with displaced native and nonnative sturgeon species, are also acting on the species (Factor E). Although we do not have information on the impact of industrial pollution on the species in the wild, there are high concentrations of TPT and EDC in the Yangtze River, and studies in a laboratory environment found that these pollutants can reduce the reproductive success rate of adult sturgeon (Hu *et al.* 2009, p. 9342; An and Hu 2006, pp. 379–380). While we do not have data on the hybridization of Yangtze sturgeon with other species, surveys conducted in the lower Yangtze River found that 69.9 percent of sturgeon species caught were hybrids (Li R. *et al.* 2009, p. 636). The results suggest that industrial pollution and hybridization, in tandem with other factors, are adversely affecting the species.

Therefore, for the following reasons, we conclude that this species has been and continues to be significantly reduced to the extent that the viability of the Yangtze sturgeon is significantly compromised:

- (1) The species is limited to a single geographic population in the upper Yangtze River main stem and its tributaries. There is also some evidence of a small remnant population in the middle Yangtze.
- (2) Loss of habitat and connectivity between the spawning and feeding reaches due to dam construction and operation is having a significant adverse effect on the species, which appears to have low to no reproduction in the wild.
- (3) The cumulative effects of habitat modification and loss due to dams and riverbed projects, bycatch, industrial pollution, and hybridization are adversely affecting the species.
- (4) Current restocking and management efforts are inadequate to maintain the species' presence in the wild.

(5) Stochastic events, such as industrial spills or drought, can reduce the survival rate of the species.

We find that the Yangtze sturgeon is presently in danger of extinction throughout its range based on the severity and immediacy of threats currently adversely affecting the species. The populations and distributions of the species have been significantly reduced to the point where there is low to no current reproduction in the wild, which is indicative of a very high risk of extinction, and the remaining habitat and populations are at risk due to a variety of factors acting alone and in combination to reduce the overall viability of the species.

After evaluating threats to the species and assessing the cumulative effect of the threats under the section 4(a)(1) factors, we find the following factors to be threats to this species (*i.e.*, factors contributing to the risk of extinction of this species): Loss and modification of habitat due to dams and riverbed expansion (Factor A); bycatch (Factor E); and cumulative effects (Factor E) of these and other threats, including industrial pollution and hybridization. Furthermore, current legal and management efforts over these practices are inadequate to conserve the species (Factor D). Thus, after assessing the best available information, we conclude that Yangtze sturgeon is in danger of extinction throughout all of its range. We find that a threatened species status is not appropriate for this species because of its restricted range, limited distribution, and vulnerability to extinction, and because the threats are ongoing throughout its range at a level that places this species in danger of extinction now.

Yangtze Sturgeon Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so in the foreseeable future throughout all or a significant portion of its range. We have determined that the Yangtze sturgeon is in danger of extinction throughout all of its range, and accordingly, did not undertake an analysis of any significant portions of its range. Because we have determined that the Yangtze sturgeon warrants listing as endangered throughout all of its range, our determination is consistent with the decision in *Center for Biological Diversity v. Everson*, 2020 WL 437289 (D.D.C. Jan. 28, 2020), in which the court vacated the aspect of the Final Policy on Interpretation of the Phrase "Significant Portion of Its Range" in the

Endangered Species Act's Definitions of "Endangered Species" and "Threatened Species" (79 FR 37578; July 1, 2014) that provided the Services do not undertake an analysis of significant portions of a species' range if the species warrants listing as threatened throughout all of its range.

Determination of Status

Our review of the best available scientific and commercial information indicates that the Yangtze sturgeon meets the definition of an endangered species. Therefore, we are listing the Yangtze sturgeon as an endangered species in accordance with sections 3(6) and 4(a)(1) of the Act.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness, and encourages and results in conservation actions by Federal, State, Tribal, and local agencies, foreign governments, private organizations, and individuals. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies and the prohibitions against certain activities are discussed, in part, below.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as an endangered or threatened species and with respect to its critical habitat, if any is designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service.

An "action" that is subject to the consultation provisions of section 7(a)(2) is defined in our implementing

regulations at 50 CFR 402.02 as all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas. With respect to this species, there are no "actions" known to require consultation under section 7(a)(2) of the Act. Given the regulatory definition of "action," which clarifies that it applies to activities or programs "in the United States or upon the high seas," the Yangtze sturgeon is unlikely to be the subject of section 7 consultations, because the entire life cycle of the species occurs in freshwater and nearshore marine areas outside of the United States unlikely to be affected by U.S. Federal actions. Additionally, no critical habitat will be designated for this species because, under 50 CFR 424.12(g), we will not designate critical habitat within foreign countries or in other areas outside of the jurisdiction of the United States.

Section 8(a) of the Act (16 U.S.C. 1537(a)) authorizes the provision of limited financial assistance for the development and management of programs that the Secretary of the Interior determines to be necessary or useful for the conservation of endangered or threatened species in foreign countries. Sections 8(b) and 8(c) of the Act (16 U.S.C. 1537(b) and (c)) authorize the Secretary to encourage conservation programs for foreign listed species, and to provide assistance for such programs, in the form of personnel and the training of personnel.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. The prohibitions of section 9(a)(1) of the Act, codified at 50 CFR 17.21, make it illegal for any person subject to the jurisdiction of the United States to import; export; deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity; or sell or offer for sale in interstate or foreign commerce any species listed as an endangered species. In addition, it is unlawful to take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these) endangered wildlife within the United States or on the high seas. It is also illegal to possess, sell, deliver, carry, transport, or ship, by any means whatsoever any such wildlife that has been taken illegally. Certain exceptions apply to employees of the Service, the National Marine Fisheries Service (NMFS), other Federal land management agencies, and State conservation agencies.

We may issue permits to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing permits for endangered wildlife are codified at 50 CFR 17.22, and general Service permitting regulations are codified at 50 CFR part 13. With regard to endangered wildlife, a permit may be issued for the following purposes: For scientific purposes, to enhance the propagation or survival of the species, and for incidental take in connection with otherwise lawful activities. The Service may also register persons subject to the jurisdiction of the United States through its captive-bred-wildlife (CBW) program if certain established requirements are met under the CBW regulations (50 CFR 17.21(g)). Through a CBW registration, the Service may allow a registrant to conduct certain otherwise prohibited activities under certain circumstances to enhance the propagation or survival of the affected species: Take; export or re-import; deliver, receive, carry, transport or ship in interstate or foreign commerce, in the course of a commercial activity; or sell or offer for sale in interstate or foreign commerce. A CBW registration may authorize interstate purchase and sale only between entities that both hold a registration for the taxon concerned. The CBW program is available for species having a natural geographic distribution not including any part of the United States and other species that the Director has determined to be eligible by regulation. The individual specimens must have been born in captivity in the United States. There are also certain statutory exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a final listing on proposed and ongoing activities within the range of a listed species. Based on the best available information, the following actions are unlikely to result in a violation of section 9, if these activities are carried out in accordance with existing regulations and permit requirements; this list is not comprehensive:

- (1) Take of the Yangtze sturgeon in its native range; and
- (2) Trade in the Yangtze sturgeon and its products that is both outside the United States and conducted by persons

not subject to U.S. jurisdiction (although this activity would still be subject to CITES requirements).

Separate from its final listing as an endangered species, as a CITES-listed species, all international trade of Yangtze sturgeon by persons subject to the jurisdiction of the United States must also comply with CITES requirements pursuant to section 9(c) and 9(g) of the Act and to 50 CFR part 23. Applicable wildlife import/export requirements established under section 9(d) through 9(f) of the Act, the Lacey Act Amendments of 1981 (16 U.S.C. 3371 *et seq.*), and 50 CFR part 14 must also be met for Yangtze sturgeon imports and exports. Questions regarding whether specific activities would constitute a violation of section 9 of the Act should be directed to the Branch of Delisting and Foreign Species (see **FOR FURTHER INFORMATION CONTACT**).

Required Determinations

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We have determined that environmental assessments and

environmental impact statements, as defined under the authority of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), need not be prepared in connection with listing a species as an endangered or threatened species under the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A complete list of references cited in this rulemaking is available on the internet at <http://www.regulations.gov> and upon request from the Branch of Delisting and Foreign Species, Ecological Services (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this final rule are the staff members of the Branch of Delisting and Foreign Species, Ecological Services, Falls Church, VA.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and

recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.11(h) by adding an entry for “Sturgeon, Yangtze” to the List of Endangered and Threatened Wildlife in alphabetical order under FISHES to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *
(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	* * *
FISHES				
Sturgeon, Yangtze.	<i>Acipenser dabryanus</i> .	Wherever found ..	E	86 FR [insert Federal Register page where the document begins], 4/26/2021.
*	*	*	*	* * *

Martha Williams,
Principal Deputy Director, Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service.
[FR Doc. 2021-08466 Filed 4-23-21; 8:45 am]
BILLING CODE 4333-15-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 200723-0199; RTID 0648-XA979]

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Common Pool Fishery and Other Measures for Fishing Year 2021

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; possession and trip limit implementation.

SUMMARY: This action implements measures for the Northeast multispecies fishery for the 2021 fishing year. This action is necessary to ensure that the Northeast multispecies common pool fishery may achieve the optimum yield for the relevant stocks, while controlling catch to help prevent in-season closures or quota overages. These measures include possession and trip limits, the allocation of zero trips into the Closed Area II Yellowtail Flounder/Haddock Special Access Program for common pool vessels to target yellowtail flounder, and the closure of the Regular B Days-at-Sea Program.

DATES: Effective at 0001 hours on May 1, 2021, through April 30, 2022.

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Management Specialist, 978-281-9232.

SUPPLEMENTARY INFORMATION: The Northeast Multispecies Fishery Management Plan (FMP) regulations give the Regional Administrator the authority to implement certain types of management measures for the common pool fishery, the U.S./Canada Management Area, and Special Management Programs. This action implements a number of these management measures for the 2021 fishing year, effective May 1, 2021.

Common Pool Trip Limits

The regulations at § 648.86(o) give the Regional Administrator the authority to implement or adjust a per-Day-at-Sea (DAS) possession limit and/or a maximum trip limit in order to prevent exceeding the common pool sub-annual catch limit (sub-ACL) in that fishing

year. The possession and trip limits implemented for the start of the 2021 fishing year are included in Tables 1 and 2 below. These possession and trip limits were developed based on the common pool sub-ACLs set by Framework Adjustment 59 to the FMP (85 FR 45794, July 30, 2020) that will be in effect on May 1, 2021. We considered preliminary 2021 sector rosters, expected common pool participation, and common pool fishing activity in previous fishing years. We also took into account uncertainty arising from our pending consideration of Framework 61 for potential approval. Based on that information, we project that these adjustments will facilitate optimized harvest of the common pool quotas, while preventing early trimester closures, and preventing catch from exceeding the 2021 fishing year sub-ACLs.

For Handgear A and Handgear B vessels, possession and trip limits for Georges Bank (GB) and Gulf of Maine (GOM) cod are tied to the possession and trip limits for groundfish DAS vessels. The default cod trip limit is 300 lb (136 kg) for Handgear A vessels and 75 lb (34 kg) for Handgear B vessels. If the GOM or GB cod limit for vessels fishing on a groundfish DAS drops below 300 lb (136 kg), then the respective Handgear A cod trip limit must be reduced to the same limit. Similarly, the Handgear B trip limit must be adjusted proportionally to the DAS limit (rounded up to the nearest 25 lb (11 kg)). In accordance with this process, the Handgear A and Handgear B possession and trip limits for GB and GOM cod are as listed below in Table 2.

Vessels with a Small Vessel category permit can possess up to 300 lb (136 kg) of cod, haddock, and yellowtail

flounder, combined, per trip. Additionally, for these vessels, the trip limit for all stocks is equal to the landing limits per DAS applicable to multispecies DAS vessels. This is necessary to ensure that the trip limit applicable to the Small Vessel category permit is consistent with the trip limits for other common pool vessels, as described above.

Weekly quota monitoring reports for the common pool fishery can be found on our website at: <https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/nemultispecies.html>. We will continue to monitor common pool catch through vessel trip reports, dealer-reported landings, vessel monitoring system catch reports, and other available information and, if necessary, we will make additional adjustments to common pool management measures.

TABLE 1—2021 FISHING YEAR COMMON POOL POSSESSION AND TRIP LIMITS

Stock	2021 trip limit
GB Cod (outside Eastern U.S./Canada Area); GB Cod (inside Eastern U.S./Canada Area).	400 lb (181.4 kg) per DAS, up to 800 lb (362.9 kg) per trip.
GB Cod [Closed Area II Yellowtail Flounder/Haddock SAP (for targeting haddock)].	500 lb (226.8 kg) per trip.
GOM Cod	100 lb (45.4 kg) per DAS, up to 200 lb (90.7 kg) per trip.
GB Haddock	100,000 lb (45,359.2 kg) per trip.
GOM Haddock	2,000 lb (907.2 kg) per DAS, up to 4,000 lb (1,814.4 kg) per trip.
GB Yellowtail Flounder	100 lb (45.4 kg) per trip.
Southern New England/Mid-Atlantic (SNE/MA) Yellowtail Flounder	100 lb (45.4 kg) per DAS, up to 200 lb (90.7 kg) per trip.
Cape Cod (CC)/GOM Yellowtail Flounder	1,000 lb (453.6 kg) per DAS, up to 2,000 lb (907.2 kg) per trip.
American plaice	2,000 lb (907.2 kg) per DAS, up to 4,000 lb (1,814.4 kg) per trip.
Witch Flounder	1,500 lb (680.4 kg) per trip.
GB Winter Flounder	250 lb (113.4 kg) per trip.
GOM Winter Flounder	250 lb (113.4 kg) per trip.
SNE/MA Winter Flounder	2,000 lb (907.2 kg) per DAS, up to 4,000 lb (1,814.4 kg) per trip.
Redfish	Unlimited.
White hake	1,500 lb (680.4 kg) per trip.
Pollock	Unlimited.
Atlantic Halibut	1 fish per trip.
Windowpane Flounder	Possession Prohibited.
Ocean Pout	
Atlantic Wolffish.	

Note: Minimum fish sizes apply for many groundfish species, but are not included in this rule. Please see 50 CFR 648.83 for applicable minimum fish sizes.

TABLE 2—2021 FISHING YEAR COD TRIP LIMITS FOR HANDGEAR A, HANDGEAR B, AND SMALL VESSEL CATEGORY PERMITS

Permit	Initial 2021 trip limit
Handgear A GOM Cod	100 lb (45.4 kg) per trip.
Handgear A GB Cod	300 lb (136.1 kg) per trip.
Handgear B GOM Cod	25 lb (11 kg) per trip.
Handgear B GB Cod	25 lb (11 kg) per trip.
Small Vessel Category	300 lb (136.1 kg) of cod, haddock, and yellowtail flounder combined; additionally, vessels are limited to the common pool DAS limit for all stocks.

Table 3 includes the initial common pool trimester total allowable catches (TAC) for fishing year 2021. These

trimester TACs are based on preliminary sector rosters. However, individual permit holders have until the end of the

2020 fishing year (April 30, 2021) to drop out of a sector and fish in the common pool fishery for the 2021

fishing year. Therefore, it is possible that the sector and common pool catch limits, including the trimester TACs, may change due to changes in sector rosters. If changes to sector rosters occur, updated catch limits and/or possession and trip limits will be

announced as soon as possible in the 2021 fishing year to reflect the final sector rosters as of May 1, 2021. We are working to publish a proposed rule to request comment on updated 2021 specifications as recommended by the New England Fishery Management

Council in Framework Adjustment 61. If approved, that rule would make additional changes to common pool sub-ACLs. There could be additional changes to common pool possession and trip limits as a result.

TABLE 3—INITIAL COMMON POOL TRIMESTER TOTAL ALLOWABLE CATCHES FOR FISHING YEAR 2021

[Mt, live weight]

Stock	Trimester total allowable catches		
	Trimester 1	Trimester 2	Trimester 3
GB Cod	8.8	10.7	11.9
GOM Cod	4.3	2.9	1.6
GB Haddock	385.5	471.2	571.1
GOM Haddock	69.8	67.2	121.5
GB Yellowtail Flounder	0.6	1.0	1.7
SNE/MA Yellowtail Flounder	0.6	0.8	1.5
CC/GOM Yellowtail Flounder	18.0	8.2	5.4
American Plaice	52.6	5.7	12.8
Witch Flounder	19.5	7.1	8.9
GB Winter Flounder	1.7	5.0	14.2
GOM Winter Flounder	1.9	1.9	1.3
Redfish	12.8	15.8	22.4
White Hake	9.3	7.6	7.6
Pollock	53.2	66.5	70.3

Closed Area II Yellowtail Flounder/Haddock Special Access Program

The regulations at § 648.85(b)(3)(vii) provide the Regional Administrator with authority to determine the total number of common pool trips that may be declared into the Closed Area II Yellowtail Flounder/Haddock Special Access Program (SAP) to target yellowtail flounder. This action allocates zero trips for common pool vessels to target yellowtail flounder within the Closed Area II Yellowtail Flounder/Haddock SAP for fishing year 2021. As a result, this SAP is only open to target haddock, from August 1, 2021, through January 31, 2022. Northeast multispecies vessels fishing in the SAP must fish with a haddock separator trawl, a Ruhle trawl, or hook gear. Vessels may not fish in this SAP using flounder trawl nets.

The Regional Administrator has the authority to determine the allocation of the total number of trips into the Closed Area II Yellowtail Flounder/Haddock SAP based on several criteria, including the GB yellowtail flounder catch limit and the amount of GB yellowtail

flounder caught outside of the SAP. Allocating trips to target yellowtail flounder in the Closed Area II Yellowtail Flounder/Haddock SAP is discretionary if the available GB yellowtail flounder catch is insufficient to support at least 150 trips with a 15,000-lb (6,804-kg) trip limit, for a total catch of 2,250,000 lb (1,020,600 kg). This calculation considers projected catch from all vessels from the area outside the SAP. Based on the fishing year 2021 GB yellowtail flounder groundfish sub-ACL implemented by Framework Adjustment 59 of 209,439 lb (95,000 kg), there is insufficient GB yellowtail flounder to allocate any trips to the SAP. Further, given the low GB yellowtail flounder catch limit, catch rates outside of this SAP are more than adequate to fully harvest the 2021 GB yellowtail flounder allocation.

We are working to publish a proposed rule to request comments on Framework 61 measures. If approved, Framework 61 would implement a 2021 GB yellowtail flounder sub-ACL that is reduced compared to the Framework 59 sub-ACL. A reduction in the GB yellowtail

flounder sub-ACL would reduce the number of potential trips in the Closed Area II yellowtail Flounder/Haddock SAP. As a result, we do not expect that the final rule implementing Framework 61 would allocate trips to the SAP to target yellowtail flounder.

Regular B DAS Program

The regulations at § 648.85(b)(6)(vi) authorize the Regional Administrator to close the Regular B DAS program by prohibiting the use of Regular B DAS when the continuation of the program would undermine the achievement of the objectives of the Northeast Multispecies FMP or the Regular B DAS Program. One reason for terminating the program is an inability to constrain common pool catches to the Incidental Catch TACs.

Framework Adjustment 59 implemented Common Pool Incidental Catch TACs for the Regular B DAS Program for the 2021 fishing year (Table 4). These TACs are further divided into Quarterly Incidental Catch TACs to be monitored and managed during each calendar quarter.

TABLE 4—FISHING YEAR TOTAL AND QUARTERLY INCIDENTAL CATCH TACS FOR THE REGULAR B DAS PROGRAM

[Mt, live weight]

Stock	Total incidental catch TAC	Quarterly incidental catch TAC			
		1st quarter (13%)	2nd quarter (29%)	3rd quarter (29%)	4th quarter (29%)
GB Cod	0.32	0.04	0.09	0.09	0.09

TABLE 4—FISHING YEAR TOTAL AND QUARTERLY INCIDENTAL CATCH TACS FOR THE REGULAR B DAS PROGRAM—
Continued
[Mt, live weight]

Stock	Total incidental catch TAC	Quarterly incidental catch TAC			
		1st quarter (13%)	2nd quarter (29%)	3rd quarter (29%)	4th quarter (29%)
GOM Cod	0.09	0.01	0.03	0.03	0.03
GB Yellowtail Flounder	0.03	0.00	0.01	0.01	0.01
CC/GOM Yellowtail Flounder	0.32	0.04	0.09	0.09	0.09
American Plaice	3.56	0.46	1.03	1.03	1.03
Witch Flounder	1.77	0.23	0.51	0.51	0.51
SNE/MA Winter Flounder	0.00	0.00	0.00	0.00	0.00

Given that the Incidental Catch TACs allocated to the Regular B DAS Program for several stocks are very small, in-season management of the Regular B DAS Program is likely to be extremely difficult and impractical. Implementation of an in-season action to close the Regular B DAS Program once a Quarterly Incidental Catch TAC for a stock has been reached would not be possible to complete quickly enough to prevent further catch of that stock.

As a result, it is unlikely that we can effectively limit catch to the Incidental Catch TACs during fishing year 2021, and project that continuation of the program would undermine the achievement of the objectives of the Northeast Multispecies FMP and the Regular B DAS Program. The Regular B DAS Program will be closed and use of Regular B DAS is prohibited for the 2021 fishing year, through April 30, 2022. This applies to all vessels issued a limited access Northeast multispecies permit.

Classification

This action is authorized by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because it would be contrary to the public interest.

The regulations at § 648.86(o) authorize the Regional Administrator to adjust the Northeast multispecies possession and trip limits for common

pool vessels in order to prevent the overharvest or underharvest of the pertinent common pool quotas. This action sets the initial common pool possession and trip limits on May 1, 2021, for the 2021 fishing year. The possession and trip limits implemented through this action help to ensure that the Northeast multispecies common pool fishery may achieve the optimum yield for the relevant stocks, while controlling catch to help prevent in-season closures or quota overages. Delay of this action would leave the common pool fishery with the possession and trip limits found in § 648.86, which are too high to control catch. This would likely lead to early closure of a trimester and quota overages. Any overage of the quota for either of the first two trimesters must be deducted from the Trimester 3 quota, which could substantially disrupt the trimester structure and intent to distribute the fishery across the entire fishing year. An overage reduction in Trimester 3 would further reduce fishing opportunities for common pool vessels and likely result in early closure of Trimester 3. Additionally, any overage of the annual quota would be deducted from common pool's quota for the next fishing year, to the detriment of this stock.

The regulations at § 648.85(b)(3)(vii) require that the Regional Administrator announce the total number of allowed trips by common pool vessels that may be declared into the Closed Area II Yellowtail Flounder/Haddock SAP on or about June 1. We have included the announcement in this in-season action to meet this regulatory requirement. Doing so ensures that the fishing

industry has sufficient notice in order to plan their activities in the new fishing year. This action occurs annually, and industry participants are accustomed to it and expect its timely implementation. Given the low quota for GB yellowtail flounder in recent years, no trips have been allocated to this SAP from fishing year 2010 to fishing year 2021.

The regulations at § 648.85(b)(6)(vi) authorize the Regional Administrator to close the Regular B DAS program by prohibiting the use of Regular B DAS when the continuation of the program would undermine the achievement of the objectives of the Northeast Multispecies FMP or the Regular B DAS Program. The Regular B DAS program closure implemented through this action will prevent an overage of the Incidental Catch TACs. Delay of this action would provide vessel owners an opportunity to participate in the Regular B DAS Program, but participation and catch in the program may cause the allocation to be exceeded.

For the reasons above, delay of this action for prior notice and the opportunity for public comment and the 30-day delayed effectiveness period would undermine management objectives of the FMP and cause unnecessary negative economic impacts to the common pool fishery.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 21, 2021.

Jennifer M. Wallace,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 2021-08628 Filed 4-21-21; 4:15 pm]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 86, No. 78

Monday, April 26, 2021

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-0335; Project Identifier MCAI-2020-01665-R]

RIN 2120-AA64

Airworthiness Directives; Airbus Helicopters Deutschland GmbH 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 Airbus Helicopters Deutschland GmbH MBB-BK 117 A-1, MBB-BK 117 A-3, MBB-BK 117 A-4, MBB-BK 117 B-1, MBB-BK 117 B-2, and MBB-BK 117 C-1 helicopters. This proposed AD was prompted by a report of sudden severe vibrations and a cracked open blade trailing edge caused by a loosened lead inner weight. This proposed AD would require inspections to determine if any bolted main rotor blades are installed, and replacement of the affected main rotor blades. 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 10, 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 Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; phone: 972-641-0000 or 800-232-0323; fax: 972-641-3775; or at <https://www.airbus.com/helicopters/services/technical-support.html>. You may view 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-2021-0335; 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 Luftfahrt-Bundesamt AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3218; email: kathleen.arrigotti@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-2021-0335; Project Identifier MCAI-2020-01665-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 Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3218; email: kathleen.arrigotti@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

Luftfahrt-Bundesamt, which is the aviation authority for Germany, has issued German AD D-2005-115, effective March 15, 2005, to correct an unsafe condition for Eurocopter Deutschland (now Airbus Helicopters Deutschland GmbH) Model MBB-BK 117 A-1, MBB-BK 117 A-3, MBB-BK 117 A-4, MBB-BK 117 B-1, MBB-BK 117 B-2, and MBB-BK 117 C-1 helicopters. Luftfahrt-Bundesamt advises that during the flight of a BK117 severe vibrations suddenly occurred, stemming from a cracked open blade trailing edge, which was traced to a loosened lead inner weight bolt. Additional inspection revealed extreme cavities of the lead weight resulting from the bolting process, which was performed as a repair for main rotor blades with bulging in the area of the lead inner weights. This condition, if not addressed, could result in loss of control of the helicopter.

Accordingly, the Luftfahrt-Bundesamt AD requires an inspection and log card review to determine if any bolted main

rotor blades are installed, and replacement of the affected main rotor blades.

FAA’s Determination

These helicopters have been approved by the aviation authority of Germany and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with Germany (now a member of the European Union), Luftfahrt-Bundesamt, its technical representative, has notified the FAA of 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 14 CFR Part 51

The FAA reviewed Eurocopter Alert Service Bulletin No. ASB-MBB-BK117-10-125 dated February 14, 2005. This service information specifies procedures for an inspection (for cracking of the paint) and log card review (for a certain entry or equivalent) to determine if any bolted main rotor blades (*i.e.*, main rotor blades with bolted lead inner weights) are installed, and replacement of the affected main rotor blades.

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 accomplishing the actions specified in the service information already described.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 44 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.

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
3 work-hours × \$85 per hour = \$255	\$0	\$255	\$11,220

The FAA estimates the following costs to do any necessary on-condition replacements that would be required

based on the results of any required actions. The FAA has no way of determining the number of helicopters

that might need these on-condition replacements:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 20 work-hours × \$85 per hour = \$1,700 per blade (up to 4 blades).	Up to \$23,100 per blade (up to 4 blades).	Up to \$24,800 per blade (up to 4 blades).

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:

Airbus Helicopters Deutschland GmbH:
Docket No. FAA–2021–0335; Project Identifier MCAI–2020–01665–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 10, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters Deutschland GmbH MBB-BK 117 A-1, MBB-BK 117 A-3, MBB-BK 117 A-4, MBB-BK 117 B-1, MBB-BK 117 B-2, and MBB-BK 117 C-1 helicopters, certificated in any category.

(d) Subject

Joint Aircraft Service Component (JASC)
Code: 6210, Main Rotor Blades.

(e) Unsafe Condition

This AD was prompted by a report of sudden severe vibrations and a cracked open blade trailing edge caused by a loosened lead inner weight. The FAA is issuing this AD to address bolted lead inner weights of the main rotor blade, which could loosen and cause cracking of the open blade trailing edge. The unsafe condition, if not addressed, could result in loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

Within 30 days after the effective date of this AD, review the log card (or equivalent record) and visually inspect each main rotor blade to determine if any bolted main rotor blades (*i.e.*, main rotor blade with bolted lead inner weight) are installed in accordance with paragraphs 2.A.1., 2.B.1., 2.B.2., and 2.B.3. of the Accomplishment Instructions of Eurocopter Alert Service Bulletin ASB-MBB-BK117-10-125, dated February 14, 2005. If during the review, the total hours time-in-service (TIS) cannot be positively determined, this AD requires treating that part as having accumulated more than 3,000 total hours TIS. If any bolted main rotor blade (*i.e.*, main rotor blade with bolted lead inner weight) is installed, replace the main rotor blade in accordance with paragraph 2.B.4. of the Accomplishment Instructions of Eurocopter Alert Service Bulletin ASB-MBB-BK117-10-125, dated February 14, 2005, as follows:

(1) For a bolted main rotor blade that has accumulated less than 2,300 total hours TIS on the blade since bolting of the lead inner weight as of the effective date of this AD: Before accumulating 2,500 total hours TIS on the blade since bolting of the lead inner weights.

(2) For a bolted main rotor blade that has accumulated 2,300 total hours TIS up to 3,000 total hours TIS inclusive, on the blade since bolting of the lead inner weight as of the effective date of this AD: Within 200 hours TIS after the effective date of this AD.

(3) For a bolted main rotor blade that has accumulated more than 3,000 total hours TIS on the blade since bolting of the lead inner weight as of the effective date of this AD: Within 50 hours TIS after the effective date of this AD.

(h) Contacting the Manufacturer To Determine TIS

Where Eurocopter Alert Service Bulletin ASB-MBB-BK117-10-125, dated February 14, 2005, specifies to send a form to the manufacturer to determine TIS since bolting, this AD does not include that requirement.

(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 certification office, 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 Kathleen Arrigotti, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206-231-3218; email: kathleen.arrigotti@faa.gov.

(2) For service information identified in this AD, contact Airbus Helicopters, 2701 N Forum Drive, Grand Prairie, TX 75052; phone: 972-641-0000 or 800-232-0323; fax: 972-641-3775; or at <https://www.airbus.com/helicopters/services/technical-support.html>. You may view 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 Luftfahrt-Bundesamt German AD D-2005-115, effective March 15, 2005. You may view the Luftfahrt-Bundesamt German AD on the internet at <https://www.regulations.gov> in the AD Docket.

Issued on April 16, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021-08569 Filed 4-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2021-0339; Project Identifier MCAI-2020-01605-T]

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: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for

certain Airbus Canada Limited Partnership Model BD-500-1A10 and BD-500-1A11 airplanes. This proposed AD was prompted by a design review that identified rib 0 of the center wing box (CWB) as an area where a single failure of a clamshell type refuel/defuel line coupling could lead to the accumulation of dangerous levels of electrostatic charges within the fuel tank. This proposed AD would require replacing the clamshell type refuel/defuel line coupling in the CWB at rib 0 with a threaded type fuel coupling, and installing an additional support bracket and clamp in the CWB at rib 0, as specified in a Transport Canada Civil Aviation (TCCA) AD, which is proposed for incorporation by reference. 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 10, 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 will be 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-2021-0339.

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-2021-0339; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Joseph Catanzaro, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7366; fax 516-794-5531; email 9-avs-nyaco-cos@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-2021-0339; Project Identifier MCAI-2020-01605-T" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this proposed AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI

as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Joseph Catanzaro, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7366; 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.

Background

TCCA, which is the aviation authority for Canada, has issued TCCA AD CF-2020-04, dated March 9, 2020 (TCCA AD CF-2020-04) (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 proposed AD was prompted by a design review that identified rib 0 of the CWB as an area where a single failure of a clamshell type refuel/defuel line coupling could potentially lead to the accumulation of dangerous levels of electrostatic charges within the fuel tank. The FAA is proposing this AD to address failure of a clamshell type refuel/defuel line coupling, which could lead to fuel tank ignition. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

TCCA AD CF-2020-04 describes procedures for replacing the clamshell type refuel/defuel line coupling in the CWB at rib 0 with a threaded type fuel coupling, and installing an additional support bracket and clamp in the CWB at rib 0. 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

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 proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the TCCA AD CF-2020-04 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 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-2020-04 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with TCCA AD CF-2020-04 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information specified in TCCA AD CF-2020-04 that is required for compliance with TCCA AD CF-2020-04 will be available on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0339 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 47 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
27 work-hours × \$85 per hour = \$2,295	\$7,191	\$9,486	\$445,842

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) 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:

Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Docket No. FAA–2021–0339; Project Identifier MCAI–2020–01605–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 10, 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–2020–04, dated March 9, 2020 (TCCA AD CF–2020–04).

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Reason

This AD was prompted by a design review that identified rib 0 of the center wing box (CWB) as an area where a single failure of a clamshell type refuel/defuel line coupling could lead to the accumulation of dangerous levels of electrostatic charges within the fuel tank. The FAA is issuing this AD to address failure of a clamshell type refuel/defuel line coupling, which could lead to fuel tank ignition.

(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–2020–04.

(h) Exceptions to TCCA AD CF–2020–04

(1) Where TCCA AD CF–2020–04 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where TCCA AD CF–2020–04 refers to hours air time, this AD requires using flight hours.

(i) 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 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's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) For information about TCCA AD CF–2020–04 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 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–2021–0339.

(2) For more information about this AD, contact Joseph Catanzaro, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7366; fax 516–794–5531; email 9-avs-nyaco-cos@faa.gov.

Issued on April 21, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–08620 Filed 4–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0260; Project Identifier MCAI–2020–01255–T]

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: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD-500-1A10 and BD-500-1A11 airplanes. This proposed AD was prompted by a report that following an in-service engine shutdown during taxi, water was found to be dripping into the forward avionics bay; the water caused a short circuit and tripped a circuit breaker. This proposed AD would require replacing the forward galley slotted drain covers with solid blanking plates and modifying the associated drain tubing to block water. 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 10, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus Canada Limited Partnership, 13100 Henri-Fabre Boulevard, Mirabel, Québec J7N 3C6, Canada; telephone 450-476-7676; email a220_crc@abc.airbus; internet <http://a220world.airbus.com>. You may view this service information 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.

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-2021-0260; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite

410, Westbury, NY 11590; telephone 516-228-7323; email 9-avs-nyaco-cos@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-2021-0260; Project Identifier MCAI-2020-01255-T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this proposed AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7323; 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.

Background

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF-2020-30R1, dated December 11, 2020, (referred to after this 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. You may examine the MCAI in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0260.

This proposed AD was prompted by a report that following an in-service engine shutdown during taxi, water was found to be dripping into the forward avionics bay; the water caused a short circuit and tripped a circuit breaker. The FAA is proposing this AD to address water ingress into the forward avionics bay, which could short circuit the equipment in the bay area and lead to a loss of air data sources and consequent reduced functional capabilities and increase in crew workload, possibly leading to a loss of continued safe flight and landing. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

Airbus Canada Limited Partnership has issued Service Bulletin BD500-530009, Issue 001, dated July 31, 2020. This service information describes procedures for replacing the forward galley slotted drain covers with solid blanking plates and modifying the associated drain tubing to block water. 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.

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 and service information referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

The FAA estimates that this proposed AD affects 39 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × \$85 per hour = \$85	\$665	\$750	\$29,250

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA 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) 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:

Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Docket No. FAA–2021–0260; Project Identifier MCAI–2020–01255–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by June 10, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus Canada Limited Partnership (type certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) airplanes identified in paragraphs (c)(1) and (2) of this AD, certificated in any category.

(1) Model BD–500–1A10 airplanes, having serial number (S/N) 50001 through 50018 inclusive, and 50020 through 50055 inclusive.

(2) Model BD–500–1A11 airplanes, having S/N 55001 through 55016 inclusive, 55018 through 55068 inclusive, 55070 through 55083 inclusive, 55086 through 55088 inclusive, and 55090.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by a report that following an in-service engine shutdown during taxi, water was found dripping into the forward avionics bay; the water caused a short circuit and tripped a circuit breaker. The FAA is issuing this AD to address water ingress into the forward avionics bay, which could short circuit the equipment in the bay area and lead to a loss of air data sources and consequent reduced functional capabilities and increase in crew workload, possibly leading to a loss of continued safe flight and landing.

(f) Compliance

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

(g) Replacement and Modification

Within 12 months after the effective date of this AD, replace the forward galley slotted drain covers with solid blanking plates and modify the associated drain tubing to block water, in accordance with paragraph 2, “Procedure,” of the Accomplishment Instructions of Airbus Canada Limited Partnership Service Bulletin BD500–530009, Issue 001, dated July 31, 2020.

(h) 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 Transport Canada Civil Aviation (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.

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF-2020-30R1, dated December 11, 2020, for related information. This MCAI may be found in the AD docket on the internet at https://www.regulations.gov by searching for and locating Docket No. FAA-2021-0260.

(2) For more information about this AD, contact Darren Gassetto, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7323; email 9-avs-nyaco-cos@faa.gov.

(3) For service information identified in this AD, contact Airbus Canada Limited Partnership, 13100 Henri-Fabre Boulevard, Mirabel, Québec J7N 3C6, Canada; telephone 450-476-7676; email a220_crc@abc.airbus; internet http://a220world.airbus.com. You may view this service information 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.

Issued on April 21, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021-08622 Filed 4-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM20-10-000]

Electric Transmission Incentives Policy Under Section 219 of the Federal Power Act

AGENCY: Federal Energy Regulatory Commission.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission has proposed in this proceeding to revise its existing regulations that implemented section 219 of the Federal Power Act (FPA) in light of the changes in transmission development and planning over the last few years. This supplemental notice of proposed rulemaking proposes to modify the incentive proposed for transmitting and electric utilities that join Transmission Organizations in the March 20, 2020 notice of proposed rulemaking in this proceeding. In addition, pursuant to FPA section 206, we propose to require each utility that has received an incentive for joining and remaining in a transmission organization for three or more years to submit a compliance filing revising its tariff to remove the incentive from its transmission tariff.

DATES: Comments are due May 26, 2021. Reply comments are due June 10, 2021.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways. Electronic filing

through http://www.ferc.gov, is preferred.

• Electronic Filing: Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.

• For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.

○ Mail via U.S. Postal Service Only: Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

○ Hand (including courier) Delivery: Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

The Comment Procedures Section of this document contains more detailed filing procedures.

FOR FURTHER INFORMATION CONTACT:

David Tobenkin (Technical Information), Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502-6445, david.tobenkin@ferc.gov

Adam Batenhorst (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502-6150, adam.batenhorst@ferc.gov

Adam Pollock (Technical Information), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502-8458, adam.pollock@ferc.gov

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction 2
II. Background 3
III. Discussion 5
A. Incentive for Joining Rather Than Remaining in Transmission Organizations 6
B. Transmission Organization Incentive Level 10
C. Voluntariness 15
D. Miscellaneous 18
IV. Information Collection Statement 19
V. Environmental Analysis 23
VI. Regulatory Flexibility Act 24
VII. Comment Procedures 25
VIII. Document Availability 26

I. Introduction

1. In a Notice of Proposed Rulemaking (NOPR) issued pursuant to section 219 of the Federal Power Act (FPA) 1 in this proceeding on March 20, 2020 (March

NOPR), the Federal Energy Regulatory Commission (Commission) proposed reforms to revise its existing transmission incentives policy and corresponding regulations

(Transmission Incentives Regulations) 2 in light of changes in transmission development and planning in the last

1 16 U.S.C. 824s.

2 18 CFR 35.35.

few years.³ In light of the responsive comments in this proceeding, pursuant to our authority under FPA section 219, we issue this Supplemental NOPR to propose and seek comment on a revised proposed incentive for transmitting and electric utilities⁴ that join Transmission Organizations⁵ (Transmission Organization Incentive).⁶ In addition, pursuant to our authority under FPA section 206,⁷ we propose to require each utility that has received an incentive for joining and remaining in a Transmission Organization for three or more years to submit a compliance filing revising its tariff to remove the incentive from its transmission tariff. We note that the draft Supplemental NOPR only refines the Transmission Organization Incentive and does not address the other proposals contained in the March NOPR.

II. Background

2. In relevant part, section 219 of the FPA states that the Commission shall, to the extent within its jurisdiction, provide for incentives to each transmitting utility or electric utility that joins a Transmission Organization.⁸ As described in more detail in the March NOPR, Order Nos. 679 and 679–A adopted an incentive for utilities that “join and/or continue to be a member of an ISO, RTO, or other Commission-approved Transmission Organization.”⁹ While the Commission declined to make a finding on the appropriate size or duration of the incentive in Order No. 679, applicants have subsequently

³ *Electric Transmission Incentives Policy Under Section 219 of the Federal Power Act*, Notice of Proposed Rulemaking, 85 FR 18784, 170 FERC ¶ 61,204, *errata notice*, 171 FERC ¶ 61,072 (2020) (March NOPR).

⁴ A transmitting utility is defined as an entity that owns, operates, or controls facilities used for the transmission of electric energy. 16 U.S.C. 769(23). An electric utility is defined as a person or federal or state agency that sells electric energy. 16 U.S.C. 769(22).

⁵ A Transmission Organization is defined as a Regional Transmission Organization (RTO), Independent System Operator (ISO), independent transmission provider, or other organization finally approved by the Commission for the operation of transmission facilities. 16 U.S.C. 796(29). For consistency with FPA section 219, in this final rule we use “Transmission Organization,” rather than “RTO/ISO,” as the Commission did in the March NOPR.

⁶ The March NOPR defined this incentive as the “RTO-Participation Incentive.” Accordingly, this Supplemental NOPR uses “RTO-Participation Incentive” when summarizing the March NOPR and commenter responses to the proposal in the March NOPR.

⁷ 16 U.S.C. 824e.

⁸ 16 U.S.C. 824s(c).

⁹ *Promoting Transmission Investment through Pricing Reform*, Order No. 679, 71 FR 43293, 116 FERC ¶ 61,057, at P 326 (2006), *order on reh’g*, Order No. 679–A, 72 FR 1152, 117 FERC ¶ 61,345 (2006), *order on reh’g* 119 FERC ¶ 61,062 (2007).

requested a 50-basis-point level for demonstrating they have joined an RTO or ISO, which the Commission has granted without modification.¹⁰

3. On March 21, 2019, in Docket No. PL19–3–000, the Commission issued a Notice of Inquiry seeking comment on the scope and implementation of its transmission incentives policy under FPA section 219.¹¹ The Commission posed several questions concerning an incentive for transmitting and electric utilities to join and remain in Transmission Organizations. In the March NOPR, the Commission proposed to revise its Transmission Incentives Regulations to more closely align the policy with the statutory language of FPA section 219 and to reflect changes in the electric industry that have taken place since the issuances of Order Nos. 679 and 679–A.¹² The Commission stated that an increased return on equity (ROE) remained an effective incentive to recognize the benefits, risks, and associated obligations of RTO membership and meet the requirements of FPA section 219(c).¹³ The Commission proposed, among other things, to continue to permit transmitting utilities and electric utilities that join an RTO/ISO to recover prudently incurred costs associated with joining the RTO/ISO in their jurisdictional rates.

4. Additionally, the Commission proposed to standardize the RTO-Participation Incentive by doubling the level of the ROE adder that the Commission has commonly awarded as an incentive for electric and transmitting utilities that join and remain in Transmission Organizations, specifying that the level would be 100 basis points. The Commission also proposed to remove the existing requirement for this incentive that recipients participate in Transmission Organizations on a voluntary basis. The Commission proposed to apply the RTO-Participation Incentive prospectively to new applicants and to allow existing Transmission Organization Incentive recipients to increase the ROE level at which they receive this incentive to 100 basis points.

III. Discussion

5. We propose to modify the March NOPR proposal and revise proposed § 35.35(f) of the Commission’s regulations to codify the Commission’s

current practice of granting a standardized 50-basis-point increase in ROE as an incentive-based rate treatment for a transmitting utility that joins and remains in a Transmission Organization and turns over operational control of the applicant’s wholesale transmission facilities to the Transmission Organization. Additionally, we propose that this 50-basis-point increase in ROE be available for only the first three years after the transmitting utility transfers operational control of its facilities to the Transmission Organization. Additionally, we propose to adopt the clarification in the March NOPR that, in order to qualify for the Transmission Organization Incentive, the transmitting utility must turn over operational control of its transmission facilities to the Transmission Organization. Finally, we request comment on whether the Transmission Organization Incentive should be available only to transmitting utilities that join a Transmission Organization voluntarily. If so, we seek further comment on how the Commission should apply that standard and, in particular, how the Commission should determine whether a transmitting utility’s decision to join a Transmission Organization is voluntary.

A. Incentive for Joining Rather Than Remaining in Transmission Organizations

6. FPA section 219(c) requires that the Commission provide incentives to each transmitting utility or electric utility that joins a Transmission Organization. After review of the comments received in response to the March NOPR, we believe that it is reasonable to read FPA section 219(c) to direct the Commission to provide an incentive for “join[ing]” a Transmission Organization and not for remaining in a Transmission Organization in perpetuity.

7. In response to the 2019 NOI and March NOPR, several commenters suggested that the Commission limit the duration of or phase out the incentive for membership in a Transmission Organization.¹⁴ For example, Alliant states that, if the purpose of the incentive is to incent joining a Transmission Organization, a transmission incentive in perpetuity

¹⁴ See, e.g., APPA Comments at 59–60; Connecticut Commission Comments at 29; Consumer Organization Groups Comments at 15–16; Delaware and District of Columbia Public Advocates Comments at 3; East Texas Coops Comments at 4; Kansas Commission Comments at 19; New Jersey Agencies Comments at 12; Northern Virginia Coop Comments at 16; State Utility Consumer Advocates Comments at 20; TAPS Comments at 110–112; Transmission Dependent Coops Comments at 6.

¹⁰ March NOPR, 170 FERC ¶ 61,204 at P 92.

¹¹ *Inquiry Regarding the Commission’s Electric Transmission Incentives Policy*, 84 FR 11759, 166 FERC ¶ 61,208 (2019) (2019 Notice of Inquiry).

¹² March NOPR, 170 FERC ¶ 61,204 at P 2.

¹³ *Id.* P. 97.

does not provide benefits commensurate with the intended goal.¹⁵ Joint Commenters¹⁶ question whether continued receipt of the incentive still serves the purpose of inducing a public utility to join, or retain its membership in, a Transmission Organization. Joint Commenters assert that, if the Commission retains the incentive, it should consider phasing out the incentive after a certain number of years of a public utility's membership in a Transmission Organization.¹⁷ New Jersey Agencies state that a sunset period would allow transmission owners to receive an incentive for joining Transmission Organizations, while not overly burdening ratepayers.¹⁸ According to the Connecticut Commission, FPA section 219(c) requires only that the Commission provide for incentives to each transmitting utility or electric utility that joins a Transmission Organization, and does not foreclose a time-limited inducement, or require that any such incentive be perpetual.¹⁹ TAPS similarly argues that FPA section 219(c) narrowly authorizes an incentive for joining a Transmission Organization, and that this incentive should also be limited in duration.²⁰

8. Given that the statute only directs an incentive for entities that "join" a Transmission Organization, we believe that the Commission has latitude under the statute to tailor this incentive more narrowly to encourage joining, rather than remaining in, a Transmission Organization. We believe that providing the Transmission Organization incentive indefinitely may not be necessary to incentivize a transmitting utility to join a Transmission Organization and, given the large impact that such an incentive has on ratepayers,²¹ may not appropriately

balance utility and ratepayer interests, particularly given the substantial benefits of Transmission Organization membership to participating utilities.

9. Accordingly, we propose to modify § 35.35(f) of the Commission's regulations to authorize an ROE adder for a period of three years after a transmitting utility newly joins a Transmission Organization. This three-year period would begin on the date the transmitting utility turns over operational control of its transmission facilities to the Transmission Organization. We propose that this incentive would not be available if the transmitting utility has previously been a member of a Transmission Organization. We further propose that, when a transmitting utility files tariff revisions to its formula or stated rate to implement this incentive, it must include language terminating the incentive three years after the date the transmitting utility turns over operational control of its transmission facilities to the Transmission Organization.

10. We believe that providing the Transmission Organization Incentive to transmitting utilities for a three-year period after they join a Transmission Organization and transfer operational control of their facilities to that organization will appropriately balance the different provisions of FPA section 219. In particular, we believe that providing an additional ROE for a time-limited period will further the purpose of section 219(c)²² by encouraging Transmission Organization membership and the formation of new Transmission Organizations where they do not currently exist, while ensuring that the resulting rates remain just and reasonable and not unduly discriminatory and preferential as required by section 219(d).²³ This approach appropriately focuses the incentive on the transmitting utility's decision to "join" the Transmission Organization by providing a substantial incentive in the years after a transmitting utility joins a Transmission Organization, while protecting ratepayers by ensuring that the transmitting utility does not continue to collect that incentive long after it has joined the Transmission Organization. However, we seek comment on whether three years or another period is the appropriate duration for this incentive.

11. For similar reasons, we believe that continuing to allow transmitting

utilities to retain the existing additional 50-basis-point incentive for joining a Transmission Organization for a period of more than three years may no longer be just and reasonable and may be unduly discriminatory or preferential. Accordingly, pursuant to section 206 of the FPA, we propose that each utility that has previously received an ROE incentive for joining and remaining in a Transmission Organization for three or more years must, within 30 days of the effective date of the final rule, submit a compliance filing removing the incentive from its transmission tariff or, if the transmitting utility joined an Transmission Organization in the previous three years, adding language to its transmission tariff to terminate its incentive three years from the date it turned over operational control of its transmission facilities.

B. Transmission Organization Incentive Level

12. We propose to modify § 35.35(f) of the Commission's regulations to adopt a 50-basis-point ROE adder consistent with Commission precedent, for the three years after the transmitting utility has turned over operational control of its transmission facilities to a Transmission Organization, it will be eligible for an increase in ROE of 50 basis points.²⁴ We believe that a 50-basis-point Transmission Organization Incentive for three years provides a material incentive to join Transmission Organizations without unduly burdening ratepayers.

13. In the March NOPR, the Commission highlighted the additional duties, responsibilities, and/or risks of Transmission Organization membership as support for the Commission's proposal to increase the incentive from 50 to 100 basis points.²⁵ While some commenters support this proposal, other commenters suggest that the additional duties, risks, and responsibilities do not justify doubling the amount of the

²⁴ Applicants have consistently requested a uniform, 50 basis-point level for demonstrating they have joined a Transmission Organization. *See, e.g., Gridliance West Transco LLC*, 160 FERC ¶ 61,003, at P 6 (2017), *order denying reh'g*, 162 FERC ¶ 61,101 (2018) (requesting a 50 basis-point ROE incentive); *Midcontinent Independent System Operator, Inc.*, 150 FERC ¶ 61,004, at P 1, *order on clarification*, 151 FERC ¶ 61,269 (2015) (requesting a 50 basis-point ROE incentive); *American Electric Power Serv. Corp.*, 120 FERC ¶ 61,205, at P 34, *order denying reh'g*, 121 FERC ¶ 61,245 (2007) (granting a 50 basis-point ROE incentive).

²⁵ *See* March NOPR, 170 FERC ¶ 61,204 at P 94; *see, e.g.,* AEP Comments at 9; Avangrid Comments at 15–16; California Utilities Comments at 11; EEL Comments at 15–17; Eversource Comments at 15–16; Exelon Comments at 12–19; ITC Comments at 8–9; WIRES Attachment at 12.

¹⁵ Alliant, Comments, Docket No. PL19–3–000, at 41 (filed June 26, 2019).

¹⁶ Joint Commenters in Docket No. PL19–3–000 include: The Aluminum Association; ELCON; APPA; Blue Ridge; California Municipals; California Commission; the Cities of Anaheim, Azusa, Banning, Colton, Pasadena, and Riverside, California; Electricity Consumers Resource Council; Industrial Energy Consumers of America; Maryland Office of People's Counsel; Modesto Irrigation District; State Utility Consumer Advocates; New York State Public Service Commission; Northern California Power Agency; Office of the People's Counsel for the District of Columbia; Public Utility Law Project of New York; Transmission Agency of Northern California; and Virginia Consumer Counsel.

¹⁷ Joint Commenters, Comments, Docket No. PL19–3–000, at 71, 74–75 (filed June 26, 2019).

¹⁸ New Jersey Agencies, Reply Comments, Docket No. PL19–3–000, at 11 (filed Aug. 26, 2019).

¹⁹ Connecticut Commission Comments at 29–30.

²⁰ TAPS Comments at 110–111.

²¹ Commenters assert that the cost to ratepayers is around \$400 million per year. *See* TAPS

Comments, Docket No. PL19–3–000, at 97 (filed June 26, 2019).

²² 16 U.S.C. 824s(c).

²³ 16 U.S.C. 824s(d).

incentive.²⁶ Other commenters submit that the incentive should be eliminated altogether.²⁷ We agree with commenters who advise that the benefits of Transmission Organization membership support leaving the incentive offered for joining a Transmission Organization at 50 basis points rather than increasing it.

14. We note that there are many benefits of Transmission Organization membership, and that many of these benefits accrue to transmitting utilities.²⁸ These benefits include optimization of the transmission system, and regional transmission planning as well as access to numerous types of markets. With respect to the magnitude of the incentive for new members, we propose to find that, although ratepayer benefits and utility risks and responsibilities from Transmission Organization participation have increased since the issuance of Order No. 679, benefits to transmission owners, including access to more developed organized markets, have increased as well, such that 50 basis points, and not 100 basis points, as proposed in the March NOPR, continues to appropriately correspond to the benefits of utilities joining Transmission Organizations.²⁹ Additionally, as commenters point out, the actual amount of this incentive has increased, as the rate base for most transmitting utilities have risen considerably during this period.³⁰ Correspondingly, the

value of the incentive for potential new members has and will continue to increase. Given the transmission investments made since Order No. 679,³¹ we believe that the dollar impact of the Transmission Organization Incentive will continue to increase correspondingly, as will the other benefits accruing to transmission owners joining Transmission Organizations that we describe above. Thus, upon reconsideration, we do not believe it is necessary to increase the Transmission Organization Incentive to 100 basis points.

15. In Order No. 679, the Commission declined to make a finding on the appropriate size or duration of the incentive for joining a Transmission Organization. Nevertheless, entities seeking to join a Transmission Organization have subsequently requested a uniform, 50-basis-point level ROE adder for demonstrating they have joined a Transmission Organization, which the Commission has granted without modification.³² We have found in practice no reason to vary the size of this incentive and believe that there is no compelling reason to potentially vary on a case-by-case basis the level of the Transmission Organization Incentive. Codifying that 50-basis-point level ROE adder for the Transmission Organization Incentive

Pricing, Attach. O Data, <https://www.misoenergy.org/markets-and-operations/settlements/ts-pricing/#nt=%2Ftspricingtype%3AAttachment%20O%20Data&t=10&p=0&s=Updated&sd=desc>.

³¹ Transmission investment by investor-owned electric companies and stand-alone transmission companies has steadily grown from \$8.6 billion in 2006 to \$23.4 billion in 2019, with \$26.1 billion projected in 2020 and \$27.1 billion projected in 2021. See EEI Business Analytics Group, Historical and Projected Transmission Investment, at 1 (Nov. 2020), <https://www.eei.org/resourcesandmedia/Documents/Historical%20and%20Projected%20Transmission%20Investment.pdf>; EEI, Transmission Investment: Adequate Returns and Regulatory Certainty Are Key, at 6 (June 2013), <https://www.transmissionhub.com/wp-content/uploads/2018/12/EEI-White-Paper-on-Transmission-Investment.pdf>.

³² See PPL Elec. Utilities Corp. and Pub. Serv. Elec. & Gas Co., 123 FERC ¶ 61,068, at P 35 (2008) (finding that the “50-basis-point adder is appropriate. The consumer benefits, including reliable grid operation, provided by such organizations are well documented and consistent with the purpose of section 219. The best way to ensure these benefits is to provide member utilities of an RTO with incentives for joining and remaining a member.”); *Republic Transmission, LLC*, 161 FERC ¶ 61,036, at P 32 (2017) (approving 50-basis-point incentive based on Republic’s commitment to become a member of MISO and transfer operational control of the project to MISO once the project has been placed in service); *Pac. Gas & Elec. Co.*, 148 FERC ¶ 61,195, at P 16 (2014) (granting request for a 50-basis-point incentive “based on PG&E’s commitment to remain a member of CAISO, and its commitment to transfer functional control of the Project to CAISO once the Project enters service”).

will provide financial certainty for developers and potential third-party sources of capital funding for transmission projects, increase transparency regarding the size and duration of this incentive, and reduce the administrative burden of the application process for applicants and commenters. We believe that this proposed incentive level appropriately balances encouraging transmission owners to join Transmission Organizations with ratepayer considerations. We seek comment on whether 50 basis points is the appropriate level for this incentive.

16. Finally, FPA section 219(c) does not specify the form of the incentive for utilities that join a Transmission Organization. As such, we request comment as to whether there are alternative, non-ROE incentives that are more appropriate for the Transmission Organization Incentive.

C. Voluntariness

17. The Commission proposed in the March NOPR that transmitting or electric utilities that join and remain enrolled in a Transmission Organization are eligible for the Transmission Organization Incentive regardless of the voluntariness of their participation in the Transmission Organization. As stated in the March NOPR, FPA section 219(c) obligates the Commission to provide for incentives to each transmitting utility or electric utility that joins a Transmission Organization and is silent about the obligation to do so. Furthermore, the Commission noted that the issue of whether Transmission Organization membership is voluntary for certain transmitting utilities within Transmission Organizations has become subject to challenges at the Commission and litigation in federal courts.³³

18. We note that multiple commenters suggest that the Commission offer an incentive only for utilities that join a Transmission Organization voluntarily and not for ones that are required to join or remain in an Transmission Organization by state law or other obligations.³⁴ Commenters argue that

³³ March NOPR, 170 FERC ¶ 61,204 at P 98 (citing *Cal. Pub. Util. Comm’n v. FERC*, 879 F.3d 966, 980 (9th Cir. 2018) (*CPUC v. FERC*) (remanding to the Commission the issue of whether PG&E was eligible for a 50-basis-point RTO-Participation Incentive for its continued participation in CAISO in light of protestors’ arguments that PG&E’s participation in CAISO is mandated by California state law); N.Y. State Dept. of Pub. Serv., Protest, Docket No. ER20-715-000, at 5 (filed Jan. 21, 2020) (protesting that Central Hudson Gas & Electric Corp. should not receive an RTO-Participation Incentive because it is already a member of NYISO)).

³⁴ See, e.g., American Manufactures Comments at 24; APPA Comments at 57–58; California

²⁶ See, e.g., Alliant Comments at 13–14; APPA Comments at 54–56; California State Water Project Comments at 10; Connecticut Commission Comments at 27–28; Eastern Massachusetts Municipals Comments at 33–34; Public Interest Organizations Comments at 23; TAPS Comments at 107–108.

²⁷ See, e.g., Joint State Entities Comments at 16; Ohio Commission Energy Advocate Comments at 14; State Utility Consumer Advocates Comments at 20.

²⁸ See March NOPR, 170 FERC ¶ 61,204 at P 94.

²⁹ For example, MISO and SPP each estimate that membership brings multifactor benefits to members and ratepayers. MISO estimates that it provides \$3.5 billion in total benefits annually to its members. MISO, 2020 Value Proposition, at 5 (Feb. 5, 2021), <https://cdn.misoenergy.org/2020%20MISO%20Value%20Proposition%20Calculation%20Details521882.pdf>. SPP estimates that its transmission planning, market administration, reliability coordination, and other services provide a net benefit to its members in excess of \$2.2 billion annually. SPP, Value and Affordability Task Force Meeting, at 2 (June 20, 2019), https://www.spp.org/documents/60090/vatf%20materials_posting%2020190620.pdf.

³⁰ For example, between September 2006 and July 2020, MISO North transmission owners’ (excluding in the Cinergy zone, whose transmission owners subsequently left MISO) gross transmission-allocated rate base increased from \$11.2 billion to \$38.1 billion (excluding transmission in the MidAmerican and Entergy zones and Central Minnesota Municipal Power Authority and Prairie Power because they joined MISO and Cinergy because it left MISO subsequent to Order No. 679). See MISO, Transmission and Settlement and

state laws, or other obligations, advance the Commission's goals of Transmission Organization membership and the purpose of FPA section 219(c).³⁵ Commenters also argue that awarding incentives for voluntary conduct is consistent with the Commission's policy of not rewarding past behavior.³⁶ Moreover, certain commenters state that courts favor or require that incentives be voluntary, and assert that the Commission should therefore not adopt a policy to grant the incentive for conduct that is already required.³⁷ Furthermore, many commenters state that the RTO-Participation Incentive proposal in the March NOPR directly contravenes *CPUC v. FERC*, which stated "[a]n incentive cannot 'induce' behavior that is already legally mandated."³⁸

19. Removing the voluntariness requirement, as proposed in the March NOPR, is not the only way that the Commission could reduce uncertainty regarding the application of a voluntariness requirement to individual transmitting or electric utilities. Rather, the Commission could retain Order No. 679's voluntariness requirement, add it to the Transmission Incentives Regulations, and clarify this requirement by providing guidance on the circumstances that would make participation voluntary. Accordingly, we request comment on whether the Transmission Organization Incentive should be available only to transmitting utilities that join a Transmission

Organization voluntarily. If so, we seek further comment on how the Commission should apply that standard and, in particular, how the Commission should determine whether a transmitting utility's decision to join a Transmission Organization is voluntary. We also seek comment on whether the Transmission Organization Incentive should include an exception or exceptions to a voluntariness requirement and the demonstration necessary to qualify for the exception by an applicant. For example, should the Commission allow an applicant to seek the Transmission Organization Incentive where states and/or other relevant electric retail regulatory authorities support receipt of such an incentive by the transmitting utility even though participation in the Transmission Organization is mandated by the state and/or other relevant electric retail regulatory authority? If the Commission adopts an exception or exceptions to a voluntariness requirement, how would an applicant show that it meets the exception or exceptions?

D. Miscellaneous

20. We propose to revise § 35.35(f) of our regulations to provide that the transmitting utility is only eligible for the Transmission Organization Incentive if it has not previously been a member of a Transmission Organization. We intend for the Transmission Organization Incentive to encourage transmitting and electric utilities to join Transmission Organizations, not to incent such utilities to change membership between Transmission Organizations or to alter their ownership structures. Allowing a utility that changes Transmission Organizations to extend the Transmission Organization Incentive or receive a new Transmission Organization Incentive would impose costs to ratepayers from integration and exit costs of leaving and joining Transmission Organizations without providing material benefits.

21. Further, to implement the proposed three year period for the Transmission Organization Incentive in § 35.35(f) of the Commission's regulations, we also propose that a transmitting or electric utility may not receive a Transmission Organization Incentive for transmission plant if the asset was already under the operational control of a Transmission Organization, whether as part of an affiliate or a separate owner. Allowing a transmitting or electric utility to receive an incentive for such assets would unduly extend the duration of the incentive and would

encourage sales or corporate restructuring of transmission assets for the sake of the incentive, which would not benefit ratepayers. Accordingly, we seek comment on whether, and, if so, what restrictions the Commission should impose on incentive eligibility based on sales/affiliate corporate restructurings or for transmission plant constructed by new affiliates. In particular, we request comment on whether new utility affiliates that build transmission, either within or outside of the service territory of existing operating companies, should be eligible for the Transmission Organization Incentive.

IV. Information Collection Statement

22. The information collection requirements contained in this Supplemental NOPR are subject to review by the Office of Management and Budget (OMB) under section 3507(d) of the Paperwork Reduction Act of 1995.³⁹ OMB's regulations require approval of certain information collection requirements imposed by agency rules (including reporting, record keeping, and public disclosure requirements).⁴⁰ Upon approval of a collection of information, OMB will assign an OMB control number and expiration date. Respondents subject to the filing requirements of this rule will not be penalized for failing to respond to the collection of information unless the collection of information displays a valid OMB control number. The following discussion describes and analyzes the collection of information proposed to be modified by this Supplemental NOPR.

23. The Commission solicits comments on the Commission's need for the proposed information collection in this Supplemental NOPR which would revise the Commission's regulations and policy with respect to the mechanics and implementation of the Commission's transmission incentives policy; and with respect to the metrics for evaluating the effectiveness of incentives. All burden estimates for the proposed information collection is discussed in this Supplemental NOPR. These provisions would affect the following information: FERC-516, Electric Rate Schedules and Tariff Filings (OMB Control No. 1902-0096).

24. Interested persons may obtain information on the reporting requirements by contacting Ellen Brown, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC

Commission Comments at 29-31; California Municipals Comments at 3; California State Water Project Comments at 7-9; Connecticut Commission Comments at 27-28; East Texas Coops Comments at 4; NESCOE Comments at 29-30; New England Public Systems Comments at 13-14 (arguing that the incentive should be eliminated for any entity required to be in an RTO/ISO); New Jersey Agencies Comments at 18-20; New York Coalition Comments at 13-16; Northern Virginia Coop Comments at 14-15; NRECA Comments at 49; Steel Manufacturers Comments at 11; 10 State Entities Comments at 13; Virginia Consumer Counsel Comments at 27-30.

³⁵ See APPA Comments at 58; California Commission Comments at 30.

³⁶ See California State Water Project Comments at 8.

³⁷ See, e.g., Connecticut Commission Comments at 27; TAPS Comments at 109-110 (citing *Me. Pub. Utils. Comm'n v. FERC*, 454 F.3d 278, 289 (D.C. Cir. 2006)); 10 State Entities Comments at 13 (citing *CPUC v. FERC*, 879 F.3d at 970 (granting petition for review and remanding for a determination on whether the purportedly incentivized conduct was mandated or voluntary)); Virginia Consumer Counsel Comments at 29-30 (citing *CPUC v. FERC*, 879 F.3d at 879).

³⁸ *CPUC v. FERC*, 879 F.3d at 974; see California Commission Comments at 30; California Municipals Comments at 2-3; California State Water Project Comments at 8; Connecticut Commission Comments at 28, n.50; NESCOE Comments at 30; New Jersey Agencies Comments at 11 and 18-19; New York Coalition Comments at 15, n.3; 10 State Entities Comments at 13.

³⁹ 44 U.S.C. 3507(d).

⁴⁰ 5 CFR 1320.

20426 (via email DataClearance@ferc.gov or telephone (202) 502-8663).

25. The Commission solicits comments on the Commission's need for this information, whether the information will have practical utility, the accuracy of the burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected or retained, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques.

26. Send written comments on FERC-516 to the Office of Management and Budget (OMB) through www.reginfo.gov/public/do/PRAMain, Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB control number (1902-0096) in the subject line. Your comments should be sent within 30 days of publication of this notice in the **Federal Register**. OMB submissions must be formatted and filed in

accordance with submission guidelines at www.reginfo.gov/public/do/PRAMain; Using the search function under the "Currently Under Review field," select Federal Energy Regulatory Commission; click "submit" and select "comment" to the right of the subject collection.

27. *Title:* FERC-516, Electric Rate Schedules and Tariff Filings.

28. *Action:* Proposed revision of collection of information in accordance with RM20-10-000.

29. *OMB Control No.:* 1902-0096 (FERC-516).

30. *Respondents for this Rulemaking:* Transmitting utilities for which the Commission has granted incentive-based rate treatment for joining Transmission Organizations.

31. *Frequency of Information Collection:* One time for transmitting utilities for which the Commission has granted incentive-based rate treatment for joining Transmission Organizations.

32. *Necessity of Information:* Required to determine whether the transmitting

utilities who have received the Transmission Organization Incentive for three years have updated their rates to remove the benefit, as described in this NOPR.

33. *Internal Review:* The Commission has reviewed the changes and has determined that such changes are necessary. These requirements conform to the Commission's need for efficient information collection, communication, and management within the energy industry. The Commission has specific, objective support for the burden estimates associated with the information collection requirements.

34. The Commission estimates that no more than 190 transmitting utilities currently receive a 50-basis-point ROE incentive for membership in a Transmission Organization.⁴¹ The Commission estimates that the NOPR would affect the burden⁴² and cost⁴³ of FERC-516 as follows:

ESTIMATED AVERAGE ONE-TIME CHANGE TO FERC-516, DUE TO PROPOSED CHANGES IN SUPPLEMENTAL NOPR IN DOCKET NO. RM20-10-000

Area of modification A.	Number of respondents B.	Annual estimated number of responses per respondent C.	Annual estimated number of responses (Column B x Column C) D.	Average burden hours & cost per response E.	Total estimated burden hours & total estimated cost (Column D x Column E) F.
Filings regarding updated rates reflecting the termination of the Transmission Organization Incentive.	190	1	190	80 hours; \$6,640	15,200 hours; \$1,261,600.
Total Proposed Changes for FERC-516 in Supplemental NOPR in RM20-10-000.	.....	.....	.....	80 hours; \$6,640	15,200 hours; \$1,261,600.

35. We seek comments on the estimated burden and the number of transmission owners affected by the proposed changes.

V. Environmental Analysis

36. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a

⁴¹ The sum of the "transmission owners" according to the websites of the six RTOs/ISOs is 190. The Commission uses this conservative estimate, while noting that not every transmitting utility has sought an incentive for membership in a Transmission Organization, and also that a parent company may seek the incentive on behalf of numerous affiliate companies.

⁴² "Burden" is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

⁴³ Commission staff estimates that respondents' hourly wages (including benefits) are comparable to those of FERC employees. Therefore, the hourly cost used in this analysis is \$83.00 (\$172,329 per year).

significant adverse effect on the human environment.⁴⁴ We conclude that neither an Environmental Assessment nor an Environmental Impact Statement is required for this Supplemental NOPR under § 380.4(a)(15) of the Commission's regulations, which provides a categorical exemption for approval of actions under sections 205 and 206 of the FPA relating to the filing of schedules containing all rates and charges for the transmission or sale of electric energy subject to the Commission's jurisdiction, plus the classification, practices, contracts, and regulations that affect rates, charges, classification, and services.⁴⁵

⁴⁴ *Regulations Implementing the National Environmental Policy Act*, Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783 (1987) (cross-referenced at 41 FERC ¶ 61,284).

⁴⁵ 18 CFR 380.4(a)(15).

VI. Regulatory Flexibility Act

37. The Regulatory Flexibility Act of 1980⁴⁶ generally requires a description and analysis of proposed and final rules that will have significant economic impact on a substantial number of small entities. The RFA mandates consideration of regulatory alternatives that accomplish the stated objectives of a proposed rule and minimize any significant economic impact on a substantial number of small entities.⁴⁷ The Small Business Administration (SBA) sets the threshold for what constitutes a small business. Under SBA's size standards,⁴⁸ transmission owners fall under the category of Electric Bulk Power Transmission and Control (NAICS code 221121),⁴⁹ with a

⁴⁶ 5 U.S.C. 601-612.

⁴⁷ *Id.* 603(c).

⁴⁸ 13 CFR 121.201.

⁴⁹ The North American Industry Classification System (NAICS) is an industry classification system that Federal statistical agencies use to categorize

size threshold of 500 employees (including the entity and its associates).⁵⁰

38. We estimate that 190 transmitting utilities are affected by the NOPR. We estimate that approximately 87.5% (or approximately 166 transmitting utilities) of those 190 entities are small entities, according to information collected from the websites of the six RTOs/ISOs. We estimate additional one-time costs associated with the NOPR (as shown in the table in paragraph 34) of: \$6,640 each for the 190 filers (transmitting utilities in RTOs/ISOs) of FERC-516. According to SBA guidance, the determination of significance of impact “should be seen as relative to the size of the business, the size of the competitor’s business, and the impact the regulation has on larger competitors.”⁵¹ We do not consider the estimated cost to be a significant economic impact. As a result, pursuant to section 605(b) of the RFA, the Commission certifies that the proposals in this Supplemental NOPR will not have a significant economic impact on a substantial number of small entities.

VII. Comment Procedures

39. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due May 26, 2021. Reply comments are due June 10, 2021. Comments must refer to Docket No. RM20-10-000, and must include the commenter’s name, the organization it represents, if applicable, and its address in its comments. All comments will be placed in the Commission’s public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

40. The Commission encourages comments to be filed electronically via

businesses for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. economy. United States Census Bureau, North American Industry Classification System, <https://www.census.gov/eos/www/naics/>.

⁵⁰ The threshold for the number of employees indicates the maximum allowed for a concern and its affiliates to be considered small.

⁵¹ U.S. Small Business Administration, *A Guide for Government Agencies How to Comply with the Regulatory Flexibility Act*, at 18 (May 2012), https://www.sba.gov/sites/default/files/advocacy/rfaguide_0512_0.pdf.

the eFiling link on the Commission’s website at <http://www.ferc.gov>. The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

41. Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426. Submission of filings other than by USPS should be delivered to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

VIII. Document Availability

42. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission’s Home Page (<http://www.ferc.gov>). At this time, the Commission has suspended access to the Commission’s Public Reference Room due to the President’s March 13, 2020 proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19).

43. From the Commission’s Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

44. User assistance is available for eLibrary and the Commission’s website during normal business hours from the Commission’s Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

List of Subjects in 18 CFR Part 35

Electric power rates, Electric utilities, Reporting and recordkeeping requirements.

By direction of the Commission.

Commissioner Chatterjee is

dissenting with a separate statement attached.

Commissioner Danly is dissenting with a separate statement attached.
Commissioner Christie is concurring with a separate statement attached.

Issued: April 15, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

In consideration of the foregoing, the Commission proposes to amend part 35, chapter I, title 18, Code of Federal Regulations, as follows.

Subpart G—Transmission Infrastructure Investment Provisions

■ 1. The authority citation for subpart G continues to read as follows:

Authority: 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 41 U.S.C. 7101–7352.

■ 2. In § 35.35(f) is revised to read:

§ 35.35 Transmission infrastructure investment.

(f) *Incentives for joining a Transmission Organization.* For purposes of this incentive, Transmission Organization means a Regional Transmission Organization, Independent System Operator, independent transmission provider, or other transmission organization finally approved by the Commission for the operation of transmission facilities. The Commission will permit transmitting utilities and electric utilities that join a Transmission Organization the ability to recover prudently incurred costs associated with joining the Transmission Organization in their jurisdictional rates. Additionally, for a transmitting utility that joins a Transmission Organization and turns over operational control of the applicant’s wholesale transmission facilities to the Transmission Organization, the Commission will authorize a 50-basis-point increase in return on equity for three years, commencing from the date the transmitting utility turns over operational control of the facilities, if the transmitting utility has not previously been a member of a Transmission Organization.

Appendix A—Abbreviated Names of Commenters

The following table contains the abbreviated names of all commenters in this docket.

Abbreviation	Commenter (full name)
ACORE	American Council on Renewable Energy.
Advanced Energy Buyers	Advanced Energy Buyers Group.
Advanced Energy Management	Advanced Energy Management Alliance.
AEP	American Electric Power Company.
Alliant	Alliant Energy Corporate Services, Inc./DTE Electric Company.
Ameren	Ameren Services Company.
Americans for a Clean Energy Grid	Americans for a Clean Energy Grid.
American Manufacturers	American Manufacturers.
APPA	American Public Power Association.
Avangrid	Avangrid Networks, Inc.
AWEA	American Wind Energy Association.
Blue Ridge	Blue Ridge Power Agency.
CAISO	California ISO.
California Commission	California Public Utility Commission.
California Municipals	California Municipal Utilities Association.
California State Water Project	California Department of Water Resources.
California Utilities	Pacific Gas and Electric/San Diego Gas and Electric.
Connecticut Commission	Connecticut Public Utilities Regulatory Authority.
Consumer Organization Groups	Consumer Organization Groups.
CTC Global	CTC Global Corporation.
Delaware and District of Columbia Public Advocates	Delaware Division of the Public Advocate.
East Texas Coops	East Texas and Northeast Texas Electric Cooperatives.
Eastern Massachusetts Municipals	Eastern Massachusetts Consumer Owned Systems.
EDF Renewables	EDF Renewables, Inc.
EEL	Edison Electric Institute.
ELCON	Electricity Consumers Resource Council, American Chemistry Council, and American Forest & Paper Association.
Energy Storage Association	Energy Storage Association.
Eversource	Eversource Energy Service Company.
Exelon	Exelon Corporation.
GridLiance	GridLiance Holdco, LP.
GridPolicy	GridPolicy, Inc.
Hiorns	Hiorns Smart Energy Networks.
Individual Consumers	Individual Consumers.
Institute for Policy Integrity	Institute for Policy Integrity at the New York University School of Law.
ITC	ITC Holdings Corporation.
Joint State Committees	Organization of MISO States.
Kansas Commission	Kansas Corporation Commission.
Louisiana Energy Users	Louisiana Energy Users Group.
LS Power	LSP Transmission Holdings II, LLC.
Maryland Commission	Maryland Public Service Commission.
MISO	Midcontinent Independent System Operator, Inc.
MISO Transmission Owners	MISO Transmission Owners.
National Grid	National Grid USA.
Navopache	Navopache Electric Cooperative, Inc.
NESCOE	New England States Committee on Electricity.
New England Public Systems	Massachusetts Municipal Wholesale Electric Company and New Hampshire Electric Cooperative Inc.
New Jersey Agencies	New Jersey Board of Public Utilities and the New Jersey Division of Rate Counsel.
New York Coalition	New York State Public Service Commission, the City of New York, Multiple Intervenors, and Consumer Power Advocates.
New York Transmission Owners	Indicated New York Transmission Operators.
New York Transco	New York Transco, LLC.
NextEra	NextEra Energy Transmission, LLC.
Northern California Power Agency	Northern California Power Agency.
Northern Virginia Coop	Northern Virginia Electric Cooperative, Inc.
NRECA	National Rural Electric Cooperative Association.
Ohio Commission Energy Advocate	Public Utility Commission of Ohio Office of the Federal Energy Advo- cate.
PJM	PJM Interconnection, L.L.C.
PJM Market Monitor	Independent Market Monitor for PJM Interconnection.
PJM States	Organization of PJM States.
PJM Transmission Owners	PJM Transmission Owners.
Potomac Economics	Potomac Economics, LTD.
Protect Our Power	Protect Our Power.
Prysmian	Prysmian Group.
Public Interest Organizations	Public Interest Organizations.
R Street Institute	R Street Institute.
Railroad Electrification Council	Railroad Electrification Council.
Resale Power Group of Iowa	Resale Power Group of Iowa.
Schulte Associates	Schulte Associates LLC.
Smart Wires	Smart Wires.

Abbreviation	Commenter (full name)
SMUD	Sacramento Municipal Utility District.
SPP	Southwest Power Pool.
SPP Transmission Owners	Indicated Southwest Power Pool, Inc. Transmission Owners.
State Utility Consumer Advocates	National Association of State Utility Consumer Advocates.
Steel Manufacturers	Steel Manufacturers Association.
TAPS	Transmission Access Policy Study Group.
Ten State Entities	Southern New England State Agencies.
Transmission Dependent Coops	Transmission Dependent Utilities Systems.
Union of Concerned Scientists	Union of Concerned Scientists.
Virginia Consumer Counsel	Virginia Office of Attorney General, Division of Consumer Counsel.
WATT Coalition	Working for Advanced Transmission Technologies Coalition and Advanced Energy Economy.
WIRES	WIRES.
XBRL US	XBRL US.

Department of Energy

Federal Energy Regulatory Commission

Electric Transmission Incentives Policy Under Section 219 of the Federal Power Act

CHATTERJEE, Commissioner, *dissenting*:

1. I strongly oppose today’s supplemental NOPR. It mischaracterizes the plain language of the Federal Power Act (FPA) in order to strip utilities of the Transmission Organization Incentive, even though the utility RTO/ISO membership has led to substantial consumer benefits and is vital to the energy transition and the development of much-needed transmission in the RTO/ISO regions.

The Supplemental NOPR Proposal Fails To Reasonably Implement the Statute

2. FPA section 219(c) requires that the Commission “provide for incentives to each transmitting utility or electric utility that joins a Transmission Organization.”¹ Nowhere in the statute is the Commission directed to provide incentives only to each utility that *newly* joined a Transmission Organization, or to those that *voluntarily* joined a Transmission Organization. Indeed, by advancing these arbitrary restrictions,² the supplemental NOPR proposal will *eviscerate* the Transmission Organization Incentive and is therefore inconsistent with the statute.³

3. In Order No. 679, the Commission correctly explained that the “basis for the [Transmission Organization

Incentive] is a recognition of the benefits that flow from membership in such organizations.”⁴ The Commission reasoned that it would be unduly discriminatory for the Commission to consider the benefits of membership in determining the appropriate ROE for new members but not for similarly situated entities that are already members.⁵ In Order No. 679–A, the Commission found that the best way to ensure benefits to as many consumers as possible “is to provide an incentive that is widely available to member utilities of Transmission Organizations.”⁶ The Commission determined that the Transmission Organization Incentive is “entirely consistent” with FPA section 219’s purpose, which is to establish incentives “that benefit consumers by ensuring reliability and reducing the cost of delivered power.”⁷ Finally, the Commission explained that “limit[ing] the incentive to only utilities yet to join Transmission Organizations offers no inducement to stay in these organizations for members with the option to withdraw, and hence risks reducing Transmission Organization membership and its attendant benefits to consumers.”⁸

4. The supplemental NOPR does not even attempt to grapple with any of the Commission’s well-reasoned prior holdings. Rather, the majority merely offers a conclusory statement that a new interpretation is reasonable.⁹ The

majority provides no basis for its subtle but meaningful contortion of the statute, which, as noted above, requires that the Commission “provide for incentives to each . . . utility that joins a Transmission Organization” and does not—as the majority would have you believe—require the Commission “to provide an incentive for joining rather than remaining in a Transmission Organization.”¹⁰

The Supplemental NOPR Will Slow the Energy Transition and Stymie Needed Investments

5. I could understand the majority’s proposal to eviscerate the Transmission Organization Incentive if doing so accomplished an important or even articulable policy objective. But the proposal is—bafflingly—contrary to the current Administration’s federal clean energy goals.¹¹ To meet such aggressive goals, we will need both robust organized markets and an enormous

to ignoring the increasing burdens placed on member utilities and the fact that the billions of dollars of benefits the RTOs/ISOs provide through utility membership accrue to consumers—not to the utilities, as the majority would have you believe—the majority completely disregards WIRES’ clear warning that, with a proposal like today’s, “there is a very real risk that RTO/ISO membership could remain static (at best) or shrink (at worst).” WIRES Comments at 14.

¹⁰ See Supplemental NOPR at P 6.

¹¹ See, e.g., Executive Order 14008, 86 FR 7619 (Jan. 27, 2021), available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad> (setting forth the goal of “put[ting] the United States on a path to achieve net-zero emissions, economy-wide, by no later than 2050”); see also, e.g., Ronald Brownstein, *Infrastructure plan: How Biden’s zero-carbon revolution would broaden the energy map*, CNN (Apr. 6, 2021), <https://www.msn.com/en-us/news/us/infrastructure-plan-how-biden-s/-zero-carbon-revolution-would-broaden-the-energy-map/ar-BB1fkZ5q> (explaining that President Biden’s American Jobs Plan includes “a provision that would require every state to generate all of its electricity by 2035 from fuels that do not produce any of the carbon emissions linked to global climate change”).

¹ 16 U.S.C. 824s(c).

² For example, the supplemental NOPR does not explain how the majority arrived at a three-year incentive or even attempt to justify why three years is the appropriate duration for utilities to receive the incentive.

³ Because so few utilities have joined a Transmission Organization in the last three years, today’s proposal would eliminate the Transmission Organization Incentive for the vast majority of existing RTO members.

⁴ *Promoting Transmission Investment through Pricing Reform*, Order No. 679, 71 FR 43293, 116 FERC ¶ 61,057, at P 331 (2006), *order on reh’g*, Order No. 679–A, 72 FR 1152, 117 FERC ¶ 61,345 (2006), *order on reh’g* 119 FERC ¶ 61,062 (2007).

⁵ *Id.*

⁶ Order No. 679–A, 117 FERC ¶ 61,345 at P 86.

⁷ *Id.*

⁸ *Id.* By design, the Supplemental NOPR proposal attempts to limit the incentive to utilities yet to join Transmission Organizations. See *supra* note 3.

⁹ Supplemental NOPR at P 8 (offering nothing more than a blanket suggestion that the existing Transmission Organization Incentive “may not balance utility and ratepayer interests”). In addition

amount of investment in transmission,¹² and we will need to put Americans to work building the grid of the future.¹³ If this Commission hopes to run fast toward these energy transition goals, it must not shoot itself in the foot by eliminating the Transmission Organization Incentive.

6. RTOs and ISOs, while imperfect, have been enormously successful in generating billions of dollars of annual benefits to consumers. MISO estimates that it produces between \$3.1 and \$3.9 billion of annual net economic benefits in the form of “improved reliability, compliance, more efficient use of existing assets and reduced need for additional assets.”¹⁴ PJM estimates its annual savings at between \$3.2 and \$4.0 billion in the form of more efficient regional transmission planning, lower aggregate generation reserve requirements, encouraging replacement of less-efficient generators, and reducing electricity production costs.¹⁵ SPP estimates that savings from its markets and transmission planning services provide more than \$2.2 billion of annual benefits.¹⁶ According to National Grid, ISO-NE is expected to produce savings of more than \$600 million per year.¹⁷ Based on these four estimates, one could reasonably conclude that these RTOs/ISOs *alone* produce more than \$10 billion of annual benefits for consumers.¹⁸ Though the estimated

\$400 million annual cost of the Transmission Organization Incentive may appear large without any context,¹⁹ it is quite literally pennies on the dollar when compared to the more than \$10 billion of annual benefits to ratepayers generated from RTO/ISO membership. The majority has lost sight of the forest for the trees. I share the concern expressed by WIRES that any course-reversal “on maintaining the availability of the RTO/ISO Participation Incentive . . . would undermine the Commission’s decades-long policy of supporting the development and expansion of RTOs/ISOs and the corresponding benefits to consumers they provide.”²⁰

7. Moreover, as we move towards a clean energy future, the importance of RTOs/ISOs will only continue to grow.²¹ As just one example, large energy consumer Google, which recently articulated a goal of running on carbon-free energy everywhere by 2030,²² put it this way:

The key to managing [renewable] intermittency at low cost has been the ability to use large, interconnected, highly integrated electricity grids and associated liquid wholesale markets. As renewable penetrations grow, it will be critical to shift from balkanized, isolated electricity markets to regional, interconnected grids and markets. This will create larger balancing areas to better manage intermittency, increase price efficiency through greater liquidity and market transparency, and allow renewables to be delivered from distant but resource-rich geographies to the load centers where they are needed.²³

8. Real world experience bears this out. We already have seen SPP

programs/market-policy-innovations/organized-markets/.

¹⁹ Supplemental NOPR at P 9 & n.21.

²⁰ WIRES Reply Comments at 5.

²¹ See, e.g., REBA, *Organized Wholesale Markets*, <https://rebuyers.org/programs/market-policy-innovations/organized-markets/> (“[O]rganized wholesale markets produce billions in customer savings annually, they are critical to efficient decarbonization and clean energy integration, and increase customers’ ability to drive the clean energy transition.”).

²² See Sundar Pichai, *Our Third Decade of Climate Action: Realizing a Carbon-Free Future* (Sept. 14, 2020), <https://blog.google/outreach-initiatives/sustainability/our-third-decade-climate-action-realizing-carbon-free-future>.

²³ Google, *Achieving Our 100% Renewable Energy Purchasing Goal and Going Beyond* (Dec. 2016), <https://www.gstatic.com/gumdrop/sustainability/achieving-100-renewable-energy-purchasing-goal.pdf>. See also Advanced Energy Buyers Group, *Organized Wholesale Markets and Advanced Energy Procurement* (Jan. 2021), https://info.aee.net/hubfs/AEE_AEBG%20-%20WholesaleMkts_1.19.21.pdf (“[E]xpanding and improving [organized wholesale] markets would open new opportunities for large customers to meet their own emission reduction and renewable energy goals while also accelerating the broader energy transition.”).

successfully manage record levels of wind generation, which would not be possible if its footprint were broken into dozens of balancing areas.²⁴ SPP’s CEO Barbara Sugg identified four factors behind SPP’s successful integration of renewable energy: (1) SPP’s large consolidated balancing authority takes advantage of its scale to match the many sellers of renewable power with a broad footprint of buyers; (2) SPP sits at the crossroads of the nation’s highest wind and solar resources; (3) SPP has a robust transmission infrastructure that allows renewable energy to be sent long distances; and (4) SPP enjoys a robust day-ahead and real-time energy market.²⁵ SPP’s impressive integration of wind paints a clear picture: RTOs provide a platform for a successful energy transition. That platform can only remain viable if existing utility members remain in RTOs.

9. I whole-heartedly agree with the current chorus of calls for more effective regional and interregional transmission planning, including more expansive competitive bidding processes and interregional planning.²⁶ But we cannot ignore that the RTO/ISO regions are the leaders and catalysts on these fronts. The Commission staff’s 2020 State of the Markets Report noted that “four transmission planning regions . . . awarded to developers or requested proposals for new transmission projects as part of a competitive bidding process.”²⁷ All four of these transmission planning regions are RTO/ISO regions—PJM, NYISO, SPP, and ISO-NE.²⁸ Commission staff also

²⁴ On March 29, 2021, SPP broke four renewable records, with wind penetration surpassing 80% for the first time in SPP history and reaching a renewable penetration record of 84.2%. Kassia Micek, *SPP breaks four renewable, wind records causing power prices to dip negative*, S&P Global (Mar. 30, 2021) <https://www.spglobal.com/platts/en/market-insights/latest-news/electric-power/033021-spp-breaks-four-renewable-wind-records-causing-power-prices-to-dip-negative>.

²⁵ American Council for Renewable Energy, *How Southwest Power Pool Sets Renewable Records Daily* (Apr. 8, 2021), <https://acore.org/how-southwest-power-pool-sets-renewable-records-daily/>.

²⁶ See, e.g., Americans for a Clean Energy Grid, *Planning for the Future, FERC’s Opportunity to Spur More Cost-effective Transmission Infrastructure*, at 8 (Jan. 2021), (“As we look to the future, much more regional and inter-regional power exchange will be needed for national energy security, reliability, resilience, cost-effectiveness, and economic competitiveness.”).

²⁷ Commission Staff, *State of the Markets 2020*, (Mar. 2021), <https://www.ferc.gov/sites/default/files/2021-03/State-of-the-Markets-2020-Report.pdf>.

²⁸ *Id.* MISO is engaging with stakeholders to develop its Long-Range Transmission Planning initiative to holistically assess the region’s future transmission needs in light of expected resource evolution and electrification. See MISO, *Long-Range Transmission Plan Roadmap*, (Mar. 2021),

Continued

¹² See, e.g., Eric Wolff, *Down to the wire: Biden’s green goals face a power grid reckoning*, Politico (Apr. 8, 2021), <https://www.politico.com/news/2021/04/08/biden-green-goals-power-grid-480446> (“President Joe Biden’s dream of a climate-friendly electric grid hangs on a slender wire: his administration’s ability to speed the construction of thousands of miles of power lines.”).

¹³ See Fact Sheet, *The American Jobs Plan*, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/> (setting forth the goal to “put hundreds of thousands of people to work” on projects to include “laying thousands of miles of transmission lines”).

¹⁴ See MISO, *2020 MISO Value Proposition*, (Feb. 2021), <https://cdn.misoenergy.org/2020%20Value%20Proposition/%20Exec%20Summary521884.pdf>.

¹⁵ See PJM, *PJM Value Proposition*, (Jul. 2019), <https://www.pjm.com/-/media/about-pjm/pjm-value-proposition.ashx>.

¹⁶ See SPP, *14-to-1 The Value of Trust*, at 3 (May 2019), <https://spp.org/documents/58916/14-to-1%20value%20of%20trust%2020190524%20web.pdf>.

¹⁷ National Grid Comments at 8 (citing Supplemental Answering Testimony of Kenneth B. Bowes on Behalf of the NETOs, Docket No. EL16-64, Exh. No. NET-02600 at 9 and accompanying Exhibit No. NET-02601 (July 31, 2017)).

¹⁸ This estimate is likely understated because it does not include the benefits to consumers from CAISO or NYISO. In addition, according to Renewable Energy Buyers Alliance (REBA), which advocates for “instituting organized wholesale markets in all regions of the country,” the creation of an RTO in the Southeast would generate an estimated \$19.2 billion in annual savings. REBA, *Organized Wholesale Markets*, <https://rebuyers.org/>

identified two promising developments pertaining to inter-regional transmission planning: (1) MISO's board approved an interregional project previously approved by PJM; and (2) MISO and SPP announced a joint project to find comprehensive, cost-effective projects along the MISO-SPP seam. Again, these developments are driven by RTO/ISOs. Now is not the time to undercut them.

10. Finally, the existing Transmission Organization Incentive modestly increases the overall ROE awarded to utilities in RTO/ISO regions. Preserving or increasing the incentive would better position such utilities to compete for capital, thereby enhancing large-scale transmission investment.²⁹ Stable incentives create much-needed "regulatory certainty for investors, planners, and transmission owners to inform decisions regarding long-term planning and the deployment of capital."³⁰ Lowering overall ROEs, as the majority proposes to do here, may push investment away from transmission projects and towards other sectors of the economy or to lower risk projects.

11. If the Commission is truly committed to advancing policies to build out our transmission system to deliver clean, reliable, and affordable energy services, it should not support today's proposal. A far better approach would be to move forward with a comprehensive suite of reforms to provide incentives for the transmission projects that provide the most benefits to consumers.³¹ Unfortunately, with today's order, the Commission has taken its eye off the ball.

For these reasons, I respectfully dissent.

Neil Chatterjee,
Commissioner.

<https://cdn.misoenergy.org/20210317%20PAC%20Item%2003a%20Long%20Range%20Transmission%20Plan%20Initial%20Roadmap531009.pdf>. I am not aware of any similar holistic region-wide initiative in the non-RTO/ISO planning regions.

²⁹ See London Economic, *Economic Considerations in the Matter of Transmission Incentives*, (July 2020), https://wiresgroup.com/wp-content/uploads/2020/07/LEI-Expert-Paper-on-FERC-NOPR_Electric-Transmission-Incentives-July-1-2020.pdf.

³⁰ WIRES Reply Comments at 4–5.

³¹ March NOPR, 170 FERC ¶ 61,204, at PP 3–11. I support moving forward with a final rule that adopts the March NOPR proposal, albeit with some narrow adjustments. For example, rather than providing Economic Benefits Incentives to transmission projects based on their benefit-to-cost ratios, I would instead provide such incentives based on net benefits in an effort to ensure that the incentives flow to the most beneficial—likely regional and inter-regional—transmission projects.

Department of Energy

Federal Energy Regulatory Commission

Electric Transmission Incentives Policy Under Section 219 of the Federal Power Act

DANLY, Commissioner, *dissenting*:

1. That "that" is a word that the English language overtasks and that leads to confusion cannot be disputed. But "that" does not mean "to," and that is what the majority freights "that" with in this order. That is why I dissent.

2. Section 219(c) of the Federal Power Act provides that "the Commission shall . . . provide for incentives to each transmitting utility or electric utility *that* joins a Transmission Organization."¹ And this is what the Commission has done since this text was added to the Federal Power Act in 2005,² providing a 50-basis-point adder to the return on equity of transmission utilities in Regional Transmission Organizations (RTO).³ These incentives do not expire unless the transmission utility leaves the RTO.⁴

3. The majority, however, states that it now "believe[s] that it is reasonable to read FPA section 219(c) to direct the Commission to provide an incentive for 'join[ing]' a Transmission Organization and not for remaining in a Transmission Organization in perpetuity."⁵ The incentive, therefore, would be limited to "each transmitting utility or electric utility *to* join[] a Transmission Organization" and the incentive would

¹ 16 U.S.C. 824s(c) (emphasis added).

² See *Promoting Transmission Investment through Pricing Reform*, Order No. 679, 116 FERC ¶ 61,057, at P 326 (2006), *order on reh'g*, Order No. 679-A, 117 FERC ¶ 61,345 (2006), *order on reh'g*, 119 FERC ¶ 61,062 (2007).

³ See *Electric Transmission Incentives Policy Under Section 219 of the Federal Power Act*, 175 FERC ¶ 61,035, at P 2 (2021).

⁴ There is but one reasonable reading of this provision. "That" in this sentence is a relative pronoun. Its function is to introduce a restrictive relative clause. It does no more than identify the universe of entities eligible for the incentive. Its antecedent is "transmitting utility or electric utility." The same essential meaning would be conveyed were we to substitute another relative pronoun by treating the utilities as people. In that case, we could re-state the provision as: "the Commission shall . . . provide for incentives to each transmitting utility or electric utility *who* joins a transmission organization." This language admits for no limitation. It establishes a category of eligible entities (they must be transmission or electric utilities). It then restricts the category by requiring the satisfaction of a further condition (they must join an RTO). There is also no limitation in the verb. "Joins" is the 3rd person singular present active indicative form of the verb "to join." "Joins" is a simple aspect verb; it is neither completed nor continuous. Accordingly, a (somewhat) stilted Latinate expression of the Congressional mandate might read: "the utility joins; the Commission provides."

⁵ *Electric Transmission Incentives Policy Under Section 219 of the Federal Power Act*, 175 FERC ¶ 61,035 at P 6.

expire after three years. I disagree because that is not what the statute says.

4. *First*, the Commission's new belief contradicts fourteen years of precedent interpreting unchanged statutory text.

5. *Second*, the Commission's consistent interpretation of the statute since its inception is correct. The Commission is to provide incentives to a utility "that joins" an RTO. The statute does not limit the incentive solely to encourage utilities "to join" an RTO; it does not address the issue of whether they "remain" in the RTO. If Congress intended the RTO adder to only apply as an incentive "to join" an RTO, it would have said so. It did not. The statute requires incentives to an entity "that joins" an RTO, full stop, no limitation.

6. It is not our role to second guess Congress. It is irrelevant whether the majority "believes" the RTO adder is no longer necessary as an incentive for a utility "that joins" an RTO to stay in the RTO. If the majority or anyone else has a problem with the statute, their sole recourse is through Congress.

7. Just as the statutory text is not limited to an incentive for a utility "to join" an RTO, it also is not limited to a utility that "voluntarily" joins a Transmission Organization. That word does not appear in the statute. I oppose inserting this further limitation into the statutory text.⁶

8. The majority also fails to consider the effects of its proposed change on utilities that have not yet joined an RTO. There are large portions of the country that have no RTO. Recent events suggest that utilities in these regions are contemplating joining an existing RTO or forming a new one. The Commission should be taking actions to encourage such decisions. Instead, we are proposing to reduce the benefits to utilities that join RTOs based on a strained, erroneous interpretation of the statute. Utilities considering RTO participation are sure to take note not only of the reduction in benefits attendant to RTO participation that the Commission proposes today, but also of the Commission's willingness to take extraordinary steps to reduce those benefits. This is not the signal we

⁶ I recognize that the Ninth Circuit has ruled that under the Commission's Order No. 679 implementing the relevant statutory text "the voluntariness of a utility's membership in a transmission organization is logically relevant to whether it is eligible for an adder." *Cal. Pub. Utils. Comm'n v. FERC*, 879 F.3d 966, 975 (9th Cir. 2018); see *Promoting Transmission Investment Through Pricing Reform*, Order No. 679, 116 FERC ¶ 61,057, *order on reh'g*, Order No. 679-A, 117 FERC ¶ 61,345 (2006), *order on reh'g*, Order No. 679-B, 119 FERC ¶ 61,062 (2007). The Court did not address the meaning of the statutory text itself.

should be sending to utilities that, to date, have resisted RTO participation.

9. For similar reasons, I support a 100-basis point adder to a utility “that joins” an RTO. RTOs provide enormous cost benefits to consumers. We should continue to provide strong incentives to utilities to join and to remain in RTOs so that consumers can reap the cost benefits of power markets. That is what the statute requires, and I would strengthen these incentives for any utility “that joins” an RTO.

For these reasons, I respectfully dissent.

James P. Danly,
Commissioner.

Department of Energy

Federal Energy Regulatory Commission

Electric Transmission Incentives Policy Under Section 219 of the Federal Power Act

CHRISTIE, Commissioner, *concurring*:
1. I concur with today’s supplemental Notice of Proposed Rulemaking (NOPR) because it moves in the right direction.¹ I write separately, however, to explain my reasons.

2. The Commission has previously enumerated the benefits of RTO/ISO participation to both public utilities and consumers, so the costs and benefits of such membership are not at issue here. At a time, however, when transmission costs are already a significant and rising part of consumers’ retail bills,² ROE adders needlessly burden consumers with substantial additional costs without demonstrable evidence that they actually incentivize the particular action they are aimed at incentivizing.

3. Given the state of play today, I agree with certain commenters that the RTO adder “provides an unnecessary windfall [with] no nexus to public utilities’ decisions to join or remain in an RTO.”³ It may also be the case that

such adders are duplicative of other Commission incentives already granted to public utilities by virtue of their participation in an RTO/ISO.⁴

4. It bears repeating that while section 219 of the Federal Power Act (FPA) requires the Commission to provide certain incentives—such as an incentive for joining an RTO/ISO—it also requires that resulting rates continue to be just and reasonable.⁵ As noted by the Delaware Division of Public Advocate and the Office of the People’s Counsel for the District of Columbia, “Congress did not intend for [FPA section 219], or the rules promulgated pursuant to it, to unjustly enrich utilities and RTO members at the customers’ expense.”⁶ I agree.

5. I also agree with the supplemental NOPR’s conclusion that section 219 of the FPA does not require an incentive for RTO/ISO participation to take the form of an ROE adder⁷ and with its request for commenters to propose alternative, non-ROE incentives that would qualify under section 219.⁸ Since the FPA does not require the award of ROE adders in this instance, I believe their use should be the subject of reassessment. I also share the concern previously expressed by Chairman Glick regarding “gratuitous handouts at customers’ expense. . . .”⁹

6. In addition to the obvious impact on consumer costs, the broader reason for this need for reassessment goes to the very purpose of utility regulation. Utility regulation developed for one primary purpose: To protect captive customers of utility monopolies from the exercise of market power which monopolies, by definition, have and will exercise. Market power is, of course, the ability of a seller to charge and sustain a price above the price it could charge in a competitive market, resulting in an unfair and uneconomic transfer of wealth from captive

customers to the monopoly (or near-monopoly).

7. So, utility regulation developed the cost-of-service model, which tries to duplicate the *results* of a competitive market where there is none. This is a challenge that one of my law students once described as trying to paint a rainbow. The painting will never be a rainbow, but you want to come as close as possible.

8. One of the most important costs that utilities are allowed to recover in cost-of-service regulation is the cost of capital, which consists of the cost of debt and the cost of equity. The cost of equity is ROE. The Supreme Court of the United States set forth the constitutional standard for determining ROE in its workhorse case of *Bluefield Water Works v. Public Service Commission of West Virginia*.¹⁰ The Court said, in a standard still in use today, that investors in a utility company had a right to a return that is:

equal to that generally being made at the same time and in the same region of the country on investments in other business undertakings which are attended by *corresponding risks and uncertainties, but [a public utility] has no constitutional right to profits such as are realized or anticipated in highly profitable enterprises or speculative ventures*.¹¹

9. Utility regulators, in setting an ROE, attempt to set the ROE based on the *actual market* for equity capital, taking into account, under the *Bluefield* standard, the level of risk faced by investors in a company that has a monopoly on a vital public service versus the level of risk undertaken by investors in a company in a fiercely competitive market. In the latter case, investors have no guarantee of receiving a single dollar of profit on their invested capital. Further, for riskier ventures in the energy sector, such as certificated facilities that face significant costs during the development phase, those risks can be factored into the determination of the actual cost of equity capital. Not all utilities face the same risks in each case.

10. That is all to say, setting the ROE is a fact-intensive inquiry that requires the regulator’s best effort at determining the actual market cost of equity capital for investments of similar risk. Once it’s set, however, *adding* basis points to the ROE makes the regulator not the *guardian against* market power, but the *facilitator of* it. For by definition, an ROE adder raises the cost of capital *above* the market cost, inflicting on consumers exactly the harm that utility

¹ See Supplemental NOPR at PP 9–11.

² See, e.g., California Municipal Utilities Association July 1, 2020 Comments at 3 (explaining that “[s]ince 2001, the CAISO’s TAC has risen by a whopping 700%,” and “[s]ince 2010, spending on transmission has increased by almost 400%.”); see also Transmission Access Policy Study Group July 1, 2020 Comments at 7 (“The impact of the current 50 basis point [RTO] adder on businesses and consumers is enormous—roughly \$400 million per year and growing.”); Monitoring Analytics, LLC, Independent Market Monitor for PJM, *State of the Market Report for PJM for 2020* at 17 (March 11, 2021), https://www.monitoringanalytics.com/reports/PJM_State_of_the_Market/2020/2020-som-pjm-vol1.pdf (“In 2020, for the first time since the start of the PJM RPM Capacity Market in 2007, the cost of transmission in the total price per MWh of wholesale power was greater than the cost of capacity.”).

³ Kansas Corporation Commission July 1, 2020 Notice of Intervention and Comments at 18; see also

Massachusetts Municipal Wholesale Electric Company, New Hampshire Electric Cooperative, Inc., and Connecticut Municipal Electric Energy Cooperative July 1, 2020 Comments at 12; New York State Public Service Commission, the City of New York, Multiple Intervenors, and Consumer Power Advocates July 1, 2020 Joint Comments at 16; State Entities July 1, 2020 Comments at 13; California Public Utilities Commission July 1, 2020 Comments at 40.

⁴ National Association of State Utility Consumer Advocates July 1, 2020 Motion to Intervene and Comments at 20.

⁵ 16 U.S.C. 824s(c).

⁶ Delaware Division of the Public Advocate and the Office of the People’s Counsel for the District of Columbia July 1, 2020 Comments at 2.

⁷ See Supplemental NOPR at P 16.

⁸ *Id.*

⁹ *Electric Transmission Incentives Policy Under Section 219 of the Federal Power Act*, 170 FERC ¶ 61,204 (2020) (Glick, Comm’r, dissenting in part at P 25).

¹⁰ 262 U.S. 679 (1923).

¹¹ *Id.* at 692–93 (emphasis added).

regulation is supposed to prevent. In sum, an ROE adder is a subsidy.

11. As a result, absent a clear declaration from Congress that a FERC-authorized incentive must take the form of an ROE adder—which it did not require for RTO participation incentives—awarding an ROE adder for any length of time as a “reward” for joining an RTO/ISO may be inconsistent with FPA section 219’s concurrent mandate that rates must be just and reasonable and not unduly discriminatory or preferential.

12. Because this supplemental NOPR proposes to limit the use of ROE adders for RTO/ISO membership to three years after joining—a welcome first move—I respectfully concur. I look forward, however, to commenters’ responses regarding non-ROE incentives.

For these reasons, I respectfully concur.

Mark C. Christie,
Commissioner.

[FR Doc. 2021-08215 Filed 4-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA-2021-F-0201]

Ag Chem Resources, LLC; Filing of Food Additive Petition (Animal Use); Correction

AGENCY: Food and Drug Administration, Department of Health and Human Services.

ACTION: Notification of petition; correction.

SUMMARY: The Food and Drug Administration (FDA or we) is correcting a notification entitled “Ag Chem Resources, LLC; Filing of Food Additive Petition (Animal Use)” that appeared in the **Federal Register** of November 27, 2020. The document was published with the incorrect docket number. This document corrects that error.

DATES: This document is publishing in the **Federal Register** on April 26, 2021.

FOR FURTHER INFORMATION CONTACT: Chelsea Cerrito, Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240-402-6729, Chelsea.Cerrito@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of Friday, November 27, 2020 (85 FR 75971), in FR Doc. 2020-26049, the following correction is made:

On page 75971, in the third column, in the headings of the document, “[Docket No. FDA-2020-N-2111]” is corrected to read “[Docket No. FDA-2021-F-0201]”.

Dated: April 15, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021-08241 Filed 4-23-21; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 93

[Docket No. FR-5246-N-04]

RIN 2506-AC30

Housing Trust Fund: Request for Public Comment on Prior Interim Rule

AGENCY: Office of the Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (HUD).

ACTION: Request for public comment.

SUMMARY: This document seeks comments regarding the Housing Trust Fund (HTF) program administered by HUD. On January 30, 2015, an interim final rule was published in the **Federal Register** establishing regulations governing the administration of HTF and the formula that determines how HTF funds are distributed among eligible grantees. In the interim rule, HUD stated its intention to open the interim rule for public comment once funding was made available and the grantees gained experience in administering the HTF program. Since the publication of the interim rule, HTF funds have been allocated to eligible grantees in Federal Fiscal Years 2016 through 2021. Grantees have had adequate time to administer the HTF under the interim rulemaking and gain experience necessary to provide substantive comments on the workability of the HTF program requirements and ways program administration can be improved. In addition to comments on the interim rule, HUD is asking for the public to consider and comment on additional issues that may inform its rulemaking. HUD will consider all comments submitted in undertaking further rulemaking for the HTF.

DATES: Comment due date: June 25, 2021.

ADDRESSES: Interested persons are invited to submit comments regarding this document. Comments should refer to the above docket number and title. There are two methods for submitting comment:

1. *Electronic submission of comments:* Comments may be submitted electronically through the Federal eRulemaking Portal at www.regulations.gov. HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the www.regulations.gov website can be viewed by other commenters and interested members of the public. Commenters should follow instructions provided on that site to submit comments electronically.

2. *Submission of comments by mail:* Comments may be submitted by mail to the HUD Regulations Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410-8000; telephone: (202) 708-2625 (this is not a toll-free number), or toll free (800) 481-9895. Hearing- or speech-impaired individuals may access these numbers through TTY by calling the Federal Relay Service at (800) 877-8339 (this is a toll-free number).

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of this document.

No Facsimile Comments. Facsimile (FAX) comments are not acceptable.

Public Inspection of public comments: All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an appointment to review the public comments must be scheduled in advance by calling the Regulations Division at (202) 402-5731 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at (800) 877-8339. Copies of all comments submitted are available for

inspection and downloading at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Virginia Sardone, Director, Office of Affordable Housing Programs, Room 7164, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410-7000; telephone (202) 708-2684. (This is not a toll-free number.) A telecommunications device for hearing- and speech-impaired persons (TTY) is available at 800-877-8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION:

I. Background

The Housing and Economic Recovery Act of 2008 (HERA) (Pub. L. 110-289, approved July 30, 2008) established the Housing Trust Fund (HTF) to be administered by HUD. The HTF was established for the purpose of increasing and preserving the supply of decent, safe, sanitary, and affordable housing, with primary attention to rental housing for extremely low and very low-income families, including homeless families, and to increase homeownership for extremely low- and very low-income families. HERA directs HUD to establish, through regulation, the formula for distribution of amounts made available for the HTF. HUD published the proposed formula for the allocation of HTF funds for public comment on December 4, 2009 (74 FR 63938). In addition, HERA directs HUD to establish regulations to administer the HTF. A proposed rule on the administration of the HTF was published for public comment on October 29, 2010 (75 FR 66978). The Department received 13 public comments on the proposed formula notification and 98 public comments on the proposed program rule. After consideration of all comments, HUD responded to the comments in an interim rule published on January 30, 2015 (80 FR 5200) and included some changes which HUD summarized at 80 FR 5202. HUD also made conforming changes for HTF to several sections of the Consolidated Plan rule in 24 CFR part 91. The HTF interim rule is currently codified at 24 CFR part 93.

In the interim rule, the Department stated that after funding the HTF and allocating funds to grantees, HUD would solicit public comments on the interim rule. HUD believes that this would allow for more informed policymaking as HUD would be obtaining comments from grantees after grantees had experience in administering the program. Since publication of the interim rule, HUD has allocated HTF

funds to eligible grantees in accordance with the established formula in federal fiscal years 2016, 2017, 2018, 2019, 2020, and 2021 and grantees now have experience administering the HTF funds. Therefore, HUD is opening the interim rule for comment by grantees, stakeholders, and any other interested members of the public. This document also poses additional issues for the public to consider.

II. This Document

This document seeks input from the public on current program requirements as well as specific issues identified below. HUD will consider comments received in each public comment phase prior to final rulemaking to evaluate potential modifications to the rule. HUD's goal is improving Grantees' ability to effectively administer HTF funds and providing flexibility to the greatest extent possible within the HTF program's statutory framework to carry out the statutory purpose of the HTF, which is increasing and preserving the supply of rental housing for extremely low- and very low-income families, including homeless families, and increasing homeownership for extremely low- and very low-income families.

III. Request for Public Comment

This document offers the opportunity for the public to provide comments, information, and recommendations on the HTF interim rule. The Department will consider all relevant comments submitted, but specifically solicits comment on the following, in addition to the interim rule:

1. Income targeting requirements, including the requirement at 24 CFR 93.250(a) that 100 percent of HTF funds be used for extremely low-income households or families with incomes at or below the poverty line (whichever is greater) in years when funds made available for HTF is less than \$1 billion. For reference, 24 CFR 93.2 defines extremely low-income households as families whose annual incomes do not exceed 30 percent of the median family income of a geographic area, as determined by HUD with adjustments for smaller and larger families;
2. The rent limitations established at 24 CFR 93.302(b);
3. The minimum 30-year period of affordability established at 24 CFR 93.302(d) and 24 CFR 93.304(e);
4. The property standards, including environmental standards established at 24 CFR 93.301;
5. The restrictions on the use of HTF funds for operating cost assistance (including reserves) established in 24

CFR 93.200(a)(1) and definition of operating costs at 24 CFR 93.201(e)(1), which defines operating costs as "costs for insurance, utilities, real property taxes, and maintenance and scheduled payments to a reserve for replacement of major systems (provided that the payments must be based on the useful life of each major system and expected replacement cost) of an HTF-assisted unit;"

6. What changes to the HTF program could improve program administration and more effectively address the housing needs of the population it is intended to serve?

Kevin J. Bush,

Deputy Assistant Secretary for Grant Programs.

[FR Doc. 2021-08529 Filed 4-23-21; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG-2021-0262]

RIN 1625-AA08

Special Local Regulation; Potomac River, Between Jones Point, VA, and National Harbor, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish temporary special local regulations for certain waters of the Potomac River. This action is necessary to provide for the safety of life on these navigable waters located between Jones Point, VA, and National Harbor, MD, during a swim event on June 6, 2021. This proposed rulemaking would prohibit persons and vessels from entering the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or the Coast Guard Event Patrol Commander. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 11, 2021.

ADDRESSES: You may submit comments identified by docket number USCG-2021-0262 using the Federal eRulemaking Portal at <https://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Mr. Ron Houck, U.S. Coast Guard Sector Maryland-National Capital Region; telephone 410-576-2674, email *D05-DG-SectorMD-NCR-MarineEvents@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
 COTP Captain of the Port
 DHS Department of Homeland Security
 FR Federal Register
 NPRM Notice of proposed rulemaking
 PATCOM Patrol Commander
 § Section
 U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On April 12, 2021, WaveOne Open Water of Washington, DC, notified the Coast Guard that it will be conducting the Washington's Crossing 2021 from 7:30 a.m. to 10 a.m. on June 6, 2021. The open water swim consists of approximately 160 participants competing on a designated, marked course located on the Potomac River, downriver of and parallel to the Woodrow Wilson Memorial (I-95/I-495) Bridge. The event is being staged out of National Harbor, MD. Hazards from the swim competition include participants swimming within and adjacent to the designated navigation channel and interfering with vessels intending to operate within that channel, as well as swimming within approaches to local public and private marinas and public boat facilities. The Captain of the Port (COTP) Maryland-National Capital Region has determined that potential hazards associated with the swim would be a safety concern for anyone intending to operate within specified waters of the Potomac River.

The Coast Guard is requesting that interested parties provide comments within a shortened comment period of 15 days instead of the more typical 30 days for this notice of proposed rulemaking. The Coast Guard believes a shortened comment period is necessary and reasonable to ensure the Coast Guard has time to review and respond to any significant comments submitted by the public in response to the NPRM and has final rule in effect in time for the scheduled event.

The purpose of this rulemaking is to protect event participants, non-participants, and transiting vessels before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

III. Discussion of Proposed Rule

The COTP Maryland-National Capital Region is proposing to establish special local regulations from 6:30 a.m. through 11 a.m. on June 6, 2021. There is no alternate date planned for this event. The regulated area would cover all navigable waters of the Potomac River, encompassed by a line connecting the following points, beginning at Jones Point Park, VA, shoreline at latitude 38°47'35" N, longitude 077°02'22" W, thence east along the northern extent of the Woodrow Wilson Memorial (I-495/I-95) Bridge, at mile 103.8, to the Rosilie Island shoreline at latitude 38°47'36" N, longitude 077°01'32" W, thence south along the Maryland shoreline to latitude 38°46'52" N, longitude 077°01'13" W, at National Harbor, MD shoreline, thence west across the Potomac River to the George Washington Memorial Parkway highway overpass and Cameron Run shoreline at latitude 38°47'23" N, longitude 077°03'03" W, thence north along the Virginia shoreline to the point of origin. The regulated area is approximately 1,400 yards in length and 3,350 yards in width. The proposed duration of the rule and size of the regulated area are intended to ensure the safety of life on these navigable waters before, during, and after the open water swim, scheduled from 7:30 a.m. to 10 a.m. on June 6, 2021. The COTP and the Coast Guard Event Patrol Commander (PATCOM) would have authority to forbid and control the movement of all vessels and persons, including event participants, in the regulated area.

Except for Washington's Crossing 2021 participants and vessels already at berth, a vessel or person would be required to get permission from the COTP or Event PATCOM before entering the regulated area. Vessel operators would be able to request permission to enter and transit through the regulated area by contacting the Event PATCOM on VHF-FM channel 16. Vessel traffic would be able to safely transit the regulated area once the Event PATCOM deems it safe to do so. A person or vessel not registered with the event sponsor as a participant or assigned as official patrols would be considered a non-participant. Official Patrols are any vessel assigned or approved by the Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

If permission is granted by the COTP or Event PATCOM, a person or vessel would be allowed to enter the regulated area or pass directly through the

regulated area as instructed. Vessels would be required to operate at a safe speed that minimizes wake while within the regulated area. Official patrol vessels would direct non-participants while within the regulated area.

The regulatory text we are proposing appears at the end of this document.

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 a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This 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 size, time of day and duration of the regulated area, which would impact a small designated area of the Potomac River for 4.5 hours. The Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the status of the regulated area. Moreover, the rule would allow vessels to seek permission to enter the regulated area, and vessel traffic would be able to safely transit the regulated area once the Event PATCOM deems it safe to do so.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this 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 safety zone 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 call or email 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 not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this 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 call or email 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 would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination 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 involves implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area lasting for eight hours. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. 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 call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

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>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. Comments we post to <https://www.regulations.gov> 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 the docket, and public comments, will be in our online docket at <https://www.regulations.gov> and can be viewed by following that website's instructions. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive. 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 100

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.501T05–0262 to read as follows:

§ 100.501T05–0262 Washington's Crossing 2021, Potomac River, Between Jones Point, VA, and National Harbor, MD.

(a) *Regulated area.* The regulations in this section apply to the following area: All navigable waters of the Potomac River, encompassed by a line connecting the following points, beginning at Jones Point Park, VA, shoreline at latitude 38°47'35" N, longitude 077°02'22" W, thence east along the northern extent of the Woodrow Wilson Memorial (I–495/I–95) Bridge, at mile 103.8, to the Rosalie Island shoreline at latitude 38°47'36" N, longitude 077°01'32" W, thence south along the Maryland shoreline to latitude

38°46'52" N, longitude 077°01'13" W, at National Harbor, MD shoreline, thence west across the Potomac River to the George Washington Memorial Parkway highway overpass and Cameron Run shoreline at latitude 38°47'23" N, longitude 077°03'03" W, thence north along the Virginia shoreline to the point of origin. These coordinates are based on datum NAD 1983.

(b) *Definitions.* As used in this section—

Captain of the Port (COTP) Maryland-National Capital Region means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region or any Coast Guard commissioned, warrant or petty officer who has been authorized by the COTP to act on his behalf.

Coast Guard Event Patrol Commander (PATCOM) means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Maryland-National Capital Region.

Official patrol means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

Participant means all persons and vessels registered with the event sponsor as participating in the "Washington's Crossing 2021" swim event, or otherwise designated by the event sponsor as having a function tied to the event.

(c) *Regulations.* (1) Except for vessels already at berth, all non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the COTP Maryland-National Capital Region or Event PATCOM.

(2) To seek permission to enter, contact the COTP Maryland-National Capital Region at telephone number 410-576-2693 or on Marine Band Radio, VHF-FM channel 16 (156.8 MHz) or the Event PATCOM on Marine Band Radio, VHF-FM channel 16 (156.8 MHz). Those in the regulated area must comply with all lawful orders or directions given to them by the COTP Maryland-National Capital Region or Event PATCOM.

(3) The COTP Maryland-National Capital Region will provide notice of the regulated area through advanced notice via Fifth Coast Guard District Local Notice to Mariners, broadcast notice to mariners, and on-scene official patrols.

(d) *Enforcement officials.* The Coast Guard may be assisted with marine event patrol and enforcement of the

regulated area by other federal, state, and local agencies.

(e) *Enforcement period.* This section will be enforced from 6:30 a.m. to 11 a.m. on June 6, 2021.

Dated: April 15, 2021.

Joseph B. Loring,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2021-08457 Filed 4-23-21; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2021-0192]

RIN 1625-AA00

Safety Zone; Graduate Boat Parade, Sturgeon Bay, WI

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for certain waters of Sturgeon Bay, WI. This action is necessary to provide for the safety of life on these navigable waters during the boat parade for the Graduates of Sturgeon Bay High School on May 29, 2021. This proposed rulemaking would restrict usage by persons and vessels within the safety zone. At no time during the effective period may non-parade vessels transit the waters of Sturgeon Bay between the Highway 42 Bridge and Michigan Street Bridge. These restrictions would apply to all vessels during the effective period unless authorized by the Captain of the Port Lake Michigan or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 11, 2021.

ADDRESSES: You may submit comments identified by docket number USCG-2021-0921 using the Federal eRulemaking Portal at <https://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Chief Petty Officer Jeromy Sherrill, Sector Lake Michigan Waterways Management Division, U.S. Coast Guard; telephone

414-747-7148, email Jeromy.N.Sherrill@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On March 16, 2021, the principal of Sturgeon Bay High School notified the Coast Guard that it will be conducting a boat parade for graduates of the Class of 2021 on May 29, 2021 from 11:00 a.m. through 1:30 p.m. The boat parade will begin at Madelyn Marine, NW of Highway 42 bridge, proceed NW to the Michigan Street Bridge, cross the channel towards the Maritime Museum, then proceed SE, crossing back across the channel and ending at Madelyn Marine. The Captain of the Port Sector Lake Michigan (COTP) has determined that potential hazards associated with the boat parade would be a safety concern for anyone within the safety zone that is not participating in the boat parade.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters of Sturgeon Bay between the Highway 42 Bridge and Michigan Street Bridge during the event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

The Coast Guard is issuing this temporary rule with an abridged notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest."

Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not undertaking a thirty-day comment period with respect to this rule because the Coast Guard received details of the boat parade with insufficient time remaining to undergo a full thirty-day comment period. While it is impracticable to undergo a full thirty-day comment period and still protect the public from the hazards associated with these operations, the Coast Guard invites comments for the next fifteen days.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for

making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable for the same reason stated above—immediate action is needed to respond to the potential safety hazards associated with the boat parade.

III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from 11:00 a.m. through 1:30 p.m. on May 29, 2021. The safety zone would cover all navigable waters of Sturgeon Bay between the Highway 42 Bridge and Michigan Street Bridge. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the boat parade event. No vessels or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

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 a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This 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 characteristics of the safety zone. The safety zone created by this proposed rule will be relatively small and is designed to minimize its impact on navigable waters. This proposed rule will prohibit entry into certain navigable waters of Sturgeon Bay, WI, and it is not anticipated to exceed 2.5 hours in duration. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Moreover, under certain conditions vessels may still transit through the safety zone when permitted by the COTP Lake Michigan.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended,

requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this 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 safety zone 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 call or email 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 not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this 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 call or email 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 would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination 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 involves a safety zone lasting 2.5 hours that would prohibit entry within a relatively small portion of Sturgeon Bay. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. 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 call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

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>, call or email 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 the 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 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5;

Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09–0192 to read as follows:

§ 165.T09–0192 Safety Zone; Graduate Boat Parade, Sturgeon Bay, WI.

(a) *Location.* All navigable waters of Sturgeon Bay between the Highway 42 Bridge and Michigan Street Bridge.

(b) *Enforcement Period.* The safety zone described in paragraph (a) would be effective on May 29, 2021 from 11:00 a.m. through 1:30 p.m.

(c) *Regulations.*

(1) In accordance with the general regulations in section § 165.23, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan (COTP) or a designated representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) The “designated representative” of the COTP is any Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP to act on his or her behalf.

(4) Persons and vessel operators desiring to enter or operate within the safety zone during the boat parade must contact the COTP or an on-scene representative to obtain permission to do so. The COTP or an on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or an on-scene representative.

Dated: April 14, 2021.

D.P. Montoro,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. 2021–08507 Filed 4–23–21; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201, 203 and 221

[Docket No. 2021–2]

Copyright Alternative in Small-Claims Enforcement (“CASE”) Act Regulations: Expedited Registration and FOIA

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Copyright Office is issuing a notice of proposed rulemaking

regarding a new expedited registration option and a conforming amendment to the Office's Freedom of Information Act regulations, under the Copyright Alternative in Small-Claims Enforcement Act. To qualify for this expedited registration option, the work(s) being registered must be the subject of a claim or counterclaim before the Copyright Claims Board. The Office invites public comments on this proposed rule.

DATES: Written comments must be received no later than 11:59 p.m. Eastern Time on May 26, 2021.

ADDRESSES: For reasons of governmental efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov*. Specific instructions for submitting comments are available on the Copyright Office website at <http://copyright.gov/rulemaking/case-act-implementation/expedited-registration>. If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: John R. Riley, Assistant General Counsel, by email at jril@copyright.gov, Brad A. Greenberg, Assistant General Counsel, by email at brgr@copyright.gov. Each can be contacted by telephone at (202) 707–8350.

SUPPLEMENTARY INFORMATION:

I. Background

A. Expedited Registration

On December 27, 2020, the President signed into law the Copyright Alternative in Small-Claims Enforcement (“CASE”) Act of 2020.¹ The CASE Act establishes the Copyright Claims Board (“CCB” or “Board”), a voluntary, alternative forum to federal court for parties to seek resolution of copyright disputes that have a low economic value (“small copyright claims”).² The creation of the CCB does

¹ Public Law 116–260, sec. 212, 134 Stat. 1182, 2176 (2020).

² See, e.g., H.R. Rep. No. 116–252, at 18–20 (2019); S. Rep. No. 116–105, at 7–8 (2019). Note, the CASE Act legislative history cited is for H.R. 2426 and S. 1273, the CASE Act of 2019, a bill nearly identical to the CASE Act of 2020. See H.R. 2426, 116th Cong. (2019); S. 1273, 116th Cong. (2019). In developing the CASE Act, Congress drew on model legislation in the Office's 2013 policy report, *Copyright Small Claims*, <https://www.copyright.gov/docs/smallclaims/usco-smallcopyrightclaims.pdf> (“*Copyright Small Claims*”). Congress also incorporated the Office's report and supporting

not displace or limit the ability to bring small copyright claims in federal court, but rather provides a more accessible alternative forum.³ The CCB has authority to hear copyright infringement claims, claims seeking a declaration of noninfringement, and misrepresentation claims under section 512(f) of the Copyright Act, as amended by the Digital Millennium Copyright Act (“DMCA”).⁴ Participation in the CCB is voluntary for all parties,⁵ and all determinations are non-precedential.⁶ The Copyright Office (“Office”) is in the process of standing up the CCB and last month published a notification of inquiry regarding several rulemakings that the Office intends to promulgate and for which it invited public comments.⁷ Congress directed the CCB to begin operations by December 27, 2021, though the Register may, for good cause, extend that deadline by not more than 180 days.⁸

Congress created the CCB to address the challenges of litigating copyright cases in federal court, including the significant costs and time required. In doing so, it also considered the Copyright Act’s registration-related prerequisite to filing a federal lawsuit:⁹ Copyright owners of U.S. works cannot pursue infringement litigation until the Office has issued or refused a copyright registration, except in limited circumstances.¹⁰ The registration

requirement enables the Copyright Office to compile a public record of copyright claims that serves as a valuable resource for potential users of works, “gives courts the benefits of the Register’s expertise on issues of registrability, and serves judicial economy by narrowing the issues that must be litigated.”¹¹ The Supreme Court described the statutory registration requirement as “akin to an administrative exhaustion requirement that the owner must satisfy before suing to enforce ownership rights.”¹² Additionally, the Copyright Act states that in most instances, for a copyright owner to qualify for an award of attorneys’ fees or statutory damages, the infringed work(s) must have been registered within three months of publication or, if unpublished, before the act of infringement.¹³

In considering the challenges facing those involved in small copyright claims, the Office and Congress recognized both the continued value of copyright registration and the practical difficulties smaller-value copyright owners may have in registering their works. As the Office noted in its report, while copyright registration “helps to produce a valuable public record of American creativity as well as material information to parties in litigation,” at times it may also act as “a procedural hurdle for copyright claimants . . . who may not be aware of the repercussions of not registering in a timely manner.”¹⁴ Congress echoed this sentiment, further noting that “many small claimants currently do not register their works because they do not expect to be able to enforce their rights in federal court.”¹⁵

The CASE Act addresses these dynamics by allowing a party to file an infringement claim with the CCB once “a completed application, a deposit, and the required fee for registration” have been delivered to the Office.¹⁶ The legislative history characterizes this approach as taking “a more liberal attitude towards the commencement of a proceeding while registration of a work is in progress.”¹⁷ Thus, unlike in federal court, a party does not need to obtain a registration prior to filing a claim before the CCB. But before the CCB renders a decision in any

infringement dispute, the CASE Act mandates that the work at issue must be registered by the Office, and the other parties in the proceeding must have an opportunity to address the registration certificate.¹⁸ Recognizing that some infringement claims may involve works for which a registration application has been submitted, but for which the Office has not yet rendered a decision, Congress directed the CCB to hold such proceedings in abeyance.¹⁹ If the Office refuses the registration, the CCB action will be dismissed without prejudice;²⁰ the CCB also may dismiss an action without prejudice if it has been held in abeyance for at least one year, upon providing thirty days written notice to the parties.²¹ As Congress explained, “[t]his process is intended to strike a balance between still encouraging timely registration of works with the promise of a higher damages caps [in federal court] with the reality that smaller creators may have numerous understandable reasons for not routinely engaging in the registration process.”²²

To ensure that the work at issue in a CCB proceeding is registered in a timely manner before the CCB issues a determination, the CASE Act directs the Office to “establish regulations allowing the Copyright Office to make a decision, on an expedited basis, to issue or deny copyright registration for an unregistered work that is at issue before the Board.”²³ The Office already has a process for expedited copyright registration, called “special handling,”²⁴ which is granted under specific circumstances: Pending or prospective litigation; customs matters; or contract or publishing deadlines that necessitate the expedited issuance of a certificate.²⁵ As explained below, the Office is not proposing to use the existing special handling processes to institute the expedited registration mechanism for a CCB matter, although the processes will be somewhat similar. One difference will be the level of fees. The special handling fee is not insignificant for qualifying applicants and currently is set at \$800;²⁶ the Office has found this to be an inelastic fee, and the fees collected are used to help offset

materials into the statute’s legislative history. H.R. Rep. No. 116–252, at 19; S. Rep. No. 116–105, at 2.

³ H.R. Rep. No. 116–252, at 17; S. Rep. No. 116–105, at 2–3, 9.

⁴ 17 U.S.C. 512(c)(1)–(3). The CCB cannot issue injunctive relief but can require that an infringing party cease or mitigate its infringing activity in the event such party agrees and the agreement is reflected in the proceeding’s record. *Id.* at 5104(e)(2)(A)(i), (e)(2)(B). This provision also applies to parties making knowing material misrepresentations under section 512(f). *Id.* at 5104(e)(2)(A)(ii).

⁵ *See id.* at 1504(a); H.R. Rep. No. 116–252, at 17, 21; S. Rep. No. 116–105, at 3, 11.

⁶ H.R. Rep. No. 116–252, at 21–22, 33; S. Rep. No. 116–105, at 14.

⁷ 86 FR 16156 (Mar. 26, 2021).

⁸ Public Law 116–260, sec. 212(d), 134 Stat. at 2199.

⁹ *Copyright Small Claims* 107–09.

¹⁰ 17 U.S.C. 411(a) (“no civil action for infringement of the copyright in any United States work shall be instituted until preregistration or registration of the copyright claim has been made in accordance with this title” or “where the deposit, application, and fee required for registration have been delivered to the Copyright Office in proper form and registration has been refused”); *Fourth Estate Pub. Benefit Corp. v. Wall-Street.com, LLC*, 139 S. Ct. 881 (2019) (holding that “registration occurs, and a copyright claimant may commence an infringement suit, when the Copyright Office registers a copyright”). Note that the registration requirement applies only to “any United States work” and not to foreign works. *See* 17 U.S.C. 411(a).

¹¹ Brief for the United States as Amicus Curiae Supporting Vacatur and Remand at 4, *Reed Elsevier, Inc. v. Muchnick*, 559 U.S. 154 (2010) (No. 08–103).

¹² *Fourth Estate*, 139 S. Ct. at 887 (citation omitted).

¹³ 17 U.S.C. 412.

¹⁴ *Copyright Small Claims* at 16–17; *see* H.R. Rep. No. 116–252, at 25–26 (same).

¹⁵ H.R. Rep. No. 116–252, at 26.

¹⁶ 17 U.S.C. 1505(a)(1).

¹⁷ H.R. Rep. No. 116–252, at 25.

¹⁸ 17 U.S.C. 1505(b)(1).

¹⁹ *Id.* at 1505(b)(2).

²⁰ *Id.* at 1505(b)(3); *see also Copyright Small Claims* at 108–109.

²¹ 17 U.S.C. 1505(b)(2).

²² H.R. Rep. No. 116–252, at 26.

²³ 17 U.S.C. 1505(d).

²⁴ 37 CFR 201.3(d)(7).

²⁵ U.S. Copyright Office, *Compendium of U.S.*

Copyright Office Practices sec. 623.2 (3d ed. 2021).

²⁶ 37 CFR 201.3(d)(7)(i).

other registration services.²⁷ To help defer the costs of expedited registration before the CCB, the Office also needs to charge a fee, but the cost cannot be so high as to deter participation.²⁸ Accordingly, the expedited registration fee for a matter before the CCB will be considerably lower than fees for special handling under other circumstances.

B. Freedom of Information Act

The CASE Act limits the materials related to a CCB proceeding that must be disclosed under the Freedom of Information Act (“FOIA”).²⁹ The Office is otherwise subject to FOIA, which, subject to certain conditions and exceptions, requires agencies to make their records available to the public either proactively or in response to a request.³⁰ The CASE Act limits the CCB documents, materials, and other records that must be disclosed under FOIA to “determinations, records, and information” that are published on the Office’s website and that relate to a CCB final determination.³¹

II. Proposed Rule

Having carefully considered the above issues and its own administrative and operational constraints in administering the registration system, the Office now issues a proposed rule amending its regulations regarding expedited registration for claimants engaged in CCB proceedings, as well as a conforming amendment for disclosures under FOIA. The Office invites public comment on any aspects of the amended rules.

A. Small Claims Expedited Registration

The Office proposes establishing regulations for small claims expedited registration consistent with the statute. First, before a claim or counterclaim may be asserted before the CCB, the copyright owner must have either been issued a registration certificate for the work(s) at issue or submitted a completed registration application, deposit, and the required registration fee to the Office. The CCB cannot hear a claim or counterclaim related to a work for which the registration has been rejected.

Second, the claimant or counterclaimant must submit its

application for small claims expedited registration by making a request and paying the fee as directed by the CCB. An important difference between the small claims expedited registration process and the Office’s general special handling procedures is that requests for small claims expedition will be made to the CCB, and not through the electronic registration system (currently known as “eCO”). Specifically, the claimant or counterclaimant who has a pending copyright application must indicate that the registration is pending and place the service request (“SR”) number issued by the Copyright Office’s Office of Registration Policy and Practice³² (“RPP”) on its claim or counterclaim notice. That SR number can be used to identify the work pending in RPP’s registration application queue. If small claims expedited registration request is granted, as discussed further below, RPP will be notified and will use the SR number to move the application up in the queue. If the proceeding cannot move forward because a registration certificate for the work has not been issued, the CCB will hold the proceedings in abeyance until a decision is made on the application.

Third, a claimant or counterclaimant may only request small claims expedited registration after it has submitted a completed registration application and the respondent has either opted in or has not timely opted out. This will also ensure that registration applicants do not invoke the CCB to receive special handling treatment at a discounted rate when not genuinely intending to pursue their claim through the CCB.

Fourth, the fee for small claims expedited registration must be timely made for the required amount. The small claims expedited registration fee supplements, and does not substitute for, the registration application fee; it is intended to partially offset the costs for the Office of accelerating the examination of works before the CCB. The CASE Act sets a statutory minimum filing fee for a proceeding of \$100; the statutory maximum, which includes the initial filing fee, may not exceed filing fees in federal district court, which currently are set at \$402.³³ Accordingly, the special handling fee of \$800 would

on its own exceed the maximum fee set by Congress, which would run counter to the Act’s aims to keep the CCB accessible for smaller economic actors. On the other hand, a *de minimis* fee may not be appropriate either, as expedited registration will impose real costs on the Office that would otherwise need to be offset through appropriations. To keep the CCB accessible while helping to offset some of the anticipated increased costs of small claims expedited registration, the Office has determined that a \$50 fee is reasonable. The Office thus proposes that applicants seeking small claims expedited registration pay a \$50 fee for each claim; this fee supplements the relevant application fees for the type of application at issue. In line with its overall approach to fee-setting, the Office intends to periodically reassess the reasonableness of the fee once additional data about the operation of this service becomes available.

Fifth, the request for small claims expedited registration must be granted before RPP is notified of the request. The bases for denying a request are failure to pay the required fee or determination that the request would be unduly burdensome. If the request is granted, RPP will ordinarily make a decision on the application within ten business days of receiving the request. If RPP requires additional correspondence with the applicant, this may extend the review timeline.

Sixth, the Office will continue to examine all copyright registration applications under the same standards, regardless of whether the application is reviewed under small claims expedited registration, special handling, or the general registration process. Whether a work is eligible for copyright registration is established by the Copyright Act and the Office’s regulations, and the CASE Act does nothing to change that.³⁴

The Office proposes to establish this process as an interim rule. The CCB is a first-of-its-kind tribunal, and the Office recognizes that as it begins to hear cases there may be a need to adjust some processes. An interim rule will help maintain flexibility to make necessary modifications in response to new evidence or unforeseen issues. The learned experiences of the CCB and the parties that come before it may lead the Office to revise this rule to better fulfill Congress’s intent for expedited registration under the CASE Act. This proposed rule is intended to establish

²⁷ 83 FR 24054, 24060 (May 24, 2018).

²⁸ We note that the CASE Act states that the costs of filing a CCB action “may not exceed the cost of filing an action in a district court of the United States, and shall be fixed in amounts that further the goals of the Copyright Claims Board.” 17 U.S.C. 1510(c).

²⁹ *Id.* at 1506(t)(4).

³⁰ See 5 U.S.C. 552.

³¹ 17 U.S.C. 1506(t)(4).

³² The Office of Registration Policy and Practice “administers the U.S. copyright registration system and advises the Register of Copyrights on questions of registration policy and related regulations and interpretations of copyright law.” 37 CFR 203.3(e).

³³ See 28 U.S.C. 1914(a)–(b), note (2020) (District Court Miscellaneous Fee Schedule); see also Admin. Off. of the U.S. Courts, *District Court Miscellaneous Fee Schedule* (Dec. 2020), <https://www.uscourts.gov/services-forms-fees/district-court-miscellaneous-fee-schedule>.

³⁴ See 17 U.S.C. 102; *Feist Publications, Inc., v. Rural Telephone Service Co.*, 499 U.S. 340 (1991); 37 CFR 202.1.

procedures for small claims expedited registration that will facilitate access to the CCB while guarding against improper requests. The Office invites public comment on these proposed changes.

B. Freedom of Information Act

The Office also proposes a technical edit to the Office’s FOIA regulations to reflect the CASE Act’s statutory reference to FOIA. The edit will add language stating that CCB determinations published on the Office’s website and related records and information published on that website may be disclosed under FOIA. All other materials related to CCB proceedings are

exempt from disclosure under FOIA.³⁵ The Office invites public comment on the proposed conforming amendment.

List of Subjects

37 CFR Part 201

Copyright, General provisions.

37 CFR Part 203

Freedom of information.

37 CFR Part 221

Claims, Copyright, Registration.

Proposed Regulations

For reasons stated in the preamble, the Copyright Office proposes to amend 37 CFR chapter II as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

■ 2. Amend § 201.3 by:

■ a. Redesignating paragraphs (d)(8) through (17) as paragraphs (d)(9) through (18), respectively.

■ b. Adding new paragraph (d)(8).
The addition reads as follows:

§ 201.3 Fees for registration, recordation, and related services, special services, and services performed by the Licensing Division.

* * * * *
(d) * * *

TABLE 1 TO PARAGRAPH (d)

Special services	Fees (\$)
* * * * *	*
(8) Small claims expedited registration fee for each claim	50
* * * * *	*

* * * * *

PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES

■ 3. The authority citation for part 203 continues to read as follows:

Authority: 5 U.S.C. 552.

■ 4. Amend § 203.1 by adding a sentence at the end of the section to read as follows:

§ 203.1 General.

* * * All information relating to proceedings of the Copyright Claims Board under chapter 15 of the Copyright Act is exempt from disclosure under FOIA, except for Copyright Claims Board determinations published on the Copyright Office website and related records and information published on that website.

■ 5. Add subchapter B, consisting of part 221, to read as follows:

SUBCHAPTER B—COPYRIGHT CLAIMS BOARD, LIBRARY OF CONGRESS

PART 221—REGISTRATION

Sec.

221.1 Registration requirement.

221.2 Small claims expedited registration.

Authority: 17 U.S.C. 702, 1510.

§ 221.1 Registration requirement.

(a) A claim or counterclaim alleging infringement of an exclusive right in a copyrighted work may not be asserted before the Copyright Claims Board unless the legal or beneficial owner of the copyright has first delivered a completed application, a deposit, and the required fee for registration of the copyright to the Copyright Office and a registration certificate has either been issued or has not been refused.

(b) For a work that has not yet been registered, a claimant or counterclaimant who has a pending application to register the work must indicate on its claim or counterclaim notice that the work is pending registration and must include the work’s service request (SR) number that was assigned to the copyright registration claim. If the proceeding cannot continue because of a pending registration, the Copyright Claims Board shall hold proceedings in abeyance until the claimant or counterclaimant provides the Copyright Claims Board with the certificate of registration or the registration number on the certificate of registration or certificate preview. The proceeding shall be dismissed without prejudice if the Copyright Claims Board is notified that the registration application was rejected. If the proceeding has been held in abeyance for more than one year, the Copyright

Claims Board may dismiss the claim or counterclaim without prejudice after providing thirty days written notice.

§ 221.2 Small claims expedited registration.

(a) *Eligibility.* A claimant or counterclaimant alleging infringement of an exclusive right in a copyrighted work before the Copyright Claims Board is eligible to expedite a copyright registration application under this section. This process shall be known as small claims expedited registration.

(b) *Initiating small claims expedited registration.* The small claims expedited registration process can only be initiated after the claimant or counterclaimant has both completed an application for copyright registration and the respondent has opted in or not timely opted out. To initiate the small claims expedited registration process, the qualifying claimant or counterclaimant must make a request and pay the required fee as directed by the Copyright Claims Board. Parties should request small claims expedited registration once the respondent has opted in or not timely opted out. Parties must not attempt to initiate small claims expedited registration by using the Copyright Office’s electronic registration system (eCO).

(c) *Fee—(1) Amount.* The small claims expedited registration fee for each claim

³⁵ 17 U.S.C. 1506(t)(4).

must be made for the appropriate amount, as prescribed in § 201.3(c) of this chapter. The fee for small claims expedited registration is intended to accelerate the registration process for a qualifying Copyright Claims Board claimant or counterclaimant that already has a pending registration application; it is in addition to, and does not offset, the fee for copyright registration.

(2) *Method of payment.* (i) The fee for small claims expedited registration must be submitted electronically to the Copyright Claims Board and not through the Copyright Office's electronic registration system (eCO).

(ii) A claimant or counterclaimant shall follow instructions on the Copyright Office website to make electronic payments with credit or debit cards, or directly from their bank accounts by means of automated clearing house (ACH) debit transactions. Applicants may not use a deposit account to make payments for small claims expedited registration.

(3) *No refunds.* The small claims expedited registration fee is not refundable, unless the small claims expedited registration request is denied under paragraph (d) of this section.

(d) *Denied requests.* If the applicant failed to pay the required fee or if the Copyright Office determines that expedited registration under this section would be unduly burdensome, the Office will notify the applicant that the request has been denied and that the copyright registration claim will be examined on a regular basis.

(e) *Granted requests.* If the request for expedited registration under this section is granted, the Office will make every attempt to examine the application or the document within ten business days after notice of the request is delivered by the Copyright Claims Board to the Copyright Office's Office of Registration Policy and Practice, although the Copyright Office cannot guarantee that all applications or all documents will be registered or recorded within that timeframe.

(f) *Identical registration standards.* The Copyright Office will apply the same practices and procedures set out in the part when examining a copyright registration claim, regardless of whether the applicant asks for small claims expedited registration.

Dated: April 20, 2021.

Regan A. Smith,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2021-08570 Filed 4-23-21; 8:45 am]

BILLING CODE 1410-30-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-R4-ES-2019-0081; FF09E22000 FXES1113090000 201]

RIN 1018-BD95

Endangered and Threatened Wildlife and Plants; Removal of the Dwarf-Flowered Heartleaf From the Federal List of Endangered and Threatened Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to remove the dwarf-flowered heartleaf (*Hexastylis naniflora*), a plant endemic to the upper Piedmont region of western North Carolina and upstate South Carolina, from the Federal List of Endangered and Threatened Plants (List). This determination is based on a thorough review of the best available scientific and commercial data, which indicate that the threats to the species have been eliminated or reduced to the point that the species no longer meets the definition of a threatened species, and does not meet the definition of an endangered species, under the Endangered Species Act of 1973, as amended (Act). We also announce the availability of a draft post-delisting monitoring (PDM) plan for the dwarf-flowered heartleaf. We seek information, data, and comments from the public regarding this proposal to delist this species and on the draft PDM plan.

DATES: We will accept comments received or postmarked on or before June 25, 2021. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for a public hearing, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by June 10, 2021.

ADDRESSES: You may submit comments on this proposed rule by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter FWS-R4-ES-2019-0081, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this

document. You may submit a comment by clicking on "Comment Now!"

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS-R4-ES-2019-0081, U.S. Fish and Wildlife Service, MS: JAO/1N, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We request that you send comments only by the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

Document availability: The proposed rule, draft PDM plan, and supporting documents (including the species status assessment (SSA) report, references cited, and 5-year review) are available at <http://www.regulations.gov> under Docket No. FWS-R4-ES-2019-0081.

FOR FURTHER INFORMATION CONTACT: Janet Mizzi, Field Supervisor, U.S. Fish and Wildlife Service, Asheville Ecological Services Field Office, 160 Zillicoa St., Asheville, NC 28801; telephone 828-258-3939. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION:

Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments and information from other concerned governmental agencies (including, but not limited to, State and Federal agencies and city or county governments), Native American tribes, the scientific community, industry, or any other interested party concerning this proposed rule. We particularly seek comments on:

(1) Information concerning the biology and ecology of dwarf-flowered heartleaf;

(2) Relevant data concerning any threats (or lack thereof) to dwarf-flowered heartleaf, particularly any data on the possible effects of climate change as it relates to habitat, as well as the extent of State protection and management that would be provided to this plant as a delisted species;

(3) Current or planned activities within the geographic range of dwarf-flowered heartleaf that may negatively impact or benefit the species; and

(4) The draft PDM plan and the methods and approach detailed in it. Please include sufficient information

with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or a threatened species must be made “solely on the basis of the best scientific and commercial data available.”

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via <http://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <http://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation used in preparing this proposed rule, will be available for public inspection on <http://www.regulations.gov>.

Public Hearing

Section 4(b)(5)(E) of the Act provides for a public hearing on this proposal, if requested. Requests must be received by the date specified in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how to obtain reasonable accommodations, in the **Federal Register** at least 15 days before the hearing. For the immediate future, we will provide these public hearings using webinars that will be announced on the Service’s website, in addition to the **Federal Register**. The use of these virtual public hearings is consistent with our regulation at 50 CFR 424.16(c)(3).

Peer Review

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270) and our August 22, 2016, memorandum updating and clarifying the role of peer

review of classification actions under the Act, we sought the expert opinions of seven appropriate specialists regarding the species status assessment (SSA) report, which informed this proposed rule. Out of the seven reviews requested, we received no responses. The purpose of peer review is to ensure our determination is based on scientifically sound data, assumptions, and analyses.

Because we will consider all comments and information received during the comment period, our final determinations may differ from this proposal. Based on the new information we receive (and any comments on that new information), we may conclude that the species is still in danger of extinction, either now or in the foreseeable future. Such final decisions would be a logical outgrowth of this proposal, as long as we: (a) Base the decisions on the best scientific and commercial data available after considering all of the relevant factors; (2) do not rely on factors Congress has not intended us to consider; and (3) articulate a rational connection between the facts found and the conclusions made, including why we changed our conclusion.

Previous Federal Actions

On April 14, 1989, we listed dwarf-flowered heartleaf as threatened due to residential and industrial development, conversion of habitat to pasture or small ponds, timber harvesting, and cattle grazing (54 FR 14964). A recovery plan for the species was never completed. However, over the last 30 years, the Service has worked closely with partners to recover this species. The Service initiated the dwarf-flowered heartleaf SSA report to aid in determining the appropriateness of reclassifying the species.

Supporting Documents

A species status assessment team prepared an SSA report for the dwarf-flowered heartleaf. The SSA team was composed of Service biologists, in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species.

Proposed Delisting Determination Background

Dwarf-flowered heartleaf is a plant species endemic to the upper Piedmont region of western North Carolina and upstate South Carolina. It is a low-

growing herbaceous plant in the birthwort family (Aristolochiaceae). Although dwarf-flowered heartleaf is restricted in range, it is not as rare as once thought (Service 2010, p. 15; North Carolina Natural Heritage Program (NCNHP) 2016, p. 4). When dwarf-flowered heartleaf was federally listed in 1989, the listing rule described 24 extant populations (and one extirpated population) distributed across eight counties in the upper Piedmont of North and South Carolina. As of 2018, the distribution of this species consisted of 78 populations distributed across 13 counties in these two States. In North Carolina, it is found in Alexander, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Polk, and Rutherford Counties. In South Carolina, it is found in Cherokee, Greenville, and Spartanburg Counties.

Dwarf-flowered heartleaf is historically known to have a restricted range due to its habitat requirements. The habitat where dwarf-flowered heartleaf exists is limited in size and scope due to a multitude of factors including soil type, moisture availability, and slope aspect (Padgett 2004, p. 81). This unique combination of factors limits not only the range of dwarf-flowered heartleaf, but also the size of any population.

Dwarf-flowered heartleaf occurs in Piedmont uplands on acidic sandy-loam soils that are very deep and moderately permeable (Gaddy 1981, p. 7; 1987, pp. 186–196). Typical habitats for this species include mesic to dry bluffs, slopes, or ravines in deciduous forests that are frequently associated with mountain laurel (*Kalmia latifolia*) (Padgett 2004, p. 114; Weakley 2015, p. 129; Service 2015, entire), or in moist soils adjacent to creeks or streamheads, or along lakes and rivers. Plants grow larger and have more frequent flowering in floodplains along rivers, lakes, and streams (Newberry 1993, entire). A habitat suitability study was conducted to quantify the habitat requirements for dwarf-flowered heartleaf, which may be used to help identify the species when not in flower (relative to other *Hexastylis* species’ habitat preferences), find new populations, or identify suitable sites for transplants (Wagner 2013, pp. 30–32). The unit of measurement for population size in this species is a “clump” (rosette).

A thorough review of the taxonomy, life history, ecology, and overall viability of the dwarf-flowered heartleaf is presented in the SSA report (Service 2018, entire; available at <https://www.fws.gov/southeast/> and at <http://www.regulations.gov> under Docket No. FWS–R4–ES–2019–0081).

Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species is an “endangered species” or a “threatened species.” The Act defines an endangered species as a species that is “in danger of extinction throughout all or a significant portion of its range,” and a threatened species as a species that is “likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” The Act requires that we determine whether any species is an “endangered species” or a “threatened species” because of any of the following factors:

- (A) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) Overutilization for commercial, recreational, scientific, or educational purposes;
- (C) Disease or predation;
- (D) The inadequacy of existing regulatory mechanisms; or
- (E) Other natural or manmade factors affecting its continued existence.

We must consider these same five factors in reclassifying or delisting a species. In other words, for species that are already listed as endangered or threatened, the analysis for delisting due to recovery must include an evaluation of the threats that existed at the time of listing, the threats currently facing the species, and the threats that are reasonably likely to affect the species in the foreseeable future. These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species’ continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term “threat” to refer, in general, to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term “threat” includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term “threat” may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an “endangered species” or a “threatened species.” In determining whether a species meets either definition, we must evaluate all identified threats by considering the likely response by the species, and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an “endangered species” or a “threatened species” only after conducting this cumulative analysis and describing the expected effect on the species now and in the foreseeable future.

The Act does not define the term “foreseeable future,” which appears in the statutory definition of “threatened species.” Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis. The term “foreseeable future” extends only so far into the future as the Services can reasonably determine that both the future threats and the species’ responses to those threats are likely. In other words, the foreseeable future is the period of time in which we can make reliable predictions. “Reliable” does not mean “certain”; it means sufficient to provide a reasonable degree of confidence in the prediction. Thus, a prediction is reliable if it is reasonable to depend on it when making decisions.

It is not always possible or necessary to define foreseeable future as a particular number of years. Analysis of the foreseeable future uses the best scientific and commercial data available and should consider the timeframes applicable to the relevant threats and to the species’ likely responses to those threats in view of its life-history characteristics. Data that are typically relevant to assessing the species’ biological response include species-specific factors such as lifespan, reproductive rates or productivity, certain behaviors, and other demographic factors.

Analytical Framework

The SSA report documents the results of our comprehensive biological status

review for dwarf-flowered heartleaf, including an assessment of the potential threats to the species. The SSA report does not represent a decision by the Service on whether the species should be proposed for removal from the List of Endangered and Threatened Plants (*i.e.*, “delisting”). It does, however, provide the scientific basis that informs our regulatory decision, which involves the further application of standards within the Act and its implementing regulations and policies. The following is a summary of the key results and conclusions from the SSA report; the full SSA report can be found on the Southeast Region website at <https://www.fws.gov/southeast/> and at <http://www.regulations.gov> under Docket No. FWS-R4-ES-2019-0081.

Summary of SSA Analysis

To assess dwarf-flowered heartleaf viability, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency supports the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years), redundancy supports the ability of the species to withstand catastrophic events (for example, droughts, large pollution events), and representation supports the ability of the species to adapt over time to long-term changes in the environment (for example, climate changes causing earlier spring flowering). In general, the more resilient and redundant a species is and the more representation it has, the more likely it is to sustain populations over time, even under changing environmental conditions. Using these principles, we identified the species’ ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species’ viability.

The SSA process can be categorized into three sequential stages. During the first stage, we evaluated the individual species’ life-history needs. In the next stage, we assessed the historical and current condition of the species’ demographics and habitat characteristics, including an explanation of how the species arrived at its current condition. In the final stage, we made predictions about the species’ responses to positive and negative environmental and anthropogenic influences. This process used the best available information to characterize the species’ viability (*i.e.*, its ability to sustain populations in the wild over time). We used this

information to inform this proposed rule.

Summary of Biological Status and Threats

In this discussion, we review the biological condition of the species and its resources, and the threats that influence the species' current and future condition, in order to assess the species' overall viability and the risks to that viability.

Current Condition

Resiliency

For dwarf-flowered heartleaf to maintain viability, its populations, or some portion thereof, must be resilient. Resiliency is assessed at the level of populations and reflects a species' ability to withstand stochastic events (events arising from random factors). Resilient populations are better able to withstand disturbances such as random fluctuations in reproductive rates and fecundity (demographic stochasticity), variations in rainfall (environmental stochasticity), and the effects of anthropogenic activities. Stochastic factors that have the potential to affect dwarf-flowered heartleaf include habitat impacts, climate change, and exotic, invasive species. Factors influencing the resiliency of dwarf-flowered heartleaf populations include population size, available habitat, and elements of dwarf-flowered heartleaf ecology that determine whether populations can maximize habitat occupancy.

The Natural Heritage Programs (NHP) collect information on occurrences of rare plants, animals, natural communities, and animal assemblages. Collectively, these are referred to as "elements of natural diversity" or simply as "elements." Locations of these elements are referred to as "element occurrences" (EO records). In recent years, NatureServe and its member NHPs have devised mapping standards to balance the need for fine-scale, highly site-specific EO records (required for monitoring and management) with the need to aggregate these records in meaningful units of conservation interest that may approximate biological populations (NatureServe 2004, n.p.). We regard the NHP database as the best repository for known locations of the dwarf-flowered heartleaf (Service 2010, p. 41). Populations are composed of both multiple sub-EOs and stand-alone EO records. For the purpose of assessing resiliency, 78 populations observed since 2005 were assessed due to the high confidence in their persistence.

These new populations are results of additional survey efforts.

To determine overall resiliency for populations, we used EO viability ranks and expert opinion to bin population size classes into corresponding resiliency categories. EO viability ranks for the species include excellent, good, fair, poor, extant, historical, and failed to find. The primary factor in determining these ranks is EO size (as quantified by number of clumps). Condition of habitat (vegetation community and structure) and landscape context (extent of suitable habitat and physical factors) are incorporated secondarily. Recent reports (Robinson 2016, p. 7; Robinson and Padgett 2016, p. 4) focus monitoring studies on populations with greater than 1,000 individuals (assumed to be very viable). Because we do not have habitat-level information for every population we assessed, we synthesized available population size information and created four resiliency categories as follows:

- Very high—populations with more than 1,000 individuals; very high probability of persistence for 20–30 years at or above the current population size.
- High—populations with 500 to 1,000 individuals; moderately high probability of persistence for 20–30 years at or above the current population size.
- Moderate—populations with 100 to 500 individuals; low probability of persistence for 20–30 years at or above the current population size.
- Low—populations with fewer than 100 individuals; low probability of persistence for 20–30 years at or above the current population size, and moderately high probability of extirpation.

Of the 78 populations assessed, 28 have very high resiliency, 5 have high resiliency, 26 have moderate resiliency, and 19 have low resiliency.

Redundancy

Redundancy is also assessed at the species level and reflects a species' ability to withstand catastrophic events (such as a rare destructive natural event or episode involving many populations) by spreading the risk of such an event across multiple, resilient populations. We measured redundancy for dwarf-flowered heartleaf by the number and distribution of resilient populations across the range of the species. It is important to note that dwarf-flowered heartleaf has a naturally limited range, so measures of redundancy reflect the distribution within a relatively small area. Redundancy for dwarf-flowered heartleaf is the total number and

resiliency of population segments and their distribution across the species' range.

We consider a catastrophe to be any population-level disturbance with the potential to negatively influence population resiliency outside of normal environmental and demographic stochasticity. Disturbances often act quickly, and often with devastating effects; however, they can occur over long periods of time. A disturbance that occurs as a relatively discrete event in time, such as a hurricane, is referred to as a "pulse" disturbance, while more gradual or cumulative pressures on a system are referred to as "press" disturbances. Both types of disturbances are part of the natural variability of dwarf-flowered heartleaf ecological systems, and must be considered when assessing redundancy. While there is certainly a variety of potential pulse disturbances for the species (timber harvest, hydrological alterations, road and right-of-way construction), the primary potential catastrophic disturbances are press disturbances from long-term climate change, which have great potential to affect ecosystem processes and communities by altering the underlying abiotic conditions such as temperature and precipitation changes (DeWan et al. 2010, pp. 7–10).

Representation

Because we lack genetic and ecological diversity data to characterize representation for dwarf-flowered heartleaf, we decided delineating representative units was not appropriate for this species. However, in the absence of species-specific genetic and ecological diversity information, we evaluated representation based on the extent and variability of habitat characteristics across the geographical range. Dwarf-flowered heartleaf occurs in two types of habitat throughout the range. Typical habitats for this species include mesic to dry bluffs, slopes, or ravines in deciduous forests that are frequently associated with mountain laurel (Padgett 2004, entire; Weakley 2015, entire; USFWS 2015, entire), or moist soils adjacent to creeks, streamheads, or along lakes and rivers. This variation in habitat type provides species representation in drier and wetter habitats, demonstrating the species' ability to adapt to changing environmental conditions.

We note that, by using the SSA framework to guide our analysis of the scientific information documented in the SSA report, we have not only analyzed individual effects on the species, but we have also analyzed their potential cumulative effects. We

incorporate the cumulative effects into our SSA analysis when we characterize the current and future condition of the species. Our assessment of the current and future conditions encompasses and incorporates the threats individually and cumulatively. Our current and future condition assessment is iterative because it accumulates and evaluates the effects of all the factors that may be influencing the species, including threats and conservation efforts. Because the SSA framework considers not just the presence of the factors, but to what degree they collectively influence risk to the entire species, our assessment integrates the cumulative effects of the factors and replaces a standalone cumulative effects analysis.

Summary of Threats and Conservation Measures That Affect the Species

The NCNHP assessed threats in the populations they monitored from 2012 through 2016 (Robinson and Padgett 2016, pp. 7–8, 17–20). Threats that were observed, inferred, or suspected to have an impact on populations were recorded and assigned a ranking based on field observations of severity, scope, and immediacy. The rank (A through G) for each threat factor determined an overall value for each threat observed at each population. Threats observed during these years included development; incompatible forestry practices; agriculture; trampling; invasive, exotic species; sedimentation; erosion; and road construction. In this rule, we discuss the major threats affecting the species, which include development, climate change and invasive, exotic species.

Development

Dwarf-flowered heartleaf populations occur in rapidly growing urban areas within numerous counties in North and South Carolina. At the time of listing, the species was determined to be most threatened by habitat loss due to the conversion of land to residential, commercial, and industrial use in these areas. Populations occurring in more rural areas are also threatened by habitat alteration or loss from land conversion to pasture or other agricultural uses, cattle grazing, intensive timber harvesting, residential construction, and construction of small ponds (Robinson 2016, p. 10; Robinson and Padgett 2016, p. 5).

The most recent 5-year review for the species identified the most recurrent source of habitat destruction as road and bridge improvement projects which is the most common trigger for consultations under section 7 of the Act involving dwarf-flowered heartleaf. Ten

of the 27 largest populations (containing more than 1,000 rosettes) have been the subject of section 7 consultations. Collectively, these projects have adversely impacted or were expected to impact approximately 22,135 rosettes (Service 2018, p. 31). In most cases, the section 7 process resulted in avoidance or minimization of adverse effects through relocation of plants and/or commitments of on-site protection. Significant portions of other populations have been purchased by the North Carolina Department of Transportation (NCDOT) as off-site conservation measures in association with these consultations. The purpose of this purchase is to protect the dwarf-flowered heartleaf. Other forms of economic development have also resulted in the destruction or modification of habitats occupied by dwarf-flowered heartleaf; in many cases, these activities have also required section 7 consultations with the Service. Examples include the maintenance or expansion of hydroelectric and drinking water reservoirs, construction of an industrial development complex, and maintenance activities at a regional airport. Collectively, these activities involved the loss or relocation of several thousand rosettes.

Development was identified as a threat at five of 10 North Carolina populations monitored by NCNHP (Robinson and Padgett 2016, pp. 17–19). The five populations include two stand-alone EOs and three parent EOs with 18 sub-EOs. Of the two stand-alone EOs, one has a development threat rank of A (moderate to severe, imminent threat for most (more than 60 percent) of population, occurrences, or area) and one has a rank of B (moderate to severe, imminent threat for a significant portion (20–60 percent) of the population, occurrences, or area). Of the 18 sub-EOs, nine have development identified as a threat. Of the nine sub-EOs, one has a development threat rank of A, one has a rank of B, one has a rank of E (moderate to severe threat for a small proportion of population, occurrences, or area), and six have a rank of F (low severity threat for most or a significant proportion of population, occurrences, or area). The two stand-alone EOs and two sub-EOs with the highest threat ranks (A and B) are located in four populations. Based on the most recent monitoring data, one is increasing, two are stable, and one is decreasing (Robinson and Padgett 2016, p. 11). Even where development is ranked as a high threat, impacts to dwarf-flowered heartleaf are not a certain outcome.

Development was identified as a threat at one of three South Carolina

populations monitored by NCNHP, and the population has a development threat rank of E (Robinson and Padgett 2016, p. 20). Based on the most recent monitoring data, the population is stable (Robinson and Padgett 2016, p. 11).

The data indicate that dwarf-flowered heartleaf populations can persist and increase in the presence of development. From 2012 to 2016, there were insignificant changes in the severity of the threat observed in the field from development (NCNHP 2016, p. 8). The North Carolina Plant Protection and Conservation Act (North Carolina General Statutes, sections 106–202.12 *et seq.*) lists native plants as threatened, endangered, or species of concern, and provides limited protection from collection and trade of listed plants. However, this statute does not protect the species or its habitat from destruction in conjunction with development projects or otherwise legal activities. In North Carolina, the NCNHP designates “natural areas”, which are sites with biological diversity significance due to the presence of rare species or unique natural communities. The NCNHP works with many conservation partners (state and federal agencies, conservation organization, land trusts, etc.) to implement voluntary protection. Through partnerships, the most important natural areas are purchased for permanent conservation. If a natural area is not available for purchase, ecological significance can be recognized by a voluntary registry agreement. Registry agreements consist of Registered Heritage Areas (RHAs), which are voluntary conservation agreements between the landowner and NCNHP to preserve the natural area and biological diversity of the property. The NCNHP has four registry agreements that include dwarf-flowered heartleaf. In South Carolina, plants are protected only from disturbance where they occur on those properties owned by the State and specifically managed as South Carolina Heritage Preserves (South Carolina Code of State Regulations, chapter 123, sections 123–200 through 123–204). Heritage Preserves are protected areas that play a critical role in conserving rare species and natural habitats. There is one Heritage Preserve in South Carolina, which protects one population of the dwarf-flowered heartleaf.

The overwhelming majority of dwarf-flowered heartleaf populations have been discovered as a direct result of surveys conducted to ensure compliance with the Act. The majority of sites that have the potential to afford long-term protection to the species have been protected as a result of

consultations under section 7 of the Act, which directs federal agencies to avoid and minimize adverse effects to federally listed species. Through section 7 and other voluntary conservation actions, approximately 24 (31%) of the 78 current populations are permanently protected, and another 18 populations (23%) are partially protected, greatly minimizing the likelihood of impacts due to development. Together, these two groups of populations make up over 50% of the areas under some form of protective mechanism in the absence of the ESA protections.

Invasive, Exotic Species

Invasive, exotic plant species occur across the range of this species. Plants such as English ivy (*Hedera helix*), Chinese privet (*Ligustrum sinense*), Japanese honeysuckle (*Lonicera japonica*), and Japanese stiltgrass (*Microstegium vimineum*) are known at several sites that contain dwarf-flowered heartleaf (Service 2011, p. 15). Invasive, exotic species were identified as a threat at eight of 10 North Carolina populations monitored by NCNHP (Robinson and Padgett 2016, pp. 17–19). The eight populations include four stand-alone EOs and four parent EOs with 19 sub-EOs. Of the four stand-alone EOs, one has an invasive threat rank of B (moderate to severe, imminent threat for a significant portion (20–60 percent) of the population, occurrences, or area), two have a rank of F (low severity threat for most or a significant proportion of population, occurrences, or area), and one has a rank of G (low severity threat for a small proportion of population, occurrences, or area). Of the 19 sub-EOs, 9 have invasive, exotic species identified as a threat. Of the nine sub-EOs, one has an invasive threat rank of A (moderate to severe, imminent threat for most (more than 60 percent) of population, occurrences, or area), four have a rank of B, two have a rank of E (moderate to severe threat for a small proportion of population, occurrences, or area), and two have a rank of G. The one stand-alone E.O. and five sub-EOs with the highest threat ranks (A and B) are located in three populations. Based on the most recent monitoring data, one is increasing, one is stable, and one is decreasing (Robinson and Padgett 2016, p. 11). Even where nonnative species are ranked as a high threat, impact to dwarf-flowered heartleaf is not a certain outcome.

Invasive, exotic species were identified as a threat at all (three) South Carolina populations monitored by NCNHP, and all sites had an invasive threat rank of F (Robinson and Padgett

2016, p. 20). Based on the most recent monitoring data, all populations are stable (Robinson and Padgett 2016, p. 11).

In short, the data indicate that dwarf-flowered heartleaf populations can persist and increase in the presence of invasive, exotic species. Despite the long-term presence of invasive, exotic plants, from 2012 to 2016, there were no changes in the severity of threats observed in the field enough to elevate the threat ranks of dwarf-flowered heartleaf populations evaluated (NCNHP 2016, p. 8).

Climate Change

Accelerated climate change (changes in climate on a scale that exceeds historical rates of change) is expected to increase the frequency and extent of drought conditions across the Southeast (Karl et al. 2009, entire). Increased frequency of severe storms could lead to impacts if flooding duration or intensity increase as a result. Increased flooding could decrease habitat suitability through scouring and changes in soil moisture or wash plants away. Warming in the Southeast is expected to be greatest in the summer (NCCV 2016, n.p.), which is predicted to increase drought frequency, while annual mean precipitation is expected to increase slightly, leading to increased flooding events (IPCC 2013, p. 7; NCCV 2016, n.p.). Changes in climate may affect ecosystem processes and communities by altering the abiotic conditions experienced by biotic assemblages, resulting in potential effects on community composition and individual species interactions (DeWan et al. 2010, p. 7). Although climate change was not a factor leading to the original listing of the species, it should be recognized that the greatest threat from climate change may come from synergistic effects. In recent years, the Southeast has experienced moderate to severe droughts, which many observers have implicated in population declines and poor transplant survivorship (NCNHP 2010). A wildfire, burned portions of one of the largest known populations in 2009 (Foothills Landfill in Caldwell County, NC; Golder and Associates, 2009). However, observation suggests that the species was not appreciably harmed by this fire (Service 2011, p. 14). Additionally, the National Park Service (NPS) uses prescribed fire as a vegetation management tool at Cowpens National Battlefield. The NPS's prescribed burning activity includes the majority of the dwarf-flowered heartleaf population on site and burning appears to have had no adverse effects upon

growth or flowering (Walker et al. 2009, p. 14).

Future Condition

Our analysis of the past, current, and future influences on dwarf-flowered heartleaf revealed that there are several influences that may pose risks to the future viability of the species. These risks are primarily related to invasive species, changes in climate, and habitat changes from development. We consider “foreseeable future” as that period of time within which a reliable prediction can be made about the future status of a species. We consider 20 years to be a reasonable period of time within which reliable predictions can be made for dwarf-flowered heartleaf. This period of time aligns with the timeframes for predictions regarding development and growth (see *Development* below) and climate change (see *Climate Change* below). We discuss in greater detail how we define “foreseeable future” for this species below, under *Determination*.

Invasive, Exotic Species

As discussed above, invasive, exotic plants were identified as a threat at the time of listing; however, the threat may not be as significant as once thought. The NCNHP monitored 13 populations of dwarf-flowered heartleaf and assessed threats at each population. Of monitored sites, only 9 percent of populations (one of 11) where invasive, exotic species are present are also in decline, indicating the species has at least some capacity to withstand the presence of invasive, exotic species. The number of populations has increased dramatically since listing as a result of increased survey effort and the invasive, exotic plant threat posed at many of the largest populations is low (NCNHP 2016, pp. 8, 17–20). Additionally, and as noted above, the number of populations managed under conservation ownership has increased. Therefore, we do not believe that competition from invasive, exotic species will be a significant threat in the foreseeable future.

Climate Change

Our analyses under the Act include consideration of ongoing and projected changes in climate. The terms “climate” and “climate change” are defined by the Intergovernmental Panel on Climate Change (IPCC). The term “climate change” thus refers to a change in the mean or variability of one or more measures of climate (e.g., temperature or precipitation) that persists for an extended period, typically decades or longer, whether the change is due to natural variability, human activity, or both (IPCC 2014, entire). Various types

of changes in climate can have direct or indirect effects on species. These effects may be positive, neutral, or negative, and they may change over time, depending on the species and other relevant considerations, such as the effects of interactions of climate with other variables (e.g., habitat fragmentation) (IPCC 2014, entire). In our analyses, we use the judgment of the experts to weigh relevant information, including uncertainty, in our consideration of various aspects of climate change.

According to IPCC, “most plant species cannot naturally shift their geographical ranges sufficiently fast to keep up with current and high projected rates of climate change on most landscapes” (IPCC 2014, p. 13). The concept of changing climate can be meaningfully assessed both by looking into the future and reviewing past changes.

As part of the current, worldwide collaboration in climate modelling under the IPCC, climate assessments of the full dataset of 30 climate models for historical and 21st century comparisons provide predictions at scales ranging from global to county level in the United States (U.S. Geological Survey (USGS) National Climate Change Viewer (NCCV) 2019). This global climate information has been recently downscaled by the National Aeronautics and Space Administration to scales relevant to our region of interest, and projected into the future under two different scenarios of possible emissions of greenhouse gases (Alder and Hostetler 2017, p. 3). Using the NCCV and assuming the “representative concentration pathways” (RCP) greenhouse gas emission scenario RCP 8.5, we calculated projected annual mean changes from 1981–2010 to those projected for 2025–2049 for maximum temperature (+2.9–3.1 degrees Fahrenheit (°F) in NC and +2.9 °F in SC), precipitation (+0.2 inches per month for NC and SC), soil storage (–0.1––0.2 inch for NC and –0.1 inch SC), and evaporative deficit (no change for NC or SC) in all counties where dwarf-flowered heartleaf occurs (Adler and Hostetler 2017, entire). We also calculated projected annual mean changes for the RCP 4.5 scenario using the same timeframes for maximum temperature (+2.5–2.7 °F in NC and SC), precipitation (+0.01 inch per month for NC and SC), soil storage (–0.1––.02 inch for NC and –0.1 inch for SC), and evaporative deficit (no change for NC or SC) in all counties where dwarf-flowered heartleaf occurs (Adler and Hostetler 2017, entire). Based on these results, all 13 counties within the range

of dwarf-flowered heartleaf will be subjected to higher temperatures (annual mean increase of 2.6 °F (RCP 4.5) or 2.9 °F (RCP 8.5)) and slightly higher precipitation (annual mean increase of 0.1 inch per month (RCP 4.5) or 0.2 inch per month (RCP 8.5)) relative to the period of 1981–2010. Because the average annual increase in precipitation is predicted to be only slight, the loss in soil storage is likely primarily the result of higher predicted temperatures.

Dwarf-flowered heartleaf is a long-lived perennial species. Several populations have been revisited after decades and the species was still stable. For example, one population in Rutherford County was first observed in 1957, and was still extant when next observed in 2001 (NCNHP 2018, n.p.). In their analyses of life-history traits in relation to potential vulnerability to variability in demographic vital rates caused by increased variability in climatic patterns, researchers concluded that longer-lived species should be less influenced by climate-driven increases in demographic variability (Morris *et al.* 2008, p. 22; Dalglish *et al.* 2010, p. 216).

Within the family Aristolochiaceae, more than 50 percent of the plant lineage is myrmecochorous (seed dispersal by ants) (Lengyel *et al.* 2010, p. 49). Likewise, dwarf-flowered heartleaf employs myrmecochory as a method for seed dispersal (Gaddy 1986, entire). While species with ant-dispersed seeds have slower migration rates than species with seeds that are adhesive or ingested (Brunet and Von Oheimb 1998, p. 429), myrmecochory provides for multiple adaptive advantages for plants. Ants can disperse seeds to sites that might be nutrient-enhanced or where plant fitness will be higher. Additionally, ants bury seeds, which may protect them from fire and drought (Boyd 2001, p. 235), two conditions exacerbated by climate change (Karl *et al.* 2009, entire). Accelerated climate change is expected to increase the frequency and extent of drought conditions across the Southeast (Karl *et al.* 2009, p. 111).

Populations are located within various ecological settings within the species’ range. Dwarf-flowered heartleaf occurs on Piedmont uplands on acidic sandy-loam soils that are very deep and moderately permeable (Gaddy 1981, p. 7; 1987, pp. 186–196). Typical habitats for this species include mesic to dry bluffs, slopes, or ravines in deciduous forests that are frequently associated with mountain laurel (Padgett 2004, p. 114; Weakley 2015, p. 129), or moist soils adjacent to creeks or streamheads, or along lakes and rivers. This variation

in habitat type provides species representation in drier and wetter habitats, demonstrating the species’ ability to adapt to different environmental conditions that could be brought on by changing climate.

Development

As discussed above, development was identified as a threat at the time of listing; however, the threat is not as significant as once thought. The NCNHP monitored 13 populations of dwarf-flowered heartleaf and assessed threats at each population. Of monitored sites, only 12 percent of populations (one of eight) where development is identified as a threat are also in decline, indicating the species has at least some capacity to withstand the threat of development. The number of populations has increased dramatically since listing and the development threat posed at many of the largest populations is low (NCNHP 2016, pp. 8, 17–20).

In addition, we use three scenarios, projected out to the year 2040. We selected this timeframe because it gives us the ability to reliably predict into the future and to capture the uncertainty related to the potential impacts to each population’s resiliency: Status quo, targeted conservation, and high development. Based on the life span of the species, expert input, development as the key risk factor to the species, and uncertainty about future conditions, we chose to project populations out to the year 2040 under each scenario as described in the SSA (p. 34). Results of future projections within each scenario are focused on current populations and potential habitat identified by the Maxent model as described below.

In constructing our scenarios, we considered two main influences by which species viability projections could be affected: Location of additional populations (positive influence) and habitat loss and fragmentation due to urban development (negative influence). Habitat quantity can be negatively impacted by development or land use change (particularly on private lands) or positively impacted by land acquisition, restoration, and/or introductions into unoccupied sites that already have suitable habitat.

We use the Slope, Land cover, Exclusion, Urbanization, Transportation, and Hillshade (SLEUTH) model to determine areas predicted to be urbanized by 2040, a time period for which the models provide reliable data. The SLEUTH model has been successfully applied worldwide over the last 15 years to simulate land use change, including urbanization (Clarke 1995, entire). The

SLEUTH model predictions are broken down by probabilities of urbanization, ranging from 0 to 100 percent. We chose 80 percent probability as our cutoff, as this cutoff has been used by USGS and by us in other SSAs, and this threshold represents a highly likely outlook for urbanization of the landscape. To forecast viability using urban development projections, we assessed the following:

- Percent increase in projected development within current populations; and
- Percent increase in projected development within areas delineated as potential habitat by the Maxent habitat model.

We know that certain dwarf-flowered heartleaf populations have been extirpated as the result of urban development in the past through loss of habitat. However, there are no data available on the relationships between urbanization and indirect impacts to dwarf-flowered heartleaf. Because of this unknown, we attempted to capture potential impacts in two ways. First, our scenarios reflect a range of potential impacts from nearby urban development. Also, we used two thresholds for percent increase in urban development to capture potential deleterious effects: 25 percent and 50 percent. Our assumptions were that very small increases in development are unlikely to negatively impact populations; development increase of at least 25 percent of the area of current populations was likely to have some negative impacts; and development increase of at least 50 percent was likely to have significant impacts to populations. We also assessed potential positive effects by integrating the potential location or rediscovery of additional populations throughout the range into two of our scenarios (targeted conservation and status quo). This is appropriate for several reasons. First, discovery of new EOs is common; many of the populations we consider under Current Conditions, above, include detections that have occurred within the last few years. Second, we did not include many older detections (*i.e.*, we only included detections since 2005), although many of those detections are likely to persist. Several EOs have been revisited after more than 10 years, and the species was still present. For example, one such EO was first observed in 1957, next observed in 2001, and last observed in 2017. It seems as long as suitable habitat is still present, it is reasonable to assume that the species is still there. Finally, there is plenty of predicted suitable habitat present within older EOs based on the

Maxent model predictions that were not included as current populations due to the relatively long time since last observation.

The first step in identifying additional areas where dwarf-flowered heartleaf is likely to be found in the future was to identify EOs from populations that were last observed prior to 2005 (*i.e.*, we define current populations as those observed between 2005 and present day). Although our focus is on older EOs, where dwarf-flowered heartleaf is likely to persist into the future, we also included current EOs (2005–current day) in our analysis because we were interested in how the older EOs compared to those known to be persisting on the landscape since 2005. Also, by including older EOs that are within current delineated populations, we can investigate whether current populations might be predicted to contain more plants than the most recent abundance estimate.

Once these older EOs were identified, we created a 1,000-meter buffer around the population and calculated a number of useful metrics, including resiliency category based on the last known abundance estimate, Maxent habitat model metrics, and the results of the SLEUTH model to further refine a list of potential sites where the species would likely be found to persist within our 20–25 year projection window. Resiliency categories were assessed using last known abundance in the same way as populations assessed under Current Conditions, above (*i.e.*, low = fewer than 100 individuals; moderate = 100–500 individuals; high = 500–1,000 individuals; very high = greater than 1,000 individuals). We assessed two habitat metrics for these older EOs: Average Maxent score and percent Maxent classified as 0.8–1.0 score. Average Maxent score indicates habitat suitability, where in general, the higher the score, the better the habitat, and was calculated by taking the mean Maxent score of all potential habitat within the 1,000-meter buffer. The percent Maxent classified as 0.8–1.0 represents the percentage of all potential habitat within the 1,000-meter buffer that falls within the highest suitability habitat class. Together, these two habitat metrics give general estimates of habitat quantity and quality. Finally, we calculated the total percentage of the 1,000-meter buffer around each EO that is projected to be urbanized in the year 2040, which helps capture the primary risk factor of development when assessing the areas where dwarf-flowered heartleaf is likely to persist.

Status Quo Scenario

Under the status quo scenario, we estimate that 75 populations will persist throughout the range, and that there will be a range of impacts from urbanization that are related to the percentage increase in urban development and whether a population is protected or not. We assessed population resiliency under the following assumptions:

- Two additional populations are identified as persisting based on Maxent model metrics, last known abundance category, and total predicted urbanization from SLEUTH modelling. Six additional EOs within currently delineated populations not included under Current Conditions, above, are predicted to persist based on the same metrics.

- Potential impacts of urban development based on SLEUTH model projections focused on current delineated populations:
 - Protected areas:

- Protected in perpetuity—no negative impacts from urbanization; and
 - Voluntary protection/non-perpetuity—population drops one resiliency rank if percent increase in urbanization exceeds 50 percent threshold.

- Unprotected areas—population drops one resiliency rank if percent increase in urbanization exceeds 25 percent threshold; population drops two resiliency ranks if percent increase in urbanization exceeds 50 percent threshold.

High Development Scenario

Under the high development scenario, we estimate no additional populations will persist throughout the range, and that impacts from urbanization are relatively high, and are also affected by whether a population is protected or not. We assessed population resiliency under the following assumptions:

- No additional populations are identified as persisting.
- Potential impacts of urban development based on SLEUTH model projections focused on current delineated populations:
 - Protected areas:
 - Protected in perpetuity—population drops one resiliency rank if percent increase in urbanization exceeds 50 percent threshold; and
 - Voluntary protection/non-perpetuity—population drops one resiliency rank if percent increase in urbanization exceeds 25 percent threshold; population drops two resiliency ranks if percent increase in urbanization exceeds 50 percent threshold.

○ Unprotected areas—population drops one resiliency rank if percent increase in urbanization exceeds 25 percent threshold; population drops two resiliency ranks if percent increase in urbanization exceeds 50 percent threshold; extirpation of populations if percent increase in urbanization exceeds 90 percent threshold.

Targeted Conservation Scenario

Under the targeted conservation scenario, we estimate it is likely that several additional populations (*i.e.*, more than in the status quo scenario) will persist throughout the range. This scenario accounts for resilience (which is linked to abundance), habitat suitability (as predicted by the model), projected urban development (from SLEUTH), and protection status. Conservation is happening through various partners—State, land trusts or other non-profits, private individuals, etc. The range of impacts from urbanization are the same as in the status quo scenario. We assessed population resiliency under the following assumptions:

- Six populations are identified as persisting based on Maxent model metrics, last known abundance category, and total predicted urbanization from SLEUTH modelling. Six additional EOs within currently delineated populations not included under Current Conditions, above, are predicted to persist based on the same metrics.

- Potential impacts of urban development based on SLEUTH model projections focused on current delineated populations:

- Protected areas:
 - Protected in perpetuity—no impacts from urbanization; and
 - Voluntary protection/non-perpetuity—population drops one resiliency rank if percent increase in urbanization exceeds 50 percent threshold.

- Unprotected areas—population drops one resiliency rank if percent increase in urbanization exceeds 25 percent threshold; population drops two resiliency ranks if percent increase in urbanization exceeds 50 percent threshold.

Future Resiliency

Status Quo Scenario

In the status quo scenario, we predict 75 of the 78 populations of dwarf-

flowered heartleaf will be extant in 2040. The predicted resiliency of the extant populations are as follows: Very high (27); high (6); moderate (23); low (17); and 2 additional populations identified as persisting, with an unknown resiliency. Six EOs within currently delineated populations not included under Current Conditions, above, are predicted to persist, but resiliency is unchanged because each of the populations are already predicted to be of very high resiliency. When comparing future population resiliency to current condition, a few populations drop in their resiliency category. One current population of very high resiliency is predicted to drop to high resiliency; two moderate resiliency populations are predicted to drop to low resiliency; and five populations (one currently moderate and four currently low) are predicted to be extirpated due to urban development.

High Development Scenario

In the high development scenario, we predict 72 of the 78 populations of dwarf-flowered heartleaf will remain extant in 2040. The predicted resiliency of the extant populations are as follows: Very high (27); high (4); moderate (25); and low (16). No additional populations are identified as persisting. When comparing future population resiliency to current condition, a few populations drop in their resiliency category. One current population of very high resiliency is predicted to drop to moderate resiliency; one high resiliency population is predicted to drop to moderate resiliency; two moderate resiliency populations are predicted to drop to low resiliency; and six populations (one currently moderate and five currently low) are predicted to be extirpated due to urban development.

Targeted Conservation Scenario

In the targeted conservation scenario, we predicted 79 populations of dwarf-flowered heartleaf will be extant in 2040. The predicted resiliency of the extant populations are as follows: Very high (27); high (6); moderate (23); low (17); and 6 additional populations identified as persisting, with an unknown resiliency. Six EOs within currently delineated populations not included under Current Conditions, above, are predicted to persist, but resiliency is unchanged because each of

the populations are already predicted to be of very high resiliency. When comparing future population resiliency to current condition a few populations drop in their resiliency category. One current population of very high resiliency is predicted to drop to high resiliency; two moderate resiliency populations are predicted to drop to low resiliency; and five populations (one currently moderate and four currently low) are predicted to be extirpated due to urban development.

Viability Summary

Urban development is predicted to have negative impacts on several of the current populations under all of our scenarios. However, this loss of resiliency and extirpation of a few populations is offset in the status quo and targeted conservation scenarios by the persistence of several additional populations. In the high development scenario, there is a predicted loss of six populations, with loss of resiliency in several additional populations. However, in all three scenarios, the majority of the populations are expected to persist in 2040 at a level of at least moderate resiliency.

Given the relatively high number of populations across each scenario, redundancy remains similar to current conditions. That is to say, there appears to be adequate redundancy within the range of dwarf-flowered heartleaf to withstand the impacts of localized press catastrophic disturbances; however, the species' range is relatively small, making it potentially vulnerable to long-term catastrophic events, such as oil spills over the next 20 to 30 years.

Based on the assumption that dwarf-flowered heartleaf has a very limited range, and after consulting with experts, we decided that delineating representative units was not appropriate. It is worth noting that in two of our scenarios (status quo and targeted conservation), additional populations are found to persist in South Carolina, an area where there are relatively few current populations. There are opportunities to find additional populations based on the amount of predicted unoccupied potential habitat. Although we did not delineate representative units, our scenarios do not predict declines in species representation.

TABLE OF VIABILITY SUMMARY FOR DWARF-FLOWERED HEARTLEAF UNDER THREE FUTURE SCENARIOS (PROJECTED TO YEAR 2040) AND COMPARED TO CURRENT CONDITION

	Current condition	Status quo scenario	High development scenario	Targeted conservation scenario
Very High Resiliency	28	27	27	27
High Resiliency	5	6	4	6
Moderate Resiliency	26	23	25	23
Low Resiliency	19	17	16	17
Extirpated	n/a	5	6	5
Persisting	n/a	2	0	6
Total Populations	78	75	72	79

Determination of Dwarf-Flowered Heartleaf Status

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of “endangered species” or “threatened species.” The Act defines an “endangered species” as a species that is “in danger of extinction throughout all or a significant portion of its range,” and a “threatened species” as a species that is “likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” For a more detailed discussion on the factors considered when determining whether a species meets the definition of “endangered species” or “threatened species” and our analysis on how we determine the foreseeable future in making these decisions, see *Regulatory Framework*, above.

Status Throughout All of Its Range

After evaluating threats to the species and assessing the cumulative effect of the threats under the section 4(a)(1) factors, we have assessed the best scientific and commercial information available regarding the past, present, and future threats faced by the dwarf-flowered heartleaf. We carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to dwarf-flowered heartleaf. Of the 78 populations, 75 percent are characterized as being either very high, high, or moderately resilient, and many are stable or increasing in trend.

When dwarf-flowered heartleaf was listed (54 FR 14964; April 14, 1989), the two prominent threats identified were invasive, exotic plants and habitat loss or destruction. As discussed above, invasive, exotic species are not as significant a threat to dwarf-flowered heartleaf as originally thought. Only one of the 11 monitored populations where invasive, exotic species occur was

identified as declining. Additionally, dwarf-flowered heartleaf has the capacity to withstand habitat loss and destruction due to development. The species currently has significant redundancy (78 populations), resilient populations (33 of 78 evaluated populations with high or very high viability), and representation in two different ecological settings. Even under our high development scenario, only two high or very high viability populations are predicted to have lower viability as a result of development. Therefore, we do not believe that competition from invasive, exotic species or habitat loss and destruction are significant threats to the species. Additionally, since listing, there has been a nearly four-fold increase in the number of known populations. Of the 78 populations evaluated in the SSA, 24 (31%) have permanent protection and 18 (23%) have partial protection through voluntary agreements or other commitments of management (e.g., N.C. Department of Transportation). We conclude that the species is currently not in danger of extinction throughout its range.

In order to more closely examine the future threat posed by habitat loss or destruction, the Service analyzed three different development scenarios into the future to 2040. Under all scenarios evaluated, the number of currently known populations (78) remaining in highly, very highly, and moderately resilient condition is 56 (compared to 59 under current conditions). Only a small number (five or six) of currently low resilient populations are predicted to become extirpated under all scenarios evaluated. The species will continue to occur across its range, redundancy will remain high to moderately high, and representation will continue in its current condition providing current levels of adaptive capacity. Of the 78 populations evaluated in the SSA, 24 (31%) have permanent protection and 18 (23%) have partial protection

through voluntary agreements or other commitments of management (e.g., N.C. Department of Transportation), reducing the likelihood of development impacting those populations. Recent examination of the species also identified climate change and invasive species as potential future threats. The broadened range (8 counties to 13) and significantly increased population numbers (24 to 78) since listing in 1989 indicate that the species benefits from sufficient redundancy and resiliency to withstand perturbations from climate change as well as from invasive species. Based on this analysis, we conclude that the species is neither currently in danger of extinction, nor likely to become so within the foreseeable future.

Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so in the foreseeable future throughout all or a significant portion of its range. Having determined that the dwarf-flowered heartleaf is not in danger of extinction or likely to become so in the foreseeable future throughout all of its range, we now consider whether it may be in danger of extinction or likely to become so in the foreseeable future in a significant portion of its range—that is, whether there is any portion of the species’ range for which it is true that both (1) the portion is significant; and, (2) the species is in danger of extinction now or likely to become so in the foreseeable future in that portion. Depending on the case, it might be more efficient for us to address the “significance” question or the “status” question first. We can choose to address either question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question that we address, we do not need to evaluate the other question for that portion of the species’ range.

For dwarf-flowered heartleaf we chose to evaluate the status question (*i.e.*, identifying portions where dwarf-flowered heartleaf may be in danger of extinction or likely to become so in the foreseeable future) first. We considered whether the threats are geographically concentrated in any portion of the species' range at a biologically meaningful scale. We examined the following threats: Development, invasive and exotic species, and climate change, including cumulative effects.

The NCNHP monitored 13 populations of dwarf-flowered heartleaf throughout the species' range. Eleven of the 13 populations had invasive, exotic species identified as a threat, indicating that invasive, exotic species are found throughout the range and not concentrated in any specific location. Climate change effects, as discussed previously, are very uniform throughout the range (NCCV 2019). The opportunity for habitat loss and destruction due to development is higher on privately owned lands that could be sold for future development (Clarke 1995, *entire*). Of the 78 populations evaluated, we determined that 31 percent are permanently protected and another 23 percent are partially protected (*i.e.*, voluntary landowner agreements). The unprotected populations are spread throughout the species' range and not geographically clustered together. While there is some variability in the habitats occupied by dwarf-flowered heartleaf across its range, the basic ecological components required for the species to complete its life cycle are present throughout the habitats occupied by the 78 populations of the species. Accordingly, we found no concentration of threats in any portion of the dwarf-flowered heartleaf range at a biologically meaningful scale. Thus, there are no portions of the species' range where the species has a different status from its rangewide status. Therefore, no portions of the species' range provides a basis for determining that the species is in danger of extinction or likely to become an endangered species in the foreseeable future throughout a significant portion of its range. This approach is consistent with the courts' holdings in *Desert Survivors v. Department of the Interior*, No. 16-cv-01165-JCS, 2018 WL 4053447 (N.D. Cal. Aug. 24, 2018), and *Center for Biological Diversity v. Jewell*, 248 F. Supp. 3d, 946, 959 (D. Ariz. 2017).

Determination of Status

Our review of the best available scientific and commercial information indicates that the dwarf-flowered heartleaf does not meet the definition of

an endangered species or a threatened species in accordance with sections 3(6) and 3(20) of the Act. Therefore, we propose to remove dwarf-flowered heartleaf from the Federal List of Endangered and Threatened Plants (50 CFR 17.12(h)).

Effects of This Proposed Rule

This proposal, if made final, would revise 50 CFR 17.12(h) to remove dwarf-flowered heartleaf from the Federal List of Endangered and Threatened Plants. The prohibitions and conservation measures provided by the Act, particularly through sections 7 and 9, would no longer apply to this species. Federal agencies would no longer be required to consult with the Service under section 7 of the Act in the event that activities they authorize, fund, or carry out may affect dwarf-flowered heartleaf.

Post-Delisting Monitoring

Section 4(g)(1) of the Act requires us to monitor for not less than 5 years the status of all species that are delisted. Post-delisting monitoring (PDM) refers to activities undertaken to verify that a delisted species remains secure from the risk of extinction after the protections of the Act no longer apply. The primary goal of PDM is to monitor the species to ensure that its status does not deteriorate, and if a decline is detected, to take measures to halt the decline so that proposing it as an endangered or threatened species is not again needed. If at any time during the monitoring period, data indicate that protective status under the Act should be reinstated, we can initiate listing procedures, including, if appropriate, emergency listing. At the conclusion of the monitoring period, we will review all available information to determine if relisting, the continuation of monitoring, or the termination of monitoring is appropriate.

Section 4(g) of the Act explicitly requires that we cooperate with the States in development and implementation of PDM programs. However, we remain ultimately responsible for compliance with section 4(g) and, therefore, must remain actively engaged in all phases of PDM. We also seek active participation of other entities that are expected to assume responsibilities for the species' conservation after delisting.

Concurrent with this proposed delisting rule, we announce the draft PDM plan's availability for public review at <http://www.regulations.gov> under Docket Number FWS-R4-ES-2019-0081. Copies can also be obtained from the Service's Asheville Ecological

Services Field Office (see **FOR FURTHER INFORMATION CONTACT**). We seek information, data, and comments from the public regarding dwarf-flowered heartleaf and the PDM plan. We are also seeking peer review of the draft PDM plan concurrently with this comment period. We anticipate finalizing the PDM plan, considering all public and peer review comments, prior to making a final determination on the proposed delisting rule.

Required Determinations

Clarity of the Proposed Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are not clearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

National Environmental Policy Act

We have determined that we do not need to prepare an environmental assessment or environmental impact statement, as defined in the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility

to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to tribes. There are no tribes or tribal lands affected by this proposed rule.

References Cited

A complete list of references cited is available on the internet at <http://www.regulations.gov> under Docket No. FWS-R4-ES-2019-0081 and upon request from the Asheville Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**, above).

Authors

The primary authors of this proposed rule are staff members of the Service's Southeastern Region Recovery Team and the Asheville Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title

50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

§ 17.12 [Amended]

■ 2. Amend § 17.12(h) by removing the entry for “*Hexastylis naniflora*” under “FLOWERING PLANTS” from the List of Endangered and Threatened Plants.

Martha Williams,

Principal Deputy Director, Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2021–08459 Filed 4–23–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2019–0069, FWS–R4–ES–2019–0070; FXES11130900000–189–FF0932000]

RIN 1018–BE14; 1018–BD01

Reclassifying the Virgin Islands Tree Boa From Endangered to Threatened With a Section 4(d) Rule; Reclassification of *Eugenia woodburyana* as Threatened and Section 4(d) Rule

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reopening of comment periods; announcement of public hearing.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are reopening the public comment periods on two proposed rules to allow all interested parties additional time to comment, and to conduct a public hearing. The two relevant proposed rules are our September 30, 2020, proposed rule to reclassify the endangered Virgin Islands tree boa (*Chilabothrus granti*) as a threatened species with a rule issued under section 4(d) of the Endangered Species Act of 1973 (Act), as amended; and our October 21, 2020, proposed rule to reclassify the endangered plant *Eugenia woodburyana* (no common name) as a threatened species with a rule issued under section 4(d) of the Act. Comments previously submitted need not be resubmitted and will be fully considered in preparation of the final rules.

DATES: *Written comments:* The comment periods for the proposed rules published on September 30, 2020, at 85 FR 61700, and October 21, 2020, at 85 FR 66906, are reopened. We will accept comments received or postmarked on or before May 26, 2021.

Public hearing: On May 12, 2021, we will hold a public hearing from 6 to 8 p.m., Atlantic Time, using the Zoom platform (for more information, see Public Hearing, below).

ADDRESSES: *Availability of documents:* You may obtain copies of the proposed rules and their associated documents on the internet at <http://www.regulations.gov> under the following docket numbers:

Proposed rule	Docket number
Reclassifying the Virgin Islands Tree Boa From Endangered to Threatened With a Section 4(d) Rule (published September 30, 2020, at 85 FR 61700).	FWS–R4–ES–2019–0069.
Reclassification of <i>Eugenia woodburyana</i> as Threatened and Section 4(d) Rule (published October 21, 2020, at 85 FR 66906).	FWS–R4–ES–2019–0070.

Comment submission: You may submit written comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter the appropriate docket number (see table above). Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rule box to locate the document. You may submit a comment by clicking on “Comment Now!” Please ensure you have located

the correct document before submitting your comments.

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: [Enter appropriate docket number; see table above], U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Please note that comments submitted electronically using the Federal eRulemaking Portal must be received by 11:59 p.m. Eastern Time on the closing date, and comments submitted by U.S. mail must be postmarked by that date to ensure consideration. We request that you send comments only by the

methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Public Comments, below, for more information).

FOR FURTHER INFORMATION CONTACT: Edwin E. Muñiz, Field Supervisor, U.S. Fish and Wildlife Service, Caribbean Ecological Services Field Office, at either: Road 301 Km 5.1, Corozo Ward, Boquerón, PR 00622; or P.O. Box 491, Boquerón, PR 00622. Telephone 787–405–3641. Persons who use a telecommunications device for the deaf

(TDD) may call the Federal Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION:

Background

Virgin Islands Tree Boa

On September 30, 2020, we published in the **Federal Register** (85 FR 61700) a proposed rule to reclassify the Virgin Islands tree boa from endangered to threatened (*i.e.*, to “downlist” the species) under the Act (16 U.S.C. 1531 *et seq.*). The proposed rule opened a 60-day public comment period, ending November 30, 2020. During the comment period, we received a request for a public hearing. Therefore, we are announcing a public hearing to allow the public an additional opportunity to provide comments on the proposed rule.

For a description of previous Federal actions concerning the Virgin Islands tree boa and information on the types of comments that would be helpful to us in promulgating this rulemaking action, please refer to the September 30, 2020, proposed rule (85 FR 61700).

Eugenia woodburyana

On October 21, 2020, we published in the **Federal Register** (85 FR 66906) a proposed rule to downlist *Eugenia woodburyana* from endangered to threatened under the Act. The proposed rule opened a 60-day public comment period, ending December 21, 2020. During the comment period, we received a request for a public hearing. Therefore, we are announcing a public hearing to allow the public an additional opportunity to provide comments on this proposed rule.

For a description of previous Federal actions concerning *Eugenia woodburyana* and information on the types of comments that would be helpful to us in promulgating this rulemaking action, please refer to the October 21, 2020, proposed rule (85 FR 66906).

Public Hearing

We will hold one public hearing to accept comments on the two proposed rules on the date and at the time listed above under *Public hearing* in **DATES**. We are holding the public hearing via the Zoom online video platform and via teleconference so that participants can attend remotely. The use of a virtual public hearing is consistent with our regulations at 50 CFR 424.16(c)(3).

For security purposes, anyone intending to listen to and view the hearing via Zoom, listen to the hearing by telephone, or provide oral public comments at the hearing by Zoom or telephone must register in advance. For

information on how to register, or if you encounter problems joining Zoom on the day of the hearing, visit <https://www.fws.gov/southeast/caribbean>. Registrants will receive the Zoom link and the telephone number for the public hearing. Interested members of the public who are not familiar with the Zoom platform should view the Zoom video tutorials (<https://support.zoom.us/hc/en-us/articles/206618765-Zoom-video-tutorials>) prior to the public hearing.

The public hearing will provide interested parties an opportunity to present verbal testimony (formal, oral comments) regarding either, or both, of the proposed rules. The public hearing will not be an opportunity for dialogue with the Service, but rather a forum for accepting formal verbal testimony. In the event there is a large attendance, the time allotted for oral statements may be limited. Therefore, anyone wishing to make an oral statement at the public hearing for the record is encouraged to provide a prepared written copy of that statement to us through the Federal eRulemaking Portal, or U.S. mail (see **ADDRESSES**, above). There are no limits on the length of written comments submitted to us.

Reasonable Accommodation

The Service is committed to providing access to the public hearing for all participants. Closed captioning will be available during the public hearing. Participants will also have access to live audio during the public hearing via their telephone or computer speakers. Persons with disabilities requiring reasonable accommodations to participate in the hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** at least 5 business days prior to the date of the hearing to help ensure availability. An accessible version of the Service’s presentation will also be posted online at <https://www.fws.gov/southeast/caribbean> prior to the hearing (see **DATES**, above). See <https://www.fws.gov/southeast/caribbean> for more information about reasonable accommodation. Finally, a full audio and video recording and transcript of the public hearing will be posted online at <https://www.fws.gov/southeast/caribbean> after the hearing.

Public Comments

If you submit information via <http://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via hard copy that includes personal identifying information, you may request at the top of your document

that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <http://www.regulations.gov>. Comments and materials we receive, as well as supporting documentation we used in preparing each proposed rule, will be available for public inspection on <http://www.regulations.gov>.

Authors

The primary authors of this document are the Ecological Services Species Assessment Team staff of the South Atlantic-Gulf Regional Office, U.S. Fish and Wildlife Service.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Martha Williams,

Principal Deputy Director, Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2021-08580 Filed 4-23-21; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 210419-0083]

RIN 0648-BK35

Atlantic Highly Migratory Species; Federal Atlantic Tunas Regulations in Maine State Waters

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes adding Maine to the list of states for which NMFS has determined that Federal Atlantic tunas regulations are applicable within state waters. NMFS is proposing the addition after considering a request from the Maine Department of Marine Resources (MEDMR) and reviewing the state’s relevant laws and regulations. Most states and territories bordering the Atlantic and Gulf of Mexico are currently included in the list, with the exception of Maine, Connecticut, and Mississippi. This proposed addition of Maine to the list would make Federal Atlantic tunas regulations—including but not limited to open and closed seasons, retention limits, size limits,

authorized gears and gear restrictions, and permitting and reporting requirements—applicable in Maine state waters. This action would be consistent with section 9(d) of the Atlantic Tunas Convention Act (ATCA) and implementing regulations.

DATES: Written comments must be received by June 10, 2021. NMFS will hold a public hearing via conference call and webinar for this proposed rule on May 14, 2021, from 1 p.m. to 3 p.m. For webinar registration information, see the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2021–0013, by electronic submission. Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter “NOAA–NMFS–2021–0013” in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

NMFS will hold a public hearing via conference call/webinar on this proposed rule. For specific location, date and time, see the **SUPPLEMENTARY INFORMATION** section of this document.

Copies of this proposed rule and supporting documents are available from the HMS Management Division website at <https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species> or by contacting Carrie Soltanoff at carrie.soltanoff@noaa.gov or 301–427–8503.

NMFS invites the general public and other Federal agencies to comment on continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. Written comments and recommendations for this information collection should be submitted at the following website www.reginfo.gov/public/do/PRAMain. Find this

particular information collection by using the search function and entering either the title of the collection or the OMB Control Number: 0648–0327 Atlantic HMS Permit Family of Forms, 0648–0328 Atlantic HMS Recreational Landings Reports, and 0648–0371 HMS Vessel Logbooks and Cost-Earnings Reports.

FOR FURTHER INFORMATION CONTACT: Carrie Soltanoff (carrie.soltanoff@noaa.gov) or Larry Redd, Jr. (larry.redd@noaa.gov) at 301–427–8503, or Sarah McLaughlin (sarah.mclaughlin@noaa.gov) at 978–281–9260.

SUPPLEMENTARY INFORMATION: Atlantic tunas fisheries are managed under the authority of ATCA (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*). The 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. Section 9(d) of ATCA, 16 U.S.C. 971g(d)(2), states that regulations promulgated to implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) shall apply within the boundaries of any state bordering the Convention area (the Atlantic Ocean and adjacent seas) if the Secretary of Commerce, after notice and an opportunity for the State to request a formal hearing, determines that such state does not implement regulations consistent with ICCAT recommendations or if state regulations are less restrictive than the Federal regulations or are not effectively enforced. For Atlantic tunas, section 9(d) of ATCA is implemented in the Atlantic HMS regulations at 50 CFR 635.1(b). Atlantic tunas regulations in part 635 include open and closed seasons, retention limits, size limits, authorized gears and gear restrictions, and permitting and reporting requirements, among others. Atlantic tunas managed under the regulations in part 635 are bluefin, bigeye, albacore, yellowfin, and skipjack tunas.

Background

NMFS made initial determinations regarding the applicability of Federal regulations in state waters under section 9(d) of ATCA in 1976. NMFS determined that, while the State of Maine had enacted laws and/or promulgated regulations for the conservation and management of Atlantic bluefin tuna, those laws and/or regulations were less restrictive than Federal laws or regulations, and that certain portions of the Federal

regulations would, therefore, become effective in the territorial sea adjacent to the State of Maine (41 FR 32603, August 4, 1976). This included all applicable Federal bluefin tuna regulations (then codified at 50 CFR part 285), with the exception of some purse seine regulations and retention limits.

In 1985, the scope of this provision was expanded from bluefin tuna to all ICCAT-managed Atlantic tunas (50 FR 43396, October 25, 1985). In 1999, NMFS published a proposed rule to implement the FMP for Atlantic Tunas, Swordfish, and Sharks, and Amendment 1 to the Atlantic Billfish FMP (64 FR 3154, January 20, 1999). This action discussed continued implementation and review under section 9(d) of ATCA and stated that NMFS contacted the relevant states along with Puerto Rico and the U.S. Virgin Islands to review relevant state regulations. After considering the public comment and responses from various states, the final rule for this action (64 FR 29090, May 28, 1999) codified and further implemented ATCA section 9(d) provisions at 50 CFR 635.1(b), and that language remains the same to the present day. That rulemaking did not include Maine on the list of states at § 635.1(b), either in whole or in part.

ATCA requires a continuing review of state laws and regulations and their enforcement, and § 635.1(b) accordingly states that “NMFS will undertake a continuing review of State regulations to determine if regulations applicable to Atlantic tunas, swordfish or billfish are at least as restrictive as regulations contained in this part and if such regulations are effectively enforced. In such case, NMFS will file with the Office of the Federal Register for publication notification of the basis for the determination and of the specific regulations that shall or shall not apply” in state waters. NMFS publishes relevant state regulations annually in the HMS Stock Assessment and Fisheries Evaluation (SAFE) Report.

On October 5, 2020, NMFS received a letter from the MEDMR requesting that NMFS “consider a regulatory change to 50 CFR 635.1(b) that would incorporate Maine into the list of states where Federal tuna regulations are applied in state territorial waters, and that this change apply to regulations for all tuna species managed under [ATCA].” The letter further stated that “given the dynamic nature of Federal tuna management, MEDMR does not currently have sufficient resources to adjust state regulations with the frequency needed to remain consistent with Federal regulations.” MEDMR stated that it has recently seen increased

commercial tuna fishing activity in Maine state waters.

This proposed rule provides a review of Maine's regulations; provides notice of NMFS' initial determination that Maine state regulations are not at least as restrictive as Federal regulations, taking into consideration the State of Maine's statement that it can no longer ensure that those regulations maintain consistency with Federal regulations; and proposes adding Maine to the list of states at § 635.1(b) for which NMFS has determined that Federal Atlantic tunas regulations under 50 CFR part 635 are applicable within state waters. The State of Maine has not requested a formal hearing for this action. Most states and territories bordering the Atlantic and Gulf of Mexico are currently included in the list at § 635.1(b), with the exception of Maine, Connecticut, and Mississippi. This proposed addition to § 635.1(b) would make Federal Atlantic tunas regulations applicable in Maine state waters.

NMFS has conducted a preliminary review of Maine marine resource laws and regulations regarding tuna fishing in state waters and determined that proposed application of Federal regulations in state waters is warranted, consistent with the State's request and the ATCA criteria, particularly given the State's communication that it can no longer ensure that state regulations are consistent with the Federal regulations on an ongoing basis. Federal tunas regulations at 50 CFR part 635 include, but are not limited to, open and closed seasons, retention limits, size limits, authorized gears and gear restrictions, and permitting and reporting requirements. The current Maine regulations do not address tuna fishing in state waters in detail, other than restricting permitted gears to harpoon and hook and line (12 Maine Revised Statutes Annotated (MSRA) § 6551) and implementing a nonresident special tuna permit for participation in certain tuna tournaments (§ 6502). Under Maine law, anyone who wants to fish commercially for tunas in state waters needs a commercial fishing license (§ 6501). MEDMR policy, although not codified, is that recreational tuna fishermen in state waters need to obtain Federal permits and follow Federal regulations. Thus, the Maine regulations appear to be less restrictive than the relevant Federal regulations.

Federal HMS Angling and Charter/Headboat category permit holders already must adhere to Federal HMS regulations as a condition of their permit (see 50 CFR 635.4(a)(10)). Based on available data on commercial catch of tunas within Maine's boundaries and

surrounding waters, it appears that tuna catch within the boundaries of the state comes from fishermen who already possess Federal permits and are adhering to Federal reporting requirements for all catch as well as other Federal tuna regulations, whether they are in Federal or state waters. Furthermore, the large majority of tunas landed in Maine have historically been caught in Federal waters, with bluefin tuna being the primary species. Essential fish habitat for adult Atlantic tunas, as described in Amendment 10 to the 2006 Consolidated Atlantic HMS FMP, supports the observation that typically only bluefin tuna are found as far north as Maine. The northern extent of essential fish habitat for adult bluefin tuna is described as offshore and coastal regions of the Gulf of Maine, the mid-coast of Maine to Massachusetts, and on Georges Bank. Although bluefin tuna can occasionally be found in coastal waters, they are most abundant in pelagic habitat.

These factors indicate that this action would not result in a substantial change in fishing location, timing, effort, authorized gear types, or harvest levels. NMFS does not anticipate a substantial change to the ecological or socioeconomic impacts on Atlantic tunas fisheries, or a significant economic impact on a substantial number of small entities.

The rule would, however, require adherence to Federal tunas regulations in Maine state waters. If finalized, this rule would provide regulatory consistency; enhance enforcement of season closures, retention limits, size limits, and other Federal regulations in Maine state waters; and address the State of Maine's observation of increased commercial tuna fishing activity in state waters. This change also would more directly ensure that any tunas landed in state waters are reported in compliance with regulations implementing ICCAT requirements.

In the future, consistent with the continuing review required by ATCA, NMFS may more formally review Connecticut and Mississippi state tunas regulations to determine if these states should also be included under § 635.1(b). NMFS may also review regulations for other HMS promulgated to implement ICCAT recommendations for all Atlantic, Gulf of Mexico, and Caribbean states and territories to determine if their regulations are at least as restrictive as the Federal regulations. NMFS requests public comment on possible initiation of these future reviews. Currently, Federal HMS regulations concerning swordfish, billfish, and sharks do not apply in state

waters as a condition of Federal HMS Atlantic Tunas permits.

Request for Comments

Comments on this proposed rule may be submitted via www.regulations.gov or at a public conference call/webinar. NMFS solicits comments on this proposed rule by June 10, 2021 (see **DATES** and **ADDRESSES**).

During the comment period, NMFS will hold a conference call/webinar for this proposed rule. Requests for sign language interpretation or other auxiliary aids should be directed to Carrie Soltanoff at carrie.soltanoff@noaa.gov or 301-427-8503, at least 7 days prior to the meeting.

The webinar/conference call will take place on May 14, 2021. Information for registering and accessing the webinars can be found at <https://www.fisheries.noaa.gov/action/proposed-rule-implement-federal-atlantic-tunas-regulations-maine-state-waters>.

The public is reminded that NMFS expects participants at the public hearings to conduct themselves appropriately. At the beginning of the conference call, the moderator will explain how the conference call will be conducted and how and when attendees can provide comments. The NMFS representative will attempt to structure the meeting so that all the attending members of the public will be able to comment, if they so choose, regardless of the controversial nature of the subject(s). Attendees are expected to respect the ground rules, and, if they do they may not be allowed to speak during the conference call.

Classification

The NMFS Assistant Administrator has determined that the proposed rule is consistent with the 2006 Consolidated Atlantic HMS FMP and its amendments, the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

This proposed rule does not contain a change to a collection of information requirement for purposes of the Paperwork Reduction Act of 1995. The existing collection of information requirements would continue to apply under the following OMB Control Number(s): 0648-0327 Atlantic HMS Permit Family of Forms, 0648-0328 Atlantic HMS Recreational Landings Reports, and 0648-0371 HMS Vessel Logbooks and Cost-Earnings Reports.

The Chief Counsel for Regulation of the Department of Commerce certified

to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed rule would add Maine to the list of states at 50 CFR 635.1(b) for which NMFS has determined that Federal Atlantic tunas regulations under 50 CFR part 635 are applicable within state waters. Federal Atlantic tunas regulations, which include open and closed seasons, retention limits, size limits, authorized gears and gear restrictions, and permitting and reporting requirements, among others, currently apply in all but three states bordering the Atlantic Ocean (including the Gulf of Mexico). This addition to the list of states was requested by the MEDMR and further evaluated. ATCA requires the Secretary of Commerce to undertake a continuing review of state laws and regulations pertaining to species managed under ATCA, of all states bordering the Atlantic Ocean and the extent to which such laws and regulations are enforced, as implemented in the Atlantic HMS regulations at § 635.1(b).

Of the managed Atlantic tunas (bluefin, bigeye, albacore, yellowfin, and skipjack), typically only bluefin tuna is found as far north as Maine state waters. Therefore, the economic analyses for this action focus on the bluefin tuna fisheries. However, all Federal tunas regulations would apply in Maine state waters following implementation of this rule.

The Small Business Administration has established size criteria for all major industry sectors in the United States, including fish harvesters. A business involved in finfish harvesting is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of \$19.0 million (NAICS code 114111, finfish fishing) for all its affiliated operations worldwide. The Small Business Administration issued a final interim rule that adjusted the size standard for inflation from \$7.5 million to \$8 million for business classified under NAICS 487210 scenic and sightseeing transportation in water, including the for-hire fishing industry, which went into effect on August 19, 2019.

The most recent ex-vessel average price per pound information is used to estimate potential ex-vessel gross revenues for the Atlantic bluefin tuna fishery. The 2019 average ex-vessel price per pound for bluefin tuna in the North Atlantic was \$5.61, while the

highest regional bluefin tuna ex-vessel price per pound (in the mid-Atlantic) was \$5.94. Current total commercial bluefin tuna quotas (including the Reserve category) are 2,238,706 pounds (1,015 metric tons). Therefore, the highest total potential revenue for the entire commercial Atlantic bluefin tuna fishery is \$13.3 million. The 2019 total ex-vessel annual revenue for the bluefin tuna fishery was \$9.8 million, while total Atlantic tunas ex-vessel annual revenue was \$22.9 million. Since a small business is defined as having annual receipts not in excess of \$19.0 million, and total potential bluefin tuna revenue for the entire fishery is \$13.3 million, each individual bluefin tuna fishing entity would fall within the small business definition.

The numbers of relevant, annual Atlantic Tunas or Atlantic HMS vessel permits based in Maine, as of October 2020, are as follows: 565 Atlantic Tunas General category permits; 12 Atlantic Tunas Harpoon category permits; two Atlantic Tunas Trap category permits; four Atlantic Tunas Longline category permits; zero Atlantic Tunas Purse Seine category permits; and 127 HMS Charter/Headboat category permits. For this action, NMFS regards all HMS for-hire vessels (those vessels that have an HMS Charter/Headboat category permit) as small businesses, while Atlantic HMS Angling vessels fish recreationally only and are therefore not considered small entities for purposes of the Regulatory Flexibility Act (RFA).

This proposed rule would expand Federal Atlantic tunas regulations into Maine state waters. Federal HMS Charter/Headboat category permit holders already must adhere to Federal HMS regulations as a condition of their permit (see 50 CFR 635.4(a)(10)). Based on available data on commercial catch of tunas in Maine and surrounding waters, it appears that tuna catch in the state comes from fishermen who already possess Federal permits and are adhering to Federal reporting requirements for all catch as well as other Federal tuna regulations, whether they are in Federal or state waters. In addition, available catch and dealer data, bluefin tuna habitat, and typical tuna fishing practices indicate that the majority of tunas landed in Maine have historically been caught in Federal waters. Given these factors, this action practically would not have an effect on the regulations that tuna fishermen based in Maine currently follow. Furthermore, this action is not expected to affect the amount of bluefin tuna caught and sold or result in any change in the ex-vessel revenues those fishermen could expect. As a result, an

initial regulatory flexibility analysis is not required and none has been prepared. NMFS invites comment from the public on the information in this certification and the determination that the impact on entities affected by the proposed rule will not be significant.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Statistics, Treaties.

Dated: April 20, 2021.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 635 is proposed to be amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

■ 2. In § 635.1, revise paragraph (b) to read as follows:

§ 635.1 Purpose and scope.

* * * * *

(b) Under section 9(d) of ATCA, NMFS has determined that the regulations contained in this part with respect to Atlantic tunas are applicable within the territorial sea of the United States adjacent to, and within the boundaries of, the States of Maine, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, and Texas, and the Commonwealths of Puerto Rico and the Virgin Islands. NMFS will undertake a continuing review of State regulations to determine if regulations applicable to Atlantic tunas, swordfish, or billfish are at least as restrictive as regulations contained in this part and if such regulations are effectively enforced. In such case, NMFS will file with the Office of the Federal Register for publication notification of the basis for the determination and of the specific regulations that shall or shall not apply in the territorial sea of the identified State.

[FR Doc. 2021-08481 Filed 4-23-21; 8:45 am]

BILLING CODE 3510-22-P

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

Agricultural Research Service

U.S. National Arboretum Notice of Intent To Renew Information Collection

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice and request for comment.

SUMMARY: The U.S. Department of Agriculture (USDA) seeks comments on the intent of the U.S. National Arboretum (USNA) to renew an information collection that expires October 31, 2021. The collection is conducted to obtain information about uses of the facilities, grounds, programs, and services, including information pertaining to the collection of fees for educational programs and workshops, use of the grounds and facilities, and commercial photography and cinematography. Fees generated are used to defray USNA expenses or to promote the USNA mission.

DATES: Comments on this notice must be received by June 21, 2021, to be considered. Comments can be sent to the following: Email: richard.olsen@usda.gov, Mail/Hand Delivery/Courier: Director, U.S. National Arboretum, Agricultural Research Service, Northeast Area, 3501 New York Avenue NE, Washington, DC 20002.

SUPPLEMENTARY INFORMATION:

Title: Use of the USNA Grounds and Facilities, Including as well as Commercial Photography and Cinematography.

OMB Number: 0518-0024.

Expiration Date: 3 years from date of approval.

Type of Request: Renewal of approved information collection.

Abstract: The mission of the U.S. National Arboretum (USNA) is to serve the public need for scientific research, education, and gardens that conserve and showcase plants to enhance the environment. USNA is a 446-acre

facility that is open to the public for education and passive recreation and is a national center for public education that welcomes visitors in a stimulating and aesthetically pleasing environment. It receives approximately 610,000 visitors each year, and many garden clubs and societies use USNA grounds to showcase their activities. Section 890(b) of the Federal Agriculture Improvement and Reform Act of 1996, Public Law 104-127 (1996 Act), expanded the authorities of the Secretary of Agriculture to charge reasonable fees for the use of USNA facilities and grounds. These authorities include the ability to further the mission of USNA by charging fees for the temporary use of USNA facilities and grounds. Authority was also provided to charge fees for tram tours and for the use of USNA for commercial photography and cinematography. All rules and regulations noted in 7 CFR part 500, subpart 2A, conducted on USNA property will apply to individuals or groups granted approval to use the facilities and grounds. To properly administer the use of USNA facilities, USNA must obtain information from the requestor(s) to determine if the requested use is consistent with the USNA mission. Each request will require the completion of an application and submission of an application fee. The application is simple and requires only information readily available to the requestor(s), including who is requesting to use USNA and how the USNA facilities will be used. Applications are available in hard copy format and in an electronic format on the USNA website www.usna.usda.gov. Completed permit requests can be submitted in person, by facsimile, or electronically.

Paperwork Reduction Act: In accordance with the Office of Management and Budget (OMB) regulations (5 CFR part 1320) implementing the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements that will be imposed will be submitted to OMB for approval. These requirements will not become effective prior to OMB approval.

Estimate of Burden: 150 hours.

Estimated Number of Responses: The USNA estimates the annual receipt of 200 requests for the use of facilities, 100 requests for photography and

cinematography, and 1,800 requests for educational programs and workshops.

Estimate of Total Annual Burden on Respondents: The total cost for responding is \$5,386.50 for 150 hours of time at \$35.91 per hour.

Obtaining Permit Requests: In addition to the current process of transmitting permit requests and approvals in person, by mail, and by facsimile, photography and cinematography applications are available on the USNA website and can be completed and submitted electronically: <http://www.usna.usda.gov/Information/facilities/photographyapp.pdf>.

The PDF fillable application for the use of facilities is available on the website and can be submitted electronically to USNA. Completed hard copies of permit requests can be submitted to: Administrative Office, USDA, ARS, NEA, U.S. National Arboretum, 3501 New York Avenue NE, Washington, DC 20002.

Comments: Comments are invited on the following:

- If the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- 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.
- Ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of collection on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technology.

Simon Y. Liu,

Acting Administrator, ARS.

[FR Doc. 2021-08627 Filed 4-23-21; 8:45 am]

BILLING CODE 3410-03-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 21, 2021.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995,

Public Law 104–13. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by May 26, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Business-Cooperative Service

Title: Guidelines for Designating Biobased Products for Federal Procurement.

OMB Control Number: 0570–0073.

Summary of Collection: The USDA BioPreferred Program provides that qualifying biobased products that fall under product categories (generic groups of biobased products) that have been designated for preferred procurement by rule making are required to be purchased by Federal agencies in lieu of their fossil energy-based counterparts, with certain limited exceptions. Further, USDA is required by section 9002 of the Farm Security and Rural Investment Act of 2002, as amended by the Food, Conservation, and Energy Act of 2008 and the Agricultural Act of 2014, and the Agricultural Improvement Act of 2018, to provide certain information on qualified biobased products to Federal agencies.

Need and Use of the Information: To meet these statutory requirements, USDA will gather that information from manufacturers and vendors of biobased products. The information sought by USDA can be transmitted electronically using the website <http://www.biopreferred.gov>. If for any reason the requested information cannot be electronically transmitted, USDA will provide technical assistance to support the transmission of information to USDA. The information collected will enable USDA to meet statutory information requirements that will then permit USDA to designate product categories for preferred procurement under the BioPreferred Program. Once product categories are designated, manufacturers and vendors of qualifying biobased products that fall under these designated product categories will benefit from preferred procurement by Federal agencies. This collection was previously approved under 0503–0011, and on February 4, 2021, was transferred to Rural Development and assigned OMB Control No. 0570–0073.

Description of Respondents: Business or other for-profit.

Number of Respondents: 220.

Frequency of Responses: Recordkeeping; Reporting; Other (once).

Total Burden Hours: 8,800.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–08579 Filed 4–23–21; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 21, 2021.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other

technological collection techniques or other forms of information technology.

Comments regarding this information collection received by May 26, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Office of Procurement and Property Management

Title: Guidelines for the Transfer of Excess Computer or Other Technical Equipment Pursuant to Section 14220 of the 2008 Farm Bill.

OMB Control Number: 0505–0023.

Summary of Collection: In accordance with procedures in the Federal Management Regulation, Subpart 102–36.295, each agency is responsible for submitting an annual report of all personal property furnished to non-Federal recipients to the General Services Administration. Section 923 of the Federal Agriculture Improvement and Reform Act (FAIR), Public Law 104–127 of 1996, also known as the Farm Bill, gives the Secretary of Agriculture the authority to acquire and transfer title of Federal Excess Personal Property (FEPP) to certain eligible Institutions. Respondents will be authorized representatives of a city, town, or local government entity located in a rural area as defined in 7 U.S.C. 1991(a)(13)(A).

Need and Use of the Information: USDA requires information to: Verify eligibility of requestors; determine availability of excess property; have contact information of the requestor available; and to ensure an organization is designated to receive property on behalf of an eligible recipient. Information is collected via letters from requestors. The request must include: (1) Type of excess computers or other technical equipment requested; (2) Justification for eligibility; (3) Contact information of the requestor; (4) Logistical information such as when and

how the property will be picked up; and (5) Information on the recipient's designated organization that will receive and refurbish the property for the recipient. Information will be used to coordinate the transfer of excess property to eligible recipients and as input for the required annual report, of all personal property furnished to non-Federal recipients, to the General Service Administration.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 10.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 2.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021-08589 Filed 4-23-21; 8:45 am]

BILLING CODE 3412-BA-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2020-0048]

J.R. Simplot Co.: Determination of Nonregulated Status for Z6 Potatoes With Late Blight Protection, Low Acrylamide Potential, Lowered Reducing Sugars, and Reduced Black Spot

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are notifying the public that we have extended our determination of nonregulated status of J.R. Simplot Company's (Simplot's) W8 potato to event Z6 (hereafter Z6 potato). Z6 potato has been developed using genetic engineering for late blight protection, low acrylamide potential, lowered reducing sugars, and reduced black spot using the same construct and method of transformation as W8 potato. Our decision was based on our evaluation of data submitted by Simplot in its request for an extension of a determination of nonregulated status, an analysis of other scientific data, and comments received from the public in response to a previous notice announcing our preliminary determination.

DATES: This determination was effective on August 28, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Eck, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1236; (301)

851-3892, email: cynthia.a.eck@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Under the authority of the plant pest provisions of the Plant Protection Act (PPA) (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, "Movement of Organisms Modified or Produced Through Genetic Engineering," regulate, among other things, the importation, interstate movement, or release into the environment of organisms modified or produced through genetic engineering that are plant pests or pose a plausible plant pest risk.

The extension for nonregulated status described in this notice was evaluated under the version of the regulations effective at the time that it was received. The Animal and Plant Health Inspection Service (APHIS) issued a final rule, published in the **Federal Register** on May 18, 2020 (85 FR 29790-29838, Docket No. APHIS-2018-0034),¹ revising 7 CFR part 340; however, the final rule is being implemented in phases. This extension of a determination of nonregulated status was evaluated in accordance with the regulations at 7 CFR 340.6 (2020).

In a notice published in the **Federal Register** on June 25, 2020 (85 FR 38110-38111, Docket No. APHIS-2020-0048),² we notified the public that we had received a request to extend our determination of nonregulated status of J.R. Simplot Company's (Simplot's) W8 potato to event Z6 (hereafter Z6 potato). Like W8 potato, Z6 potato has been developed using genetic engineering for late blight protection, low acrylamide potential, lowered reducing sugars, and reduced black spot, and had been developed using the same construct and method of transformation as W8 potato. This notice also made available the extension request, our plant pest risk similarity assessment (PPRSA), and our preliminary determination to extend nonregulated status to Z6 potato.

Comments on the notice were due by July 27, 2020. APHIS received 27 comments by the close of the comment period.

While several commenters expressed general disapproval regarding organisms developed using genetic engineering, the comments received did not call into question the conclusions of the PPRSA

¹ To view the final rule, go to www.regulations.gov and enter APHIS-2018-0034 in the Search field.

² To view the notice, its supporting documents, or the comments that we received, go to www.regulations.gov and enter APHIS-2020-0048 in the Search field.

or our preliminary determination. Accordingly, on August 28, 2020, APHIS determined that extension of nonregulated status should be granted to Z6 potato. This notice serves as an official notice and public record of that action.

Authority: 7 U.S.C. 7701-7772 and 7781-7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 21st day of April 2021.

Michael Watson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021-08625 Filed 4-23-21; 8:45 am]

BILLING CODE 3410-34-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Illinois Advisory Committee

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 Illinois Advisory Committee (Committee) will hold a meeting via the online platform WebEx on Tuesday, May 11, 2021 at 12:00 p.m. Central Time. The purpose of the meeting is for the Committee to start preparing for their upcoming WebEx briefing on Education and Civil Rights concerns in the state.

DATES: The meeting will be held on:

- Tuesday, May 11, 2021, at 12:00 p.m. Central Time

Web link: <https://civilrights.webex.com/civilrights/j.php?MTID=md4d564c28cf610f9e94e7291a3d9bf0d>

Join by phone: 800-360-9505 USA Toll Free

Access code: 199 496 5009

FOR FURTHER INFORMATION CONTACT: David Barreras, Designated Federal Officer, at dbarreras@usccr.gov or (202) 499-4066.

SUPPLEMENTARY INFORMATION: Members of the public may listen to this discussion through the above call-in number. 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. Individual who is deaf, deafblind and 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.

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 David Barreras at dbarreras@usccr.gov.

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.facadata.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t000001gzLZAAQ> under the Commission on Civil Rights, Illinois Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

Agenda

- I. Welcome & Roll Call
- II. Chair's comments
- III. Discussion: Education Project
- IV. Next Steps
- V. Public Comment
- VI. Adjournment

Dated: April 21, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021-08597 Filed 4-23-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Federal Economic Statistics Advisory Committee Meeting

AGENCY: Bureau of Economic Analysis, U.S. Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of Economic Analysis (BEA) is giving notice of a meeting of the Federal Economic Statistics Advisory Committee (FESAC). The Committee advises the Under Secretary for Economic Affairs, the Directors of the Bureau of Economic Analysis and the Census Bureau, and the Commissioner of the U.S. Department of Labor's Bureau of Labor Statistics (BLS) on statistical methodology and other technical matters related to the collection, tabulation, and analysis of federal economic statistics. Email Gianna Marrone, gianna.marrone@bea.gov, by

June 4, 2021, to attend. An agenda will be accessible prior to the meeting at <https://apps.bea.gov/fesac/>.

DATES: June 11, 2021. The meeting begins at approximately 9:00 a.m. and adjourns at approximately 3:00 p.m.

ADDRESSES: The safety and well-being of the public, committee members, and our staff is our 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, 4600 Silver Hill Road (BE-64), Suitland, MD 20746; phone (301) 278-9282; email gianna.marrone@bea.gov.

SUPPLEMENTARY INFORMATION: FESAC members are appointed by the Secretary of Commerce. The Committee advises the Under Secretary for Economic Affairs, BEA and Census Bureau Directors, and the Commissioner of the Department of Labor's BLS on statistical methodology and other technical matters related to the collection, tabulation, and analysis of federal economic statistics. The Committee is established in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2).

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://apps.bea.gov/fesac/>. The meeting is accessible to people with disabilities. Requests for foreign language interpretation or other auxiliary aids should be directed to Gianna Marrone at gianna.marrone@bea.gov by June 4, 2021.

Persons with extensive questions or statements must submit them in writing by June 4, 2021, to Gianna Marrone, gianna.marrone@bea.gov.

This meeting is accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gianna Marrone, gianna.marrone@bea.gov, preferably two weeks prior to the meeting.

Dated: April 20, 2021.

Sabrina Montes,

Designated Federal Officer, Bureau of Economic Analysis.

[FR Doc. 2021-08531 Filed 4-23-21; 8:45 am]

BILLING CODE 3510-06-P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Federal Economic Statistics Advisory Committee

AGENCY: Bureau of Economic Analysis, U.S. Department of Commerce.

ACTION: Notice of request for nominations.

SUMMARY: The Under Secretary for Economic Affairs requests nominations of individuals to the Federal Economic Statistics Advisory Committee. The Under Secretary for Economic Affairs in coordination with the Directors of the Department's statistical agencies, the Bureau of Economic Analysis and the U.S. Census Bureau, as well as the Commissioner of the U.S. Department of Labor's Bureau of Labor Statistics will consider nominations received in response to this notice, as well as from other sources. The **SUPPLEMENTARY INFORMATION** section of this notice provides Committee and membership criteria.

DATES: Please submit nominations by April 30, 2021. The Bureau of Economic Analysis will retain nominations received after this date for consideration should additional vacancies occur.

ADDRESSES: Please submit nominations by email to Gianna.marrone@bea.gov (subject line "2021 FESAC Nominations").

FOR FURTHER INFORMATION CONTACT:

Gianna Marrone, Committee Management Official, Department of Commerce, Bureau of Economic Analysis, telephone 301-278-9282, email: gianna.marrone@bea.gov.

SUPPLEMENTARY INFORMATION: The Federal Economic Statistics Advisory Committee (the "Committee") was established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2). The following provides information about the Committee, membership, and the nomination process.

Objectives and Scope of FESAC Activities

The Committee advises the Directors of the Department's statistical agencies, the Bureau of Economic Analysis (BEA) and the U.S. Census Bureau, as well as the Commissioner of the U.S. Department of Labor's Bureau of Labor Statistics (BLS) on statistical methodology and other technical matters related to the design, collection, tabulation, and analysis of federal economic statistics.

Description of the FESAC Member Duties

The Committee functions solely as an advisory committee to the senior officials of BEA, the Census Bureau, and BLS (the agencies). Important aspects of the committee's responsibilities include, but are not limited to:

a. Recommending research to address important technical problems arising in federal economic statistics

b. Identifying areas in which better coordination of the agencies' activities would be beneficial;

c. Exploring ways to enhance the agencies' economic indicators to make them timelier, more accurate, and more specific to meeting changing demands and future data needs;

d. Improving the means, methods, and techniques to obtain economic information needed to produce current and future economic indicators; and

e. Coordinating, in its identification of agenda items, with other existing academic advisory committees chartered to provide agency-specific advice, for the purpose of avoiding duplication of effort.

The Committee meets once or twice a year, budget permitting. Additional meetings may be held as deemed necessary by the Under Secretary for Economic Affairs or the Designated Federal Official. All Committee meetings are open to the public in accordance with the Federal Advisory Committee Act.

FESAC Membership

FESAC will comprise approximately 16 members who serve at the pleasure of the Secretary. Members shall be appointed by Under Secretary for Economic Affairs in consultation with the agencies. Committee members shall be professionals in appropriate disciplines, including economists, statisticians, survey methodologists, and behavioral scientists who are prominent experts in their fields, recognized for their scientific, professional, and operational achievements and objectivity. Membership will represent data users with expertise from the public sector, academia, and the private sector. Members will be chosen to achieve a balanced membership that will meet the needs of the agencies.

Members shall serve as Special Government Employees (SGEs) and shall be subject to ethics rules applicable to SGEs.

A FESAC member term is three years.

Members may serve more than one term as described in the FESAC Charter, available at: <https://apps.bea.gov/fesac/>.

Compensation for Members

Members of the Committee serve without compensation but may receive reimbursement for Committee-related travel and lodging expenses.

Solicitation of Nominations

The Committee is currently filling one or more positions on the FESAC.

The Under Secretary of Economic Affairs, in consultation with the agencies will consider nominations of all qualified individuals to ensure that the Committee includes the areas of experience noted above. Individuals may nominate themselves or other individuals, and professional associations and organizations may nominate one or more qualified persons for membership on the Committee. Nominations shall state that the nominee is willing to serve as a member and carry out the duties of the Committee. A nomination package should include the following information for each nominee:

1. A letter of nomination stating the name, affiliation, and contact information for the nominee, the basis for the nomination (*i.e.*, what specific attributes recommend him/her for service in this capacity), and the nominee's field(s) of experience;
2. a biographical sketch of the nominee and a copy of his/her curriculum vitae; and
3. the name, return address, email address, and daytime telephone number at which the nominator can be contacted.

The Department of Commerce Under Secretary of Economic Affairs and the agencies encourage nominations for appropriately qualified female, minority, or disabled candidates. The Department of Commerce Under Secretary of Economic Affairs and the agencies also encourage geographic diversity in the composition of the Committee.

All nomination information should be provided in a single, complete package by midnight on April 30, 2021.

Interested applicants should send their nomination package to Gianna Marrone, Committee Management Official, at Gianna.Marrone@bea.gov (subject line "2021 FESAC Nominations"). The Bureau of Economic Analysis will retain nominations received after this date for consideration should additional vacancies occur.

Sabrina L. Montes,

Designated Federal Official, Bureau of Economic Analysis, Federal Economic Statistics Advisory Committee.

[FR Doc. 2021-08532 Filed 4-23-21; 8:45 am]

BILLING CODE 3510-MN-P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-30-2021]

Foreign-Trade Zone (FTZ) 7—Mayaguez, Puerto Rico; Notification of Proposed Production Activity; MSD International GMBH (Puerto Rico Branch) LLC (Pharmaceuticals) Las Piedras, Puerto Rico

MSD International GMBH (Puerto Rico Branch) LLC (MSD) submitted a notification of proposed production activity to the FTZ Board for its facility in Las Piedras, Puerto Rico. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on April 16, 2021.

MSD already has authority to produce certain pharmaceutical products within Subzone 7G. The current request would add a finished product and a foreign-status material to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status material and specific finished product described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt MSD from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below and in the existing scope of authority, MSD would be able to choose the duty rates during customs entry procedures that applies to molnupiravir pharmaceutical tablets (duty-free). MSD would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The material sourced from abroad is molnupiravir active pharmaceutical ingredient (duty rate 3.7%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is June 7, 2021.

A copy of the notification will be available for public inspection in the "Reading Room" section of the Board's website, which is accessible via www.trade.gov/ftz.

For further information, contact Christopher Wedderburn at Chris.Wedderburn@trade.gov.

Dated: April 21, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021-08644 Filed 4-23-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request: Request for Appointment of a Technical Advisory Committee

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite 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. Public comments were previously requested via the **Federal Register** on January 14, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Bureau of Industry and Security.

Title: Request for Appointment of a Technical Advisory Committee.

OMB Control Number: 0694-0100.

Form Number(s): None.

Type of Request: Regular submission.

Number of Respondents: 1.

Average Hours per Response: 5.

Burden Hours: 5.

Needs and Uses: The Technical Advisory Committees (TACs) were established to advise and assist the U.S. Government on export control matters. In managing the operations of the TACs, the Department of Commerce is responsible for implementing the policies and procedures prescribed in the Federal Advisory Committee Act. The Bureau of Industry and Security provides technical and administrative support for the TACs, such as scheduling a conference room, publishing TAC meeting notices in the **Federal Register**, circulating an agenda, copying documents, etc. The TACs advise the government on proposed revisions to export control lists, licensing procedures, assessments of the foreign availability of controlled products, and export control regulations.

Affected Public: Business or other for-profit organizations.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

Legal Authority: Section 4812(b)(7) and 4814(b)(1)(B) of the Export Control Reform Act (ECRA).

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0694-0100.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021-08641 Filed 4-23-21; 8:45 am]

BILLING CODE 3510-33-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Request for Investigation Under Section 232 of the Trade Expansion Act

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite 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. Public comments were previously requested via the **Federal Register** on January 21, 2021, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Bureau of Industry and Security.

Title: Request for Investigation under Section 232 of the Trade Expansion Act.

OMB Control Number: 0694-0120.

Form Number(s): None.

Type of Request: Regular submission.

Number of Respondents: 800.

Average Hours per Response: 15 hours.

Burden Hours: 12,000.

Needs and Uses: Upon request, BIS will initiate an investigation to determine the effects of imports of specific commodities on the national security, and will make the findings known to the President for possible adjustments to imports through tariffs. The findings are made publicly available and are reported to Congress. The purpose of this collection is to account for the public burden associated with the surveys distributed to determine the impact on national security. These surveys are designed to gather information so that BIS can evaluate the impact of foreign imports of strategic commodities on the national security of the United States. Each Section 232 study is for a specific commodity or technology that is required for national security reasons (e.g., precision bearings, microprocessors, machine tools, etc). These surveys attempt to determine the size of the domestic U.S. industry, how the domestic U.S. industry has been effected by foreign imports, demand for the commodity during peacetime, demand during wartime, the ability of the U.S. domestic industry to meet a surge in demand during wartime, and the potential impact on U.S. national security if wartime demand cannot be met by domestic U.S. suppliers.

Affected Public: Business or other for-profit organizations.

Frequency: On Occasion.

Respondent's Obligation: Mandatory.

Legal Authority: Section 232 of the Trade Expansion Act.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and

entering either the title of the collection or the OMB Control Number 0694–0120.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–08643 Filed 4–23–21; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–970]

Multilayered Wood Flooring From the People’s Republic of China: Preliminary Results of the Antidumping Duty Administrative Review, Preliminary Determination of No Shipments, Preliminary Successor-in-Interest Determination, and Rescission of Review, in Part; 2018–2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that the sole cooperative mandatory respondent in this administrative review did not make sales of subject merchandise at less than normal value (NV), that certain companies had no shipments of subject merchandise during the period of review (POR) December 1, 2018, through November 30, 2019, and that Arte Mundi (Shanghai) Aesthetic Home Furnishings Co., Ltd. (Arte Mundi) is the successor-in-interest to Scholar Home (Shanghai) New Material Co., Ltd. (Scholar Home). Finally, we are rescinding the review with respect to certain companies. We invite interested parties to comment on these preliminary results.

DATES: Applicable April 26, 2021.

FOR FURTHER INFORMATION CONTACT: Sergio Balbontin or Alexis Cherry, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6478 or (202) 482–0607, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on multilayered wood flooring (MLWF) from the People’s Republic of China (China).¹

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 6896 (February 6, 2020) (*Initiation Notice*).

The POR is December 1, 2018, through November 30, 2019. The review covers 95 companies, including mandatory respondents, Jinlong² and Jiangsu Senmao Bamboo and Wood Industry Co., Ltd. (Senmao). We preliminarily determine that sales of subject merchandise by Senmao have not been made at prices below NV and that Jinlong is not eligible for a separate rate. In addition, we are preliminarily granting separate rates to Senmao and 34 producers/exporters, and determine that 20 producers/exporters made no shipments of subject merchandise during the POR. Finally, we are rescinding the review with respect to four producers/exporters.

For events that occurred since the *Initiation Notice* and analysis behind our preliminary results herein, see the Preliminary Decision Memorandum.³ The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/index.html>. A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice.

Scope of the Order⁴

The product covered by the *Order* is MLWF from China. For a complete description of the scope of this administrative review, see the Preliminary Decision Memorandum.

² Jinlong consists of the following companies: Dalian Qianqiu Wooden Product Co., Ltd.; Fusong Jinlong Wooden Group Co., Ltd.; Fusong Jinqiu Wooden Product Co., Ltd.; and Fusong Qianqiu Wooden Product Co., Ltd. See *Multilayered Wood Flooring from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review and New Shipper Review and Final Determination of No Shipments; 2017–2018*, 85 FR 78118 (December 3, 2020).

³ See Memorandum, “Decision Memorandum for the Preliminary Results in the Antidumping Duty Administrative Review: Multilayered Wood Flooring from the People’s Republic of China; 2018–2019,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

⁴ See *Multilayered Wood Flooring from the People’s Republic of China: Notice of Amended Final Affirmative Determination of Sales at Less than Fair Value and Antidumping Duty Order*, 76 FR 76690 (December 8, 2011), as amended in *Multilayered Wood Flooring from the People’s Republic of China*, 77 FR 5484 (February 3, 2012) (collectively, *Order*).

Partial Rescission of Review

Commerce initiated a review of 95 companies in this review.⁵ On May 6, 2020, AHF, LLC (AHF) timely withdrew its request for review with respect to 90 companies.⁶ Of these companies, no other parties requested a review of Dalian Deerfu Wooden Product Co., Ltd. (Deerfu); Dunhua City Wanrong Wood Industry Co., Ltd. (Wanrong); Jilin Forest Industry Jinqiao Flooring Group Co., Ltd. (Jilin Forest); and Lauzon Distinctive Hardwood Flooring, Inc. (Lauzon). However, other parties, including the American Manufacturers of Multilayered Wood Flooring (the petitioner), requested a review with respect to the remaining companies named in AHF’s review request.⁷ Accordingly, Commerce is rescinding the administrative review only with respect to Deerfu, Wanrong, Jilin Forest, and Lauzon.⁸

Preliminary Determination of No Shipments

Based on an analysis of information from U.S. Customs and Border Protection (CBP), no shipment certifications, and other record information, we preliminarily determine that 20 companies had no shipments of subject merchandise during the POR.⁹ Consistent with our practice in non-market economy (NME) cases, we are not rescinding this review with respect to these companies but, rather, intend to complete the review and issue appropriate instructions to CBP based on the final results of the review.¹⁰

Separate Rates

We preliminarily determine that, in addition to Senmao, 34 companies not individually-examined are eligible for separate rates in this administrative review.¹¹ The Tariff Act of 1930, as amended (the Act) and Commerce’s regulations do not address the

⁵ See *Initiation Notice*.

⁶ See AHF’s Letter, “Multilayered Wood Flooring from the People’s Republic of China: Withdrawal of Request for Review—2018–19 AD Review Period,” dated May 6, 2020.

⁷ See, e.g., Petitioner’s Letter, “Multilayered Wood Flooring from the People’s Republic of China: Request for Administrative Review”; and CDC Distributors, Inc.’s Letter, “Multilayered Wood Flooring from the People’s Republic of China: Request for Administrative Reviews,” both dated December 31, 2019.

⁸ See 19 CFR 351.213(d)(1).

⁹ See Appendix II for a list of these companies.

¹⁰ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694, 65694–95 (October 24, 2011) (NME AD Assessment); see also the “Assessment Rates” section, below.

¹¹ See Preliminary Decision Memorandum at the “Separate Rate Determinations” section for more details.

establishment of a separate rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for separate-rate respondents which Commerce did not examine individually in an administrative review. For the preliminary results of this review, Commerce has determined the estimated dumping margin for Senmao to be zero.¹² For the reasons explained in the Preliminary Decision Memorandum, we are assigning this rate to the non-examined respondents which qualify for a separate rate in this review.

The China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.¹³ Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity, the entity is not under review, and the entity's rate is not subject to change.

Commerce selected Jinlong as one of two mandatory respondents in this administrative review.¹⁴ Jinlong then notified Commerce that it did not intend to participate in the review.¹⁵ Because Jinlong did not respond to the questionnaire, it has not established its eligibility for a separate rate, and is considered to be part of the China-wide entity. See the Preliminary Decision Memorandum for further discussion.

Aside from the companies for which we preliminarily find no shipments and those companies for which the review is being rescinded, Commerce considers all other companies for which a review was requested and did not demonstrate separate rate eligibility to be part of the

¹² See Memorandum, "Preliminary Results Margin Calculation for Jiangsu Senmao Bamboo and Wood Industry Co., Ltd.," dated concurrently with this notice.

¹³ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

¹⁴ See Memorandum, "Antidumping Administrative Review of Multilayered Wood Flooring from the People's Republic of China: Respondent Selection," dated March 19, 2020.

¹⁵ See Jinlong's Letter, "Multilayered Wood Flooring from China: Jinlong Notice of Intent Not to Participate," dated April 14, 2020.

China-wide entity.¹⁶ For the preliminary results of this review, we consider 36 companies, including Jinlong, to be part of the China-wide entity.

Preliminary Results of Successor-in-Interest Analysis

Separate rate applicant Arte Mundi reported that during the POR, it changed its English name from Scholar Home to Arte Mundi.¹⁷ Based on our analysis of the information on the record regarding any changes with respect to corporate structure, manufacturing facilities, customers and suppliers, we preliminarily determine that Arte Mundi is the the successor-in-interest to Scholar Home and, as a result, should be accorded the same treatment previously accorded to Scholar Home. See the Preliminary Decision Memorandum for further information.

Methodology

We are conducting this administrative review in accordance with sections 751(a)(1)(B) of the Act and 19 CFR 351.213. We calculated export prices for Senmao in accordance with section 772(a) of the Act. Because China is an NME within the meaning of section 771(18) of the Act, we calculated NV in accordance with section 773(c) of the Act.

Preliminary Results of Review

We preliminarily determine that the following weighted-average dumping margins exist for the POR December 1, 2018, through November 30, 2019:

¹⁶ See *Initiation Notice* ("All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below.") Companies that are subject to this administrative review that are considered to be part of the China-wide entity are listed in Appendix II.

¹⁷ See Arte Mundi's Letter, "Separate Rate Application for Scholar Home/Arte Mundi in the Administrative Review of the Antidumping Duty Order on Multilayered Wood Flooring from the People's Republic of China (A-570-970) (POR: 12/1/18-11/30/19)," dated March 30, 2020. Scholar Home was granted a separate rate in the previous administrative review of this Order. See *Multilayered Wood Flooring from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and New Shipper Review, Preliminary Determination of No Shipments, and Rescission of Review, in Part; 2017-2018*, 85 FR 6911 (February 6, 2020), and accompanying Preliminary Decision Memorandum at 14, unchanged in *Multilayered Wood Flooring from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and New Shipper Review and Final Determination of No Shipments; 2017-2018*, 85 FR 78118 (December 3, 2020), and accompanying Issues and Decision Memorandum.

Exporters	Weighted-average dumping margin (percent)
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd	00.00
Non-Selected Companies Under Review Receiving a Separate Rate ¹⁸	00.00

Disclosure and Public Comment

We intend to disclose to interested parties the calculations performed for these preliminary results within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.¹⁹ Rebuttals to case briefs may be filed no later than seven days after the case briefs are filed, and all rebuttal comments must be limited to comments raised in the case briefs.²⁰

Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this review are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.²¹ Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless otherwise extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case briefs, within

¹⁸ See Appendix II.

¹⁹ See 19 CFR 351.309(c).

²⁰ See 19 CFR 351.309(d).

²¹ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19: Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review, in accordance with 19 CFR 351.212(b). Commerce intends to issue assessment instructions to CBP 35 days after the publication of the final results of this review.

For any individually examined respondent whose (estimated) *ad valorem* weighted-average dumping margin is not zero or *de minimis* (i.e., less than 0.50 percent) in the final results of this review, Commerce will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total quantity of those sales, in accordance with 19 CFR 351.212(b)(1).²² Commerce will also calculate (estimated) *ad valorem* importer-specific assessment rates with which to assess whether the per-unit assessment rate is *de minimis*. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate calculated in the final results of this review is not zero or *de minimis*.

For the respondents that were not selected for individual examination in this administrative review that qualified for a separate rate, the assessment rate will be the separate rate established in the final results of this administrative review.

If, in the final results, Senmao's weighted-average dumping margin continues to be zero or *de minimis* (i.e., less than 0.5 percent), Commerce will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.²³ For entries that were not reported in the U.S. sales databases submitted by Senmao during this review, and for the 36 companies that do not qualify for a separate rate (including Jinlong), Commerce will instruct CBP to liquidate such entries at the China-wide rate (i.e., 85.13

percent).²⁴ In addition, if we continue to find no shipments of subject merchandise for the 20 companies for which we preliminarily find no such shipments during the POR,²⁵ any suspended entries of subject merchandise associated with those companies will be liquidated at the China-wide rate.²⁶

For the companies for which the administrative review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). We intend to issue appropriate assessment instructions with respect to the companies for which this administrative review is rescinded to CBP 35 days after the publication of this notice.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for all shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the companies listed above that have a separate rate, the cash deposit rate will be that rate established in the final results of this review (except, if the rate is *de minimis*, then a cash deposit rate of zero will be required); (2) for previously investigated or reviewed Chinese and non-Chinese exporters for which a review was not requested and that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity (i.e., 85.13 percent); and (4) for all non-Chinese exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to Chinese exporter that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

²⁴ See *Multilayered Wood Flooring from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments*, 2016–2017, 84 FR 38002 (August 5, 2019).

²⁵ See Appendix II for a list of these companies.

²⁶ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694, 65695 (October 24, 2011).

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing the preliminary results of this review in accordance with sections 751(a)(l) and 777(i)(l) of the Act and 19 CFR 351.221(b)(4).

Dated: April 19, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Review
- IV. Scope of the Order
- V. Selection of Respondents
- VI. Preliminary Determination of No Shipments
- VII. Preliminary Successor-in-Interest Determination
- VIII. Discussion of the Methodology
- IX. Recommendation

Appendix II

No Shipments

Anhui Longhua Bamboo Product Co., Ltd.
Baroque Timber Industries (Zhongshan) Co., Ltd.
Benxi Flooring Factory (General Partnership)
Dalian Jaenmaken Wood Industry Co., Ltd.
Dalian Shengyu Science And Technology Development Co., Ltd.
Dalian T-Boom Wood Products Co., Ltd.
Dunhua City Dexin Wood Industry Co., Ltd.
Dunhua City Jisen Wood Industry Co., Ltd.
Fine Furniture (Fine Furniture (Shanghai) Limited and Double F Limited)
Innomaster Home (Zhongshan) Co., Ltd.
Jiangsu Yuhui International Trade Co., Ltd.
Linyi Anying Wood Co., Ltd.
Power Dekor Group Co., Ltd.
Shandong Longteng Wood Co., Ltd.
Yekalon Industry Inc.
Yingyi-Nature (Kunshan) Wood Industry Co., Ltd.
Zhejiang Biyork Wood Co., Ltd.
Zhejiang Shiyou Timber Co., Ltd.
Zhejiang Shuimojiangnan New Material Technology Co., Ltd.
Zhejiang Simite Wooden Co., Ltd.

China-Wide Entity

Anhui Boya Bamboo & Wood Products Co., Ltd.
Anhui Yaolong Bamboo & Wood Products Co. Ltd.

²² In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

²³ See 19 CFR 351.106(c)(2).

Armstrong Wood Products (Kunshan) Co., Ltd.²⁷
 Armstrong World Industries Inc.
 Changzhou Hawd Flooring Co., Ltd.
 Chinafloors Timber (China) Co., Ltd.
 Dalian Dajen Wood Co., Ltd.
 Dalian Guhua Wooden Product Co., Ltd.
 Dalian Huade Wood Product Co., Ltd.
 Dalian Huilong Wooden Products Co., Ltd.
 Dalian Qianqiu Wooden Product Co., Ltd.,
 Fusong Jinlong Wooden Group Co., Ltd.,
 Fusong Jinqiu Wooden Product Co., Ltd.,
 and Fusong Qianqiu Wooden Product Co.,
 Ltd. (collectively, Jinlong)
 Guangzhou Homebon Timber Manufacturing
 Co., Ltd.
 Guangzhou Panyu Kangda Board Co., Ltd.
 Guangzhou Panyu Southern Star Co., Ltd.
 Hangzhou Hanje Tec Company Limited
 Hangzhou Zhengtian Industrial Co., Ltd.
 Hunchun Forest Wolf Wooden Industry Co.,
 Ltd.
 Jiafeng Wood (Suzhou) Co., Ltd.
 Jilin Xinyuan Wooden Industry Co., Ltd.
 Karly Wood Product Limited.
 Kember Flooring, Inc. (a.k.a. Kember
 Hardwood Flooring, Inc.)
 Kemian Wood Industry (Kunshan) Co., Ltd.
 Linyi Bonn Flooring Manufacturing Co., Ltd.
 Mudanjiang Bosen Wood Industry Co., Ltd.
 Nakahiro Jyou Sei Furniture (Dalian) Co.,
 Ltd.
 Omni Arbor Solution Co., Ltd.²⁸
 Power Dekor North America Inc.
 Shanghai Lairunde Wood Co., Ltd.
 Shanghaifloor Timber (Shanghai) Co., Ltd.
 Shenyang Haobainian Wooden Co., Ltd.
 Shenzhenshi Huanwei Woods Co., Ltd.
 Xiamen Yung De Ornament Co., Ltd.
 Xuzhou Antop International Trade Co., Ltd.
 Xuzhou Shenghe Wood Co., Ltd.
 Zhejiang Fudeli Timber Industry Co., Ltd
 Zhejiang Jiechen Wood Industry Co., Ltd.

Rescissions

Dalian Deerfu Wooden Product Co., Ltd.
 Dunhua City Wanrong Wood Industry Co.,
 Ltd.
 Jilin Forest Industry Jinqiao Flooring Group
 Co., Ltd.
 Lauzon Distinctive Hardwood Flooring, Inc.

Non-Selected Companies Under Review Receiving a Separate Rate

A&W (Shanghai) Woods Co., Ltd.
 Arte Mundi (Shanghai) Aesthetic Home
 Furnishings Co., Ltd. (successor-in-interest
 to Scholar Home (Shanghai) New Material
 Co., Ltd.)
 Benxi Wood Company
 Dalian Jiahong Wood Industry Co., Ltd.
 Dalian Kemian Wood Industry Co., Ltd.
 Dalian Penghong Floor Products Co., Ltd./
 Dalian Shumaike Floor Manufacturing Co.,
 Ltd.
 Dongtai Fuan Universal Dynamics, LLC
 Dun Hua Sen Tai Wood Co., Ltd.
 Dunhua City Hongyuan Wood Industry Co.,
 Ltd.

²⁷ These results apply only to entries where Armstrong Wood Products (Kunshan) Co., Ltd. was the exporter but not the producer of subject merchandise.

²⁸ In the *Initiation Notice*, we inadvertently initiated a review with respect to Omni Arbor Solutions Co., Ltd.

Dunhua Shengda Wood Industry Co., Ltd
 Hailin Linjing Wooden Products Co., Ltd.
 Hunchun Xingjia Wooden Flooring Inc.
 Huzhou Chenghang Wood Co., Ltd
 Huzhou Fulinmen Imp. & Exp. Co., Ltd.
 Huzhou Jesonwood Co., Ltd.
 Huzhou Sunergy World Trade Co., Ltd.
 Jiangsu Guyu International Trading Co., Ltd
 Jiangsu Keri Wood Co., Ltd.
 Jiangsu Mingle Flooring Co., Ltd
 Jiangsu Simba Flooring Co., Ltd.
 Jiashan HuiJiaLe Decoration Material Co.,
 Ltd.
 Jiashan On-Line Lumber Co., Ltd.
 Jiayang Hengtong Wood Co., Ltd.
 Kingman Floors Co., Ltd.
 Linyi Youyou Wood Co., Ltd.
 Metropolitan Hardwood Floors, Inc.
 Pinge Timber Manufacturing (Zhejiang) Co.,
 Ltd.
 Sino-Maple (Jiangsu) Co., Ltd.
 Suzhou Dongda Wood Co., Ltd.
 Tongxiang Jisheng Import and Export Co.,
 Ltd.
 Yihua Lifestyle Technology Co., Ltd.
 (successor-in-interest to Guangdong Yihua
 Timber Industry Co., Ltd.)
 Zhejiang Dadongwu Greenhome Wood Co.,
 Ltd.
 Zhejiang Fuerjia Wooden Co., Ltd
 Zhejiang Longsen Lumbering Co., Ltd.

[FR Doc. 2021-08630 Filed 4-23-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-557-813]

Polyethylene Retail Carrier Bags From Malaysia: Final Results of Antidumping Administrative Review; 2018-19

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On December 22, 2020, the Department of Commerce (Commerce) published the preliminary results of the administrative review of the antidumping duty (AD) order on polyethylene retail carrier bags (PRCBs) from Malaysia. The period of review (POR) is August 1, 2018, through July 31, 2019. We continue to find that PRCBs from Malaysia were not sold at less than normal value during the POR.

DATES: Applicable April 26, 2021.

FOR FURTHER INFORMATION CONTACT: Kyle Clahane, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5449.

SUPPLEMENTARY INFORMATION:

Background

On December 22, 2020, Commerce published the *Preliminary Results of*

this administrative review.¹ We invited interested parties to comment on the *Preliminary Results* within 30 days.² No interested party submitted comments or requested a hearing in this administrative review. The current deadline for these final results is April 21, 2021.

Scope of the Order

The merchandise covered by this order is PRCBs from Malaysia, which may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. Imports of merchandise included within the scope of this antidumping duty order are currently classifiable under statistical category 3923.21.0085 of the Harmonized Tariff Schedule of the United States (HTSUS). This subheading may also cover products that are outside the scope of this antidumping duty order. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this antidumping duty order is dispositive. For a full description of the scope of the order, see the Preliminary Decision Memorandum.

Final Results of Review

As noted above, Commerce received no comments concerning the *Preliminary Results*. As there are no changes from, or comments upon, the *Preliminary Results*, Commerce finds that there is no reason to modify its analysis and calculations. Accordingly, we adopt the analysis and explanation in our *Preliminary Results* for the purposes of these final results, and we have not prepared an Issues and Decision Memorandum to accompany this **Federal Register** notice.

The final weighted-average dumping margin for the period August 1, 2018, through July 31, 2019, for Euro SME Sdn. Bhd. (Euro SME) and its affiliated exporter Euro Nature Green Sdn. Bhd. (Euro Nature Green), is as follows:

Producer/exporter	Weighted-average dumping margin (percent)
Euro SME Sdn. Bhd.; and Euro Nature Green Sdn. Bhd.	0.00

Assessment Rates

Commerce has determined, and U.S. Customs and Border Protection (CBP)

¹ See *Polyethylene Retail Carrier Bags from Malaysia: Preliminary Results of Antidumping Duty Administrative Review; 2018-2019*, 85 FR 83515 (December 22, 2020) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See *Preliminary Results*.

shall assess, antidumping duties on all appropriate entries in this review, in accordance with section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.212(b). Where an importer-specific assessment rate is zero or *de minimis* (*i.e.*, less than 0.5 percent), the entries by that importer will be liquidated without reference to antidumping duties. For entries of Euro SME and Euro Nature Green's merchandise during the period of review for which they did not know the merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication). Because we calculated a zero percent margin for Euro SME and Euro Nature Green, we intend to instruct CBP to liquidate appropriate entries without regard to antidumping duties.³

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review in the **Federal Register** for all shipments of PRCBs from Malaysia entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Euro SME and Euro Nature Green will be zero, the rate established in the final results of this review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other

producers or exporters will continue to be 84.94 percent, the all-others rate established in the antidumping investigation.⁴ These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the final results within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, there are no calculations to disclose here because Commerce made no changes to the analysis or calculations in the *Preliminary Results*.⁵

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a final reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and notice are issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

⁴ See *Antidumping Duty Order: Polyethylene Retail Carrier Bags from Malaysia*, 69 FR 48203 (August 9, 2004).

⁵ For disclosure calculations made in the *Preliminary Results*, see Memorandum, "Analysis Memorandum for the Preliminary Results of the 2018/2019 Administrative Review of Polyethylene Retail Carrier Bags from Malaysia: Euro SME Sdn Bhd," dated December 18, 2020.

Dated: April 19, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021-08631 Filed 4-23-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Subsidy Programs Provided by Countries Exporting Softwood Lumber and Softwood Lumber Products to the United States; Request for Comment

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) seeks public comment on any subsidies, including stumpage subsidies, provided by certain countries exporting softwood lumber or softwood lumber products to the United States during the period July 1, 2020, through December 31, 2020.

DATES: Comments must be submitted within 30 days after publication of this notice.

FOR FURTHER INFORMATION CONTACT:

Kristen Johnson, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4793.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 805 of Title VIII of the Tariff Act of 1930 (the Softwood Lumber Act of 2008), the Secretary of Commerce is mandated to submit to the appropriate Congressional committees a report every 180 days on any subsidy provided by countries exporting softwood lumber or softwood lumber products to the United States, including stumpage subsidies. Commerce submitted its last subsidy report to the Congress on December 15, 2020.

Request for Comments

Given the large number of countries that export softwood lumber and softwood lumber products to the United States, we are soliciting public comment only on subsidies provided by countries which had exports accounting for at least one percent of total U.S. imports of softwood lumber by quantity, as classified under Harmonized Tariff Schedule of the United States (HTSUS) codes 4407.1001, 4407.1100, 4407.1200, 4407.1905, 4407.1906, 4407.1910, during the period July 1, 2020, through December 31, 2020. Official U.S. import

³ See 19 CFR 351.206(c)(2).

data, published by the United States International Trade Commission's DataWeb, indicate that five countries (Brazil, Canada, Germany, Romania, and Sweden) exported softwood lumber to the United States during that time period in amounts sufficient to account for at least one percent of U.S. imports of softwood lumber products. We intend to rely on similar previous six-month periods to identify the countries subject to future reports on softwood lumber subsidies. For example, we will rely on U.S. imports of softwood lumber and softwood lumber products during the period January 1, 2021, through June 30, 2021, to select the countries subject for the next report.

Under U.S. trade law, a subsidy exists where an authority: (i) Provides a financial contribution; (ii) provides any form of income or price support within the meaning of Article XVI of the GATT 1994; or (iii) makes a payment to a funding mechanism to provide a financial contribution to a person, or entrusts or directs a private entity to make a financial contribution, if providing the contribution would normally be vested in the government and the practice does not differ in substance from practices normally followed by governments, and a benefit is thereby conferred.¹

Parties should include in their comments: (1) The country which provided the subsidy; (2) the name of the subsidy program; (3) a brief description (no more than 3–4 sentences) of the subsidy program; and (4) the government body or authority that provided the subsidy.

Submission of Comments

As specified above, to be assured of consideration, comments must be received no later than 30 days after the publication of this notice in the **Federal Register**. All comments must be submitted through the Federal eRulemaking Portal at <http://www.regulations.gov>, Docket No. ITA–2021–0002. The materials in the docket will not be edited to remove identifying or contact information, and Commerce cautions against including any information in an electronic submission that the submitter does not want publicly disclosed. Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF formats only.

All comments should be addressed to Ryan M. Majerus, Deputy Assistant Secretary for Policy and Negotiations, at U.S. Department of Commerce, 1401

Constitution Avenue NW, Washington, DC 20230.

Dated: April 20, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

[FR Doc. 2021–08639 Filed 4–23–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–802]

Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Notice of Court Decision Not in Harmony With the Results of Antidumping Duty Administrative Review; Notice of Amended Final Results

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On April 14, 2021, the U.S. Court of International Trade (CIT) issued its final judgment in *Sao Ta Foods Joint Stock Company et al. v. United States*, Consol. Court No. 18–00205, sustaining the Department of Commerce (Commerce)'s second remand results pertaining to the administrative review of the antidumping duty (AD) order on certain frozen warmwater shrimp (shrimp) from the Socialist Republic of Vietnam (Vietnam) covering the period February 1, 2016, through January 31, 2017. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's *Final Results* of the administrative review, and that Commerce is amending the *Final Results* with respect to the separate rate (SR) status for Frozen Seafoods Factory No. 32 and Seafoods and Foodstuff Factory.

DATES: Applicable April 24, 2021.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6905.

SUPPLEMENTARY INFORMATION:

Background

On September 14, 2018, Commerce published its *Final Results* in the 2016–2017 AD administrative review of shrimp from Vietnam.¹ In the *Final*

Results, Commerce determined in relevant part that Frozen Seafoods Factory No. 32 and Seafoods and Foodstuff Factory were not “aka” or trade names of Thuan Phuoc Seafoods and Trading Corporation (Thuan Phuoc) such that they were entitled to Thuan Phuoc's SR.² As a result, Commerce treated these two factories as part of the Vietnam-wide entity and assigned them the Vietnam-wide rate of 25.76 percent.³

Several interested parties, including Thuan Phuoc, appealed Commerce's *Final Results*. On January 16, 2020, the CIT found that Commerce's denial of SR status for Frozen Seafoods Factory No. 32 and Seafoods and Foodstuff Factory was unsupported by substantial evidence because Commerce failed to consider certain information contained in Thuan Phuoc's separate-rate certification (SRC)⁴ suggesting that the factories were divisions of Thuan Phuoc, rather than distinct entities.⁵ The CIT, thus, ordered Commerce to reconsider or further explain its determination with respect to Frozen Seafoods Factory No. 32 and Seafoods and Foodstuff Factory.

In its first remand redetermination, issued on April 30, 2020, Commerce provided further explanation of its determination, in consideration of Thuan Phuoc's SRC, and continued to find that Frozen Seafoods Factory No. 32 and Seafoods and Foodstuff Factory were separate factories that produced and exported subject merchandise to the United States under their own licenses, rather than “aka” or trade names of Thuan Phuoc.⁶ The CIT remanded for a second time, finding that Commerce failed to explain how it distinguishes when an entity is a separate exporter as opposed to a trade name of another company, failed to address record evidence detracting from its position, and acted in an arbitrary and capricious manner by not giving parties reasonable notice of a change in practice regarding

Antidumping Duty Administrative Review, 2016–2017, 83 FR 46704 (September 14, 2018) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

² See *Final Results* IDM at Comment 3A.

³ *Id.*

⁴ See Thuan Phuoc Seafoods and Trading Corporation Submission, “Separate Rate Certification,” dated May 15, 2017.

⁵ See *Sao Ta Foods Joint Stock Co. v. United States*, 425 F. Supp. 3d 1314, 1318 (CIT 2020). While interested parties challenged several aspects of Commerce's *Final Results*, the Court sustained the *Final Results* in all other respects. *Id.* at 1318.

⁶ See *Final Results* of Redetermination Pursuant to Court Remand, dated April 30, 2020 (Remand I), available at <https://enforcement.trade.gov/remands/20-7.pdf>.

¹ See section 771(5)(B) of the Tariff Act of 1930, as amended.

¹ See *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results of*

trade names.⁷ The CIT directed Commerce on remand to provide further explanation of its continued denial of SR status to Frozen Seafoods Factory No. 32 and Seafoods and Foodstuff Factory or reconsider its determination.⁸

In its second remand redetermination, issued on December 4, 2020, Commerce complied with the CIT's order and, under respectful protest, reversed the *Final Results* determination wherein Commerce denied SR status to Frozen Seafoods Factory No. 32 and to Seafoods and Foodstuff Factory.⁹ As a result, Commerce assigned these factories Thuan Phuoc's SR of 4.58 percent as determined in the *Final Results*. The CIT sustained Commerce's second remand redetermination on April 14, 2021.¹⁰

Timken Notice

In its decision in *Timken*,¹¹ as clarified by *Diamond Sawblades*,¹² the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not "in harmony" with a Commerce determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's April 14, 2021 judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Results*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Results

Because there is now a final court judgment, Commerce is amending its *Final Results* with respect to the SR status for Frozen Seafoods Factory No. 32 and Seafoods and Foodstuff Factory. Specifically, Commerce is granting SR status to Frozen Seafoods Factory No. 32 and Seafoods and Foodstuff Factory, as trade names of Thuan Phuoc, for purposes of the 2016–2017 administrative review. Consequently, we are revising the weighted-average dumping margin assigned to these two

exporters, for the period February 1, 2016, through January 31, 2017, from the Vietnam-wide rate of 25.76 percent to 4.58 percent, which was the rate assigned to non-individually examined companies that qualified for a SR in the *Final Results*.¹³

Cash Deposit Requirements

Because Frozen Seafoods Factory No. 32 and Seafoods and Foodstuff Factory have a superseding cash deposit rate, *i.e.*, there has been a final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rate.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that were exported by Thuan Phuoc, aka Frozen Seafoods Factory No. 32, aka Seafoods and Foodstuff Factory, and were entered, or withdrawn from warehouse, for consumption during the period February 1, 2016, through January 31, 2017. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise exported by Frozen Seafoods Factory No. 32 and Seafoods and Foodstuff Factory at the above-noted 4.58 percent rate, in accordance with 19 CFR 351.212.¹⁴

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: April 20, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations.

[FR Doc. 2021–08640 Filed 4–23–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–142]

Certain Walk-Behind Snow Throwers and Parts Thereof From the People's Republic of China: Initiation of Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable April 19, 2021.

FOR FURTHER INFORMATION CONTACT: Alex Cipolla or Kate Sliney, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4956 or (202) 482–0324, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On March 30, 2021, the Department of Commerce (Commerce) received a countervailing duty (CVD) petition concerning imports of certain walk-behind snow throwers and parts thereof (snow throwers) from the People's Republic of China (China) filed in proper form on behalf of MTD Products, Inc. (the petitioner).¹ The Petition was accompanied by an antidumping duty (AD) petition concerning imports of snow throwers from China.

Between April 1 and 9, 2021, Commerce requested supplemental information pertaining to certain aspects of the Petition in separate supplemental questionnaires and a phone call with the petitioner.² On April 7 and 13, 2021, the petitioner filed timely responses to these requests for additional information.³

¹ See Petitioner's Letter, "Certain Walk-Behind Snow Throwers and Parts Thereof from the People's Republic of China: Petitions for the Imposition of Antidumping and Countervailing Duties," dated March 30, 2021 (the Petition).

² See Commerce's Letters, "Petition for the Imposition of Countervailing Duties on Imports of Certain Walk-Behind Snow Throwers and Parts Thereof from the People's Republic of China: Supplemental Questions," dated April 1, 2021; "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Walk-Behind Snow Throwers and Parts Thereof from the People's Republic of China: Supplemental Questions," dated April 2, 2021 (General Issues Supplemental); and Memorandum, "Phone Call with Counsel to the Petitioner," dated April 9, 2021 (Phone Call with Petitioner's Counsel).

³ See Petitioner's Letters, "Petitions for the Imposition of Antidumping and Countervailing Duties on Certain Walk-Behind Snow Throwers from the People's Republic of China: Supplemental Questionnaire Response Volume III," dated April 7, 2021; "Petitions for the Imposition of Antidumping and Countervailing Duties on Certain Walk-Behind

⁷ See *Sao Ta Foods Joint Stock Company et al. v. United States*, 475 F. Supp. 3d 1283, 1289–93 (CIT 2020).

⁸ *Id.* at 1293.

⁹ See Final Results of Redetermination Pursuant to Court Remand, dated December 4, 2020 (Remand II), available at <https://enforcement.trade.gov/remands/20-135.pdf>.

¹⁰ See *Sao Ta Foods Joint Stock Company et al. v. United States*, Consol. Court No. 18–00205, Slip. Op. 21–42 (CIT 2021).

¹¹ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

¹² See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

¹³ See *Final Results*, 83 FR at 46705.

¹⁴ Two injunctions have been filed in connection with this litigation, covering exporters other than Frozen Seafoods Factory No. 32 and Seafoods and Foodstuff Factory. Commerce also intends to issue appropriate instructions to CBP upon dissolution of these injunctions.

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the Government of China (GOC) is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of snow throwers in China and that such imports are materially injuring, or threatening material injury to, the domestic industry producing snow throwers in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the Petition is supported by information reasonably available to the petitioner.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry because the petitioner is an interested party as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested CVD investigation.⁴

Period of Investigation

Because the Petition was filed on March 30, 2021, the period of investigation is January 1, 2020, through December 31, 2020.⁵

Scope of the Investigation

The merchandise covered by this investigation is snow throwers from China. For a full description of the scope of this investigation, see the appendix to this notice.

Comments on Scope of the Investigation

On April 2 and 9, 2021, Commerce requested further information from the petitioner regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.⁶ On April 13, 2021, the petitioner revised the scope.⁷ The description of the merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

Snow Throwers from the People's Republic of China: General Issues Supplemental Questionnaire Response Volume I," dated April 7, 2021 (First General Issues Supplement); and "Petitions for the Imposition of Antidumping and Countervailing Duties on Certain Walk-Behind Snow Throwers from the People's Republic of China: General Issues Second Supplemental Questionnaire Response Volume I," dated April 13, 2021 (Second General Issues Supplement).

⁴ See "Determination of Industry Support for the Petition" section, *infra*.

⁵ See 19 CFR 351.204(b)(2).

⁶ See General Issues Supplemental at 3; see also Phone Call with Petitioner's Counsel at 1–2.

⁷ See Second General Issues Supplement at 1 and Exhibit SSI-1.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).⁸ Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,⁹ all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit scope comments by 5:00 p.m. Eastern Time (ET) on May 10, 2021, which is the next business day after 20 calendar days from the signature date of this notice.¹⁰ Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on May 20, 2021, which is 10 calendar days from the initial comment deadline.

Commerce requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. All scope comments must also be filed on the record of the concurrent AD investigation.

Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement and Compliance (E&C)'s Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.¹¹ An electronically filed document must be received successfully

⁸ See *Antidumping Duties; Countervailing Duties*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

⁹ See 19 CFR 351.102(b)(21) (defining "factual information").

¹⁰ See 19 CFR 351.303(b). Commerce's practice dictates that where a deadline falls on a weekend or Federal holiday, the appropriate deadline is the next business day (in this instance, February 22, 2021). See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

¹¹ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and Compliance: Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.

in its entirety by the time and date it is due.

Consultations

Pursuant to section 702(b)(4)(A)(ii) of the Act, on March 31, 2021, we invited representatives of the GOC for consultations with respect to the CVD petition. We held the consultations via a conference call on April 13, 2021.¹²

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(1) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the "industry."

Section 771(4)(A) of the Act defines the "industry" as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,¹³ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such

¹² See Memorandum, "Petition for the Imposition of Countervailing Duties on Imports of Certain Walk-Behind Snow Throwers and Parts Thereof from the People's Republic of China: Consultations with Officials from the Government of China," dated April 13, 2021.

¹³ See section 771(10) of the Act.

differences do not render the decision of either agency contrary to law.¹⁴

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation” (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation.¹⁵ Based on our analysis of the information submitted on the record, we have determined that snow throwers, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.¹⁶

In determining whether the petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the “Scope of the Investigation,” in the appendix to this notice. To establish industry support, the petitioner provided its own shipments of snow throwers in 2020.¹⁷ The petitioner estimated the production of the domestic like product for the entire industry based on shipment data, because production data for the entire domestic industry are not available, and shipments are a close approximation of production in the snow throwers industry.¹⁸ The petitioner compared its shipments to the estimated total 2020

shipments of the domestic like product for the entire domestic industry.¹⁹ We relied on data provided by the petitioner for purposes of measuring industry support.²⁰

Our review of the data provided in the Petition, the First General Issues Supplement, the Second General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petition.²¹ First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.*, polling).²² Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.²³ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.²⁴ Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.²⁵

Injury Test

Because China is a “Subsidies Agreement Country” within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from China materially injure, or threaten material injury to, a U.S. industry.

¹⁹ See Petition at Volume I at 4–6 and Exhibits I–1, I–7, and I–19; see also First General Issues Supplement at 7–8 and Exhibit SI–3; and Second General Issues Supplement at 2–4 and Exhibits SS1–2 and SS1–4.

²⁰ See Petition at Volume I at 4–6 and Exhibits I–1, I–7, and I–19; see also First General Issues Supplement at 7–8 and Exhibit SI–3; and Second General Issues Supplement at 2–4 and Exhibits SS1–2 and SS1–4.

²¹ See CVD Initiation Checklist at Attachment II.

²² *Id.*; see also section 702(c)(4)(D) of the Act.

²³ See China CVD Initiation Checklist at Attachment II.

²⁴ *Id.*

²⁵ *Id.*

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.²⁶

The petitioner contends that the industry’s injured condition is illustrated by significant and increasing volume and market share of subject imports; lost sales and revenues; underselling and price depression and/or suppression; and decline in profitability, employment variables, capital expenditures, and capacity utilization.²⁷ We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.²⁸

Initiation of CVD Investigation

Based upon our examination of the Petition and supplemental responses, we find that the Petition meets the requirements of section 702 of the Act. Therefore, we are initiating a CVD investigation to determine whether imports of snow throwers from China benefit from countervailable subsidies conferred by the GOC. Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on all but one of the alleged programs. For a full discussion of the basis for our decision to initiate on each program, see China CVD Initiation Checklist. The initiation checklist for this investigation is available on ACCESS. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary

²⁶ See Petition at Volume I at 22–23 and Exhibit I–8; see also General Issues Supplement at 9.

²⁷ See Petition at Volume I at 22–34 and Exhibits I–7, I–9 through I–11, I–17, I–18, and I–21 through I–23; see also First General Issues Supplement at 3, 9 and Exhibits SI–1 and SI–5; see also Second General Issues Supplement at 4–5 and Exhibit SSI–3.

²⁸ See CVD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Walk-Behind Snow Throwers and Parts Thereof from the People’s Republic of China (Attachment III).

¹⁴ See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff’d* 865 F. 2d 240 (Fed. Cir. 1989)).

¹⁵ See Petition at Volume I at 18–22 and Exhibits I–13, I–15 and I–19; see also First General Issues Supplement at 5–6.

¹⁶ For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, see Checklist, “Countervailing Duty Investigation Initiation Checklist: Certain Walk-Behind Snow Throwers and Parts Thereof from the People’s Republic of China” dated concurrently with this notice and on file electronically via ACCESS (China CVD Initiation Checklist) at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Walk-Behind Snow Throwers and Parts Thereof from the People’s Republic of China (Attachment II).

¹⁷ See Second General Issues Supplement at 2 and Exhibit SSI–2.

¹⁸ See Petition at Volume I at 4–6 and Exhibits I–1, I–7, and I–19; see also First General Issues Supplement at 7–8 and Exhibit SI–3; and Second General Issues Supplement at 2–4 and Exhibits SS1–2 and SS1–4.

determination no later than 65 days after the date of this initiation.

Respondent Selection

The petitioner named 36 companies in China as producers/exporters of snow throwers.²⁹ Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in this investigation. In the event Commerce determines that the number of companies is large and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) entry data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States (HTSUS) numbers listed in the "Scope of the Investigation," in the appendix.

On April 19, 2021, Commerce released CBP data on imports of snow throwers from China under administrative protective order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment on the CBP data must do so within three business days of the publication date of the notice of initiation of this investigation.³⁰ We further stated that we will not accept rebuttal comments. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on E&C's website at <http://enforcement.trade.gov/apo>.

Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the date noted above. Commerce intends to finalize its decisions regarding respondent selection within 20 days of publication of this notice.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the GOC via ACCESS. Furthermore, to the extent practicable, Commerce will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

²⁹ See Petition at Volume I at Exhibit I-5.

³⁰ See Memorandum, "Countervailing Duty Petition on Certain Walk-Behind Snow Throwers and Parts Thereof from the People's Republic of China: Release of U.S. Customs and Border Protection Entry Data," dated April 19, 2021.

ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of snow throwers from China are materially injuring, or threatening material injury to, a U.S. industry.³¹ A negative ITC determination will result in the investigation being terminated.³² Otherwise, this investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted³³ and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.³⁴ Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301.³⁵ For submissions that are due

³¹ See section 703(a)(1) of the Act.

³² *Id.*

³³ See 19 CFR 351.301(b).

³⁴ See 19 CFR 351.301(b)(2).

³⁵ See 19 CFR 351.302.

from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review Commerce's regulations concerning the extension of time limits prior to submitting extension requests or factual information in this investigation.³⁶

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.³⁷ Parties must use the certification formats provided in 19 CFR 351.303(g).³⁸ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they meet the requirements of document submission procedures (e.g., the filing of letters of appearance as discussed at 19 CFR 351.103(d)).³⁹ Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.⁴⁰

³⁶ See 19 CFR 351; see also *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013), available at <http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

³⁷ See section 782(b) of the Act.

³⁸ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also frequently asked questions regarding the *Final Rule*, available at http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

³⁹ See *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures*, 73 FR 3634 (January 22, 2008).

⁴⁰ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: April 19, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Investigation

The merchandise covered by this investigation consists of gas-powered, walk-behind snow throwers (also known as snow blowers), which are snow moving machines that are powered by internal combustion engines and primarily pedestrian-controlled. The scope of the investigation covers certain snow throwers (also known as snow blowers), whether self-propelled or non-self-propelled, whether finished or unfinished, whether assembled or unassembled, and whether containing any additional features that provide for functions in addition to snow throwing. Subject merchandise also includes finished and unfinished snow throwers that are further processed in a third country or in the United States, including, but not limited to, assembly or any other processing that would not otherwise remove the merchandise from the scope of this investigation if performed in the country of manufacture of the in-scope snow throwers.

Walk-behind snow throwers subject to the scope of this investigation are powered by internal combustion engines which are typically spark ignition, single or multiple cylinder, and air-cooled with power take off shafts.

For the purposes of this investigation, an unfinished and/or unassembled snow thrower means at a minimum, a sub-assembly comprised of an engine, auger housing (*i.e.*, intake frame), and an auger (or “auger paddle”) packaged or imported together. An intake frame is the portion of the snow thrower—typically of aluminum or steel—that houses and protects an operator from a rotating auger and is the intake point for the snow. Importation of the subassembly whether or not accompanied by, or attached to, additional components including, but not limited to, handle(s), impeller(s), chute(s), track tread(s), or wheel(s) constitutes an unfinished snow thrower for purposes of this investigation. The inclusion in a third country of any components other than the snow thrower sub-assembly does not remove the snow thrower from the scope. A snow thrower is within the scope of this investigation regardless of the origin of its engine.

Specifically excluded is merchandise covered by the scope of the antidumping and countervailing duty orders on certain vertical shaft engines between 225cc and 999cc, and parts thereof from the People’s Republic of China. See *Certain Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof, from the People’s Republic of China: Amended Final Antidumping Duty Determination and Antidumping Duty Order*, 86 FR 12623 (March 4, 2021) and *Certain Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof from the People’s Republic of China: Countervailing Duty Order and Amended Final Affirmative*

Countervailing Duty Determination, 86 FR 12619 (March 4, 2021).

The snow throwers subject to this investigation are typically entered under Harmonized Tariff Schedule of the United States (HTSUS) subheading 8430.20.0060. Certain parts of snow throwers subject to this investigation may also enter under HTSUS 8431.49.9095. The HTSUS subheadings are provided for convenience and customs purposes only, and the written description of the merchandise under investigation is dispositive.

[FR Doc. 2021–08633 Filed 4–23–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–131, C–570–132]

Twist Ties From the People’s Republic of China: Antidumping and Countervailing Duty Orders; Correction

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

ACTION: Notice; correction.

SUMMARY: The Department of Commerce (Commerce) published a notice in the **Federal Register** of April 14, 2021, regarding the antidumping duty (AD) and countervailing duty (CVD) orders on twist ties from the People’s Republic of China (China). This notice contained the incorrect name of one of the companies subject to the CVD order.

FOR FURTHER INFORMATION CONTACT: Ajay Menon, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1993.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of April 14, 2021, in FR Doc 2021–07630, on page 19604, in the second column, correct the name of the fifth company listed in the “Company” table to be Zhenjiang Zhonglian I/E Co., Ltd.

Background

On April 14, 2021, Commerce published in the **Federal Register** the AD and CVD orders on twist ties from China.¹ We misspelled the name of the fifth company in the “Company” table subject to the CVD order as Zhenjiang Zhonglian VE Co., Ltd. The correct

¹ See *Twist Ties from the People’s Republic of China: Antidumping and Countervailing Duty Orders*, 86 FR 19602 (April 14, 2021).

name of this company is Zhenjiang Zhonglian I/E Co., Ltd.

Notification to Interested Parties

This notice is issued and published in accordance with section 706(a) of the Tariff Act of 1930, as amended, and 19 CFR 351.211(b).

Dated: April 20, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021–08635 Filed 4–23–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–141]

Certain Walk-Behind Snow Throwers and Parts Thereof From the People’s Republic of China: Initiation of Less-Than-Fair-Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable April 19, 2021.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita or Charles Doss, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4243 or (202) 482–4474, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On March 30, 2021, the Department of Commerce (Commerce) received an antidumping duty (AD) petition concerning imports of certain walk-behind snow throwers and parts thereof (snow throwers) from the People’s Republic of China (China) filed in proper form on behalf of MTD Products Inc. (the petitioner), a domestic producer of snow throwers.¹ The Petition was accompanied by a countervailing duty (CVD) petition concerning imports of snow throwers from China.²

On April 2 and 9, 2021, Commerce requested supplemental information pertaining to certain aspects of the Petition in separate supplemental questionnaires and a phone call with

¹ See Petitioner’s Letter, “Petitions for the Imposition of Antidumping and Countervailing Duties on Certain Walk-Behind Snow Throwers from the People’s Republic of China,” dated March 30, 2021 (the Petition).

² *Id.*

the petitioner.³ On April 7 and 13, 2021, the petitioner filed timely responses to these requests for additional information.⁴

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of snow throwers from China are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act and that imports of such products are materially injuring, or threatening material injury to, the domestic snow thrower industry in the United States. Consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to the petitioner supporting the allegation.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry because the petitioner is an interested party, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support for the initiation of the requested AD investigation.⁵

Period of Investigation

Because China is a non-market economy (NME) country, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) is July 1, 2020, through December 31, 2020.

³ See Commerce's Letters, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Walk-Behind Snow Throwers and Parts Thereof from the People's Republic of China: Supplemental Questions," dated April 2, 2021 (General Issues Supplemental Questionnaire); "Petition for the Imposition of Antidumping Duties on Imports of Certain Walk-Behind Snow Throwers and Parts Thereof from the People's Republic of China: Supplemental Questions Regarding Volume II (Antidumping Duty Allegation) of the Petition," dated April 2, 2021; see also Memorandum, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Walk-Behind Snow Throwers and Parts Thereof from the People's Republic of China: Phone Call with Counsel to the Petitioner," dated April 9, 2021 (Phone Call with Petitioner's Counsel).

⁴ See Petitioner's Letters, "Petitions for the Imposition of Antidumping and Countervailing Duties on Certain Walk-Behind Snow Throwers from the People's Republic of China: General Issues Supplemental Questionnaire Response Volume I," dated April 7, 2021 (First General Issues Supplement); "Petitions for the Imposition of Antidumping and Countervailing Duties on Certain Walk-Behind Snow Throwers from the People's Republic of China: Supplemental Questionnaire Response Volume II," dated April 7, 2021 (China AD Supplement); and "Petitions for the Imposition of Antidumping and Countervailing Duties on Certain Walk-Behind Snow Throwers from the People's Republic of China: General Issues Second Supplemental Questionnaire Response Volume I," dated April 13, 2021 (Second General Issues Supplement).

⁵ See "Determination of Industry Support for the Petition" section, *infra*.

Scope of the Investigation

The merchandise covered by this investigation is snow throwers from China. For a full description of the scope of this investigation, see the appendix to this notice.

Comments on the Scope of the Investigation

On April 2 and 7, 2021, Commerce requested further information from the petitioner regarding the proposed scope to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.⁶ On April 13, 2021, the petitioner revised the scope.⁷ The description of the merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).⁸ Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information, all such factual information should be limited to public information.⁹ To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit such comments by 5:00 p.m. Eastern Time (ET) on May 10, 2021, which is the next business day after 20 calendar days from the signature date of this notice.¹⁰ Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on May 20, 2021, which is 10 calendar days from the initial comment deadline.¹¹

Commerce requests that any factual information parties consider relevant to the scope of the investigation be submitted during this period. However, if a party subsequently finds that additional factual information

⁶ See General Issues Supplemental Questionnaire at 3; see also Phone Call with Petitioner's Counsel at 1–2.

⁷ See Second General Issues Supplement at 1 and Exhibit SSI–1.

⁸ See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

⁹ See 19 CFR 351.102(b)(21) (defining "factual information").

¹⁰ Commerce's practice dictates that where a deadline falls on a weekend or Federal holiday (in this instance, May 9, 2021), the appropriate deadline is the next business day. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

¹¹ See 19 CFR 351.303(b).

pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. All scope submissions must be filed on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance (E&C)'s Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.¹² An electronically filed document must be received successfully in its entirety by the time and date it is due.

Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of snow throwers to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors of production (FOPs) accurately, as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on May 10, 2021, which is the next business day after 20 calendar days from the signature date of this notice.¹³ Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on May 20, 2021, which is ten calendar days after the initial comment deadline. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of the AD investigation.

¹² See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and Compliance: Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on help using ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf.

¹³ See 19 CFR 351.303(b).

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the “industry.”

Section 771(4)(A) of the Act defines the “industry” as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether “the domestic industry” has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,¹⁴ they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce’s determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹⁵

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation” (*i.e.*, the class or kind of merchandise to

be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation.¹⁶ Based on our analysis of the information submitted on the record, we have determined that snow throwers, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.¹⁷

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the “Scope of the Investigation,” in the appendix to this notice. To establish industry support, the petitioner provided its own shipments of snow throwers in 2020.¹⁸ The petitioner estimated the production of the domestic like product for the entire industry based on shipment data, because production data for the entire domestic industry are not available, and shipments are a close approximation of production in the snow throwers industry.¹⁹ The petitioner compared its shipments to the estimated total 2020 shipments of the domestic like product for the entire domestic industry.²⁰ We relied on data provided by the petitioner for purposes of measuring industry support.²¹

Our review of the data provided in the Petition, the First General Issues Supplement, the Second General Issues

¹⁴ See Petition at Volume I at 18–22 and Exhibits I–13, I–15 and I–19; *see also* First General Issues Supplement at 5–6.

¹⁵ For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, *see* Checklist, “Antidumping Duty Investigation Initiation Checklist: Certain Walk-Behind Snow Throwers and Parts Thereof from the People’s Republic of China” dated concurrently with this notice and on file electronically via ACCESS (China AD Initiation Checklist) at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Walk-Behind Snow Throwers and Parts Thereof from the People’s Republic of China (Attachment II).

¹⁶ See Second General Issues Supplement at 2 and Exhibit SSI–2.

¹⁷ See Petition at Volume I at 4–6 and Exhibits I–1, I–7, and I–19; *see also* First General Issues Supplement at 7–8 and Exhibit SI–3; and Second General Issues Supplement at 2–4 and Exhibits SS1–2 and SS1–4.

¹⁸ See Petition at Volume I at 4–6 and Exhibits I–1, I–7, and I–19; *see also* First General Issues Supplement at 7–8 and Exhibit SI–3; and Second General Issues Supplement at 2–4 and Exhibits SS1–2 and SS1–4.

¹⁹ See Petition at Volume I at 4–6 and Exhibits I–1, I–7, and I–19; *see also* First General Issues Supplement at 7–8 and Exhibit SI–3; and Second General Issues Supplement at 2–4 and Exhibits SS1–2 and SS1–4.

Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petition.²² First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.*, polling).²³ Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.²⁴ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.²⁵ Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.²⁶

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.²⁷

The petitioner contends that the industry’s injured condition is illustrated by significant and increasing volume and market share of subject imports; lost sales and revenues; underselling and price depression and/or suppression; and decline in profitability, employment variables, capital expenditures, and capacity utilization.²⁸ We assessed the

²² See China AD Initiation Checklist at Attachment II.

²³ *Id.*; *see also* section 732(c)(4)(D) of the Act.

²⁴ See China AD Initiation Checklist at Attachment II.

²⁵ *Id.*

²⁶ *Id.*

²⁷ See Petition at Volume I at 22–23 and Exhibit I–8; *see also* First General Issues Supplement at 9.

²⁸ See Petition at Volume I at 22–34 and Exhibits I–7, I–9 through I–11, I–17, I–18, and I–21 through I–23; *see also* First General Issues Supplement at 3,

¹⁴ See section 771(10) of the Act.

¹⁵ See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff’d* 865 F.2d 240 (Fed. Cir. 1989)).

allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.²⁹

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate the AD investigation of imports of snow throwers from China. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the AD Initiation Checklist.

U.S. Price

The petitioner based export price (EP) on a transaction-specific average unit value (AUV) derived from official U.S. import statistics for imports under HTSUS 8430.20.0060 obtained from the ITC's Dataweb and tied to ship manifest data from Datamyne.³⁰ The petitioner made adjustments for movement and other expenses, where appropriate.³¹

Normal Value

Commerce considers China to be an NME country.³² In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat China as an NME country for purposes of the initiation of this investigation. Accordingly, NV in China is appropriately based on FOPs valued in a surrogate market economy country, in accordance with section 773(c) of the Act.

The petitioner states that Mexico is an appropriate surrogate country for China because Mexico is a market economy country that is at a level of economic development comparable to that of

China and is a significant producer of comparable merchandise.³³ The petitioner submitted publicly-available information from Mexico to value all FOPs, with the exception of two inputs for which Mexico did not have significant data.³⁴ Based on the information provided by the petitioner, we determine that it is appropriate to use Mexico as a surrogate country for China for initiation purposes.³⁵

Interested parties will have the opportunity to submit comments regarding surrogate country selections and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

Factors of Production

The petitioner used its own product-specific consumption rates as a surrogate to value Chinese manufacturers' FOPs.³⁶ Additionally, the petitioner calculated factory overhead; selling, general and administrative expenses; and profit based on the experience of a Mexican producer of comparable merchandise.³⁷

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of snow throwers from China are being, or are likely to be, sold in the United States at LTFV. Based on a comparison of EP to NV, in accordance with sections 772 and 773 of the Act, the estimated dumping margin for snow throwers from China is 89.96%.³⁸

Initiation of LTFV Investigation

Based upon our examination of the Petition on snow throwers from China and supplemental responses, we find that the Petition meets the requirements of section 732 of the Act. Therefore, we are initiating an AD investigation to determine whether imports of snow throwers from China are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no

later than 140 days after the date of this initiation.

Respondent Selection

In the Petition, the petitioner named 36 companies in China as producers and/or exporters of snow throwers.³⁹ In accordance with our standard practice for respondent selection in AD investigations involving NME countries, Commerce selects respondents based on quantity and value (Q&V) questionnaires in cases where it has determined that the number of companies is large and it cannot individually examine each company based upon its resources. Therefore, considering the number of producers and exporters identified in the Petition, Commerce will solicit Q&V information that can serve as a basis for selecting exporters for individual examination in the event that Commerce decides to limit the number of respondents individually examined pursuant to section 777A(c)(2) of the Act. Since there are 36 producers and/or exporters identified in the Petition, Commerce has determined to limit the number of Q&V questionnaires that it will send out to exporters and producers based on U.S. Customs and Border Protection (CBP) data for snow throwers from China during the POI under the appropriate Harmonized Tariff Schedule of the United States subheadings listed in the "Scope of the Investigation," in the appendix. Accordingly, Commerce will send Q&V questionnaires to the largest producers and exporters that are identified in the CBP data for which there is address information on the record.

In addition, Commerce will post the Q&V questionnaire along with filing instructions on E&C's website at <https://enforcement.trade.gov/questionnaires/questionnaires-ad.html>. Producers and/or exporters of snow throwers from China that do not receive Q&V questionnaires may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from E&C's website. In accordance with the standard practice for respondent selection in AD cases involving NME countries, in the event Commerce decides to limit the number of respondents individually investigated, Commerce intends to base respondent selection on the responses to the Q&V questionnaire that it receives.

Responses to the Q&V questionnaire must be submitted by the relevant Chinese producers/exporters no later than 5:00 p.m. ET on May 3, 2021,

9 and Exhibits SI-1 and SI-5; see also Second General Issues Supplement at 4-5 and Exhibit SS1-3.

²⁹ See AD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Walk-Behind Snow Throwers and Parts Thereof from the People's Republic of China (Attachment III).

³⁰ See the AD Initiation Checklist.

³¹ *Id.*

³² See, e.g., *Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less-Than-Fair Value and Postponement of Final Determination*, 82 FR 50858, 50861 (November 2, 2017), and accompanying Preliminary Decision Memorandum at 7-8, unchanged in *Certain Aluminum Foil from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 83 FR 9282 (March 5, 2018).

³³ See Petition at Volume II at 3 and Exhibits II-1, II-2.

³⁴ *Id.* at 3 and 6 and Exhibits II-1, II-8a, and II-8c. The petitioner valued the two missing inputs using data from Brazil, also demonstrated to be a significant producer of comparable merchandise.

³⁵ Further, we find it appropriate to use Brazilian data in the alternative where information from Mexico was unavailable.

³⁶ *Id.* at 5.

³⁷ *Id.* at 3 and 7.

³⁸ See China AD Supplement at Exhibit SI-3.

³⁹ See Petition at Volume I at 16 and Exhibit I-5; and General Issues Supplement at Exhibit SI-6.

which is two weeks from the signature date of this notice. All Q&V questionnaire responses must be filed electronically via ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above.

Interested parties must submit applications for disclosure under Administrative Protective Order (APO) in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on E&C's website at <http://enforcement.trade.gov/apo>. Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the deadline noted above. Commerce intends to finalize its decisions regarding respondent selection within 20 days of publication of this notice.

Separate Rates

In order to obtain separate-rate status in an NME investigation, exporters and producers must submit a separate-rate application.⁴⁰ The specific requirements for submitting a separate-rate application in a China investigation are outlined in detail in the application itself, which is available on E&C's website at <http://enforcement.trade.gov/nme/nme-sep-rate.html>. The separate-rate application will be due 30 days after publication of this initiation notice.⁴¹ Exporters and/or producers who submit a separate-rate application and have been selected as mandatory respondents will be eligible for consideration for separate-rate status only if they respond to all parts of Commerce's AD questionnaire as mandatory respondents. Commerce requires that respondents from China submit a response to both the Q&V questionnaire and the separate-rate application by the respective deadlines in order to receive consideration for separate-rate status. Companies not filing a timely Q&V questionnaire response will not receive separate rate consideration.

Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are

⁴⁰ See Policy Bulletin 05.1: "Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation Involving NME Countries," (April 5, 2005), available at <http://enforcement.trade.gov/policy/bull05-1.pdf> (Policy Bulletin 05.1).

⁴¹ Although in past investigations this deadline was 60 days, consistent with 19 CFR 351.301(a), which states that "the Secretary may request any person to submit factual information at any time during a proceeding," this deadline is now 30 days.

eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that {Commerce} will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of "combination rates" because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and produced by a firm that supplied the exporter during the period of investigation.⁴²

Distribution of Copies of the AD Petition

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the Government of China via ACCESS. Furthermore, to the extent practicable, Commerce will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

Commerce will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of snow throwers from China are materially injuring, or threatening material injury to, a U.S. industry.⁴³ A negative ITC determination will result in the investigation being terminated.⁴⁴ Otherwise, the investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19

CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted⁴⁵ and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.⁴⁶ Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301 or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review Commerce's regulations concerning the extension of time limits prior to submitting factual information in this investigation.⁴⁷

⁴⁵ See 19 CFR 351.301(b).

⁴⁶ See 19 CFR 351.301(b)(2).

⁴⁷ See 19 CFR 351.302, *see also, e.g., Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013), available at <http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

⁴² See Policy Bulletin 05.1 at 6 (emphasis added).

⁴³ See section 733(a) of the Act.

⁴⁴ *Id.*

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.⁴⁸ Parties must use the certification formats provided in 19 CFR 351.303(g).⁴⁹ Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they meet the requirements of Commerce's document submission procedures (e.g., the filing of letters of appearance as discussed at 19 CFR 351.103(d)).⁵⁰ Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.⁵¹

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: April 19, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Investigation

The merchandise covered by this investigation consists of gas-powered, walk-behind snow throwers (also known as snow blowers), which are snow moving machines that are powered by internal combustion engines and primarily pedestrian-controlled. The scope of the investigation covers certain snow throwers (also known as snow blowers), whether self-propelled or non-self-propelled, whether finished or unfinished, whether assembled or unassembled, and whether containing any additional features that provide for functions in addition to snow throwing. Subject merchandise also includes finished and unfinished snow throwers that are further processed in a third country or in the United States, including, but not limited to, assembly or any other processing that would not otherwise remove the merchandise from the scope of this

investigation if performed in the country of manufacture of the in-scope snow throwers.

Walk-behind snow throwers subject to the scope of this investigation are powered by internal combustion engines which are typically spark ignition, single or multiple cylinder, and air-cooled with power take off shafts.

For the purposes of this investigation, an unfinished and/or unassembled snow thrower means at a minimum, a sub-assembly comprised of an engine, auger housing (i.e., intake frame), and an auger (or "auger paddle") packaged or imported together. An intake frame is the portion of the snow thrower—typically of aluminum or steel—that houses and protects an operator from a rotating auger and is the intake point for the snow. Importation of the subassembly whether or not accompanied by, or attached to, additional components including, but not limited to, handle(s), impeller(s), chute(s), track tread(s), or wheel(s) constitutes an unfinished snow thrower for purposes of this investigation. The inclusion in a third country of any components other than the snow thrower sub-assembly does not remove the snow thrower from the scope. A snow thrower is within the scope of this investigation regardless of the origin of its engine.

Specifically excluded is merchandise covered by the scope of the antidumping and countervailing duty orders on certain vertical shaft engines between 225cc and 999cc, and parts thereof from the People's Republic of China. See *Certain Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof, from the People's Republic of China: Amended Final Antidumping Duty Determination and Antidumping Duty Order*, 86 FR 12623 (March 4, 2021) and *Certain Vertical Shaft Engines Between 225cc and 999cc, and Parts Thereof From the People's Republic of China: Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination*, 86 FR 12619 (March 4, 2021).

The snow throwers subject to this investigation are typically entered under Harmonized Tariff Schedule of the United States (HTSUS) subheading 8430.20.0060. Certain parts of snow throwers subject to this investigation may also enter under HTSUS 8431.49.9095. The HTSUS subheadings are provided for convenience and customs purposes only, and the written description of the merchandise under investigation is dispositive.

[FR Doc. 2021-08629 Filed 4-23-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration [A-851-804]

Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the Czech Republic: Antidumping 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 an antidumping duty order on seamless carbon and alloy steel standard, line, and pressure pipe (seamless pipe) from the Czech Republic.

DATES: Applicable April 26, 2021.

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0665.

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 March 5, 2021, Commerce published its affirmative final determination in the less-than-fair-value (LTFV) investigation of seamless pipe from the Czech Republic.¹ On April 19, 2021, the ITC notified Commerce of its final affirmative determination 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 the LTFV imports of seamless pipe from the Czech Republic.²

Scope of the Order

The products covered by this order are seamless pipe and redraw hollows from the Czech Republic, less than or equal to 16 inches in nominal outside diameter, regardless of wall-thickness, manufacturing process, end finish, or surface finish. For a complete description of the scope of the order, see the appendix to this notice.

¹ See *Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Czech Republic: Final Affirmative Determination of Sales at Less Than Fair Value*, 86 FR 12909 (March 5, 2021) (*Final Determination*).

² See ITC's Letter, "Notification of ITC Final Determination," dated April 19, 2021 (ITC Notification Letter).

⁴⁸ See section 782(b) of the Act.

⁴⁹ See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

⁵⁰ See *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures*, 73 FR 3634 (January 22, 2008).

⁵¹ See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

Antidumping Duty Order

On April 19, 2021, in accordance with sections 735(b)(1)(A)(i) and 735(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 imports of seamless pipe from the Czech Republic.³ Therefore, Commerce is issuing this antidumping duty order in accordance with sections 735(c)(2) and 736 of the Act. Because the ITC determined that imports of seamless pipe from the Czech Republic are materially injuring a U.S. industry, unliquidated entries of such merchandise from the Czech Republic, which are entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct 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 seamless pipe from the Czech Republic. Antidumping duties will be assessed on unliquidated entries of seamless pipe from the Czech Republic entered, or withdrawn from warehouse, for consumption on or after December 21, 2020, the date of publication of the *Preliminary Determination*.⁴

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 seamless pipe from the Czech Republic which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's notice of final determination 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 amounts as indicated below. Accordingly, effective on the date of publication in the **Federal Register** of the ITC's final affirmative injury determination, 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.⁵ The all-others rate applies to all producers or exporters not specifically listed, as appropriate.

Estimated Weighted-Average Dumping Margins

The dumping margins for this antidumping duty order are as follows:

Exporter/producer	Dumping margin (percent)
Liberty Ostrava A.S	51.70
Moravia Steel A.S	51.70
All Others	51.07

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 that Commerce may extend the four-month period to no more than six months at the request of exporters representing a significant proportion of exports of the subject merchandise. Commerce's *Preliminary Determination* was published on December 21, 2020.⁶ Commerce's *Final Determination* was not extended and was published on March 5, 2021.⁷ As such, the four-month period beginning on the date of publication of the *Preliminary Determination* ended on April 19, 2021.

Therefore, in accordance with section 733(d) of the Act, Commerce will instruct CBP to terminate the suspension of liquidation, and to liquidate, without regard to antidumping duties, unliquidated entries of seamless pipe from the Czech Republic entered or withdrawn from warehouse for consumption after April 19, 2021, the date on which the provisional measures expired, through the day preceding the date of publication of the ITC's final affirmative injury determination in the **Federal Register**. Suspension of liquidation will resume on the date of publication of the ITC's final affirmative injury determination in the **Federal Register**.

Notification to Interested Parties

This notice constitutes the antidumping duty order with respect to seamless pipe from the Czech Republic, 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>.

⁵ See section 736(a)(3) of the Act.

⁶ See *Preliminary Determination*.

⁷ See *Final Determination*.

This order is published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: April 20, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Order

The merchandise covered by this order is seamless carbon and alloy steel (other than stainless steel) pipes and redraw hollows, less than or equal to 16 inches (406.4 mm) in nominal outside diameter, regardless of wall-thickness, manufacturing process (e.g., hot-finished or cold-drawn), end finish (e.g., plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish (e.g., bare, lacquered or coated). Redraw hollows are any unfinished carbon or alloy steel (other than stainless steel) pipe or "hollow profiles" suitable for cold finishing operations, such as cold drawing, to meet the American Society for Testing and Materials (ASTM) or American Petroleum Institute (API) specifications referenced below, or comparable specifications. Specifically included within the scope are seamless carbon and alloy steel (other than stainless steel) standard, line, and pressure pipes produced to the ASTM A-53, ASTM A-106, ASTM A-333, ASTM A-334, ASTM A-589, ASTM A-795, ASTM A-1024, and the API 51 specifications, or comparable specifications, and meeting the physical parameters described above, regardless of application, with the exception of the exclusions discussed below.

Specifically excluded from the scope of this order are: (1) All pipes meeting aerospace, hydraulic, and bearing tubing specifications, including pipe produced to the ASTM A-822 standard; (2) all pipes meeting the chemical requirements of ASTM A-335, whether finished or unfinished; and (3) unattached couplings. Also excluded from the scope of the order are all mechanical, boiler, condenser and heat exchange tubing, except when such products conform to the dimensional requirements, *i.e.*, outside diameter and wall thickness, of ASTM A-53, ASTM A-106 or API 51 specifications. Also excluded from the scope of the order are: (1) Oil country tubular goods consisting of drill pipe, casing, tubing and coupling stock; (2) all pipes meeting the chemical requirements of ASTM A-335 regardless of their conformity to the dimensional requirements of ASTM A-53, ASTM A-106 or API 5L; and (3) the exclusion for ASTM A335 applies to pipes meeting the comparable specifications GOST 550-75.

Subject seamless standard, line, and pressure pipe are normally entered under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7304.19.1020, 7304.19.1030, 7304.19.1045, 7304.19.1060, 7304.19.5020, 7304.19.5050, 7304.31.6050, 7304.39.0016, 7304.39.0020, 7304.39.0024, 7304.39.0028, 7304.39.0032, 7304.39.0036, 7304.39.0040, 7304.39.0044, 7304.39.0048, 7304.39.0052, 7304.39.0056, 7304.39.0062, 7304.39.0068, 7304.39.0072, 7304.51.5005,

³ See ITC Notification Letter.

⁴ See *Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the Czech Republic: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 85 FR 83059 (December 21, 2020) (*Preliminary Determination*).

7304.51.5060, 7304.59.6000, 7304.59.8010, 7304.59.8015, 7304.59.8020, 7304.59.8025, 7304.59.8030, 7304.59.8035, 7304.59.8040, 7304.59.8045, 7304.59.8050, 7304.59.8055, 7304.59.8060, 7304.59.8065, and 7304.59.8070. The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.

[FR Doc. 2021-08632 Filed 4-23-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XB024]

Nominations for the Western and Central Pacific Fisheries Commission Permanent Advisory Committee

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of request for nominations.

SUMMARY: NMFS, on behalf of the Secretary of Commerce, is reopening a request for nominations for the advisory committee established under the Western and Central Pacific Fisheries Convention Implementation Act (Act). The Permanent Advisory Committee, composed of individuals from groups concerned with the fisheries covered by the Western and Central Pacific Fisheries Convention (Convention), will be given the opportunity to provide input to the U.S. Commissioners to the Western and Central Pacific Fisheries Commission (Commission) regarding the deliberations and decisions of the Commission. Nominations previously submitted in response to the notice published on January 4, 2021, need not be resubmitted.

DATES: Nominations must be received no later than May 10, 2021. Nominations received after the deadline will not be accepted.

ADDRESSES: Nominations should be directed to Michael Tosatto, Regional Administrator, NMFS Pacific Islands Regional Office, and may be submitted by any of the following means:

- *Email:* pir.wcpfc@noaa.gov. Include in the subject line the following document identifier: "Permanent Advisory Committee nominations". Email comments, including attachments, are limited to 5 megabytes.
- *Mail or hand delivery:* 1845 Wasp Boulevard, Bldg 176, Honolulu, HI 96818.
- *Facsimile:* 808-725-5215.

FOR FURTHER INFORMATION CONTACT: Emily Reynolds, NMFS Pacific Islands Regional Office; telephone: 808-725-5039; facsimile: 808-725-5215; email: emily.reynolds@noaa.gov.

SUPPLEMENTARY INFORMATION:

The Convention and the Commission

The objective of the Convention is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean in accordance with the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS) and the Agreement for the Implementation of the Provisions of the UNCLOS Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The Convention establishes the Commission, the Secretariat of which is based in Pohnpei, Federated States of Micronesia.

The Convention applies to all highly migratory fish stocks (defined as all fish stocks of the species listed in Annex I of the UNCLOS occurring in the Convention Area, and such other species of fish as the Commission may determine), except sauries.

The United States actively supported the negotiations and the development of the Convention and signed the Convention when it was opened for signature in 2000. It participated as a cooperating non-member of the Commission since it became operational in 2005. The United States became a Contracting Party to the Convention and a full member of the Commission when it ratified the Convention in January 2007. Under the Act, the United States is to be represented on the Commission by five U.S. Commissioners, appointed by the President.

Permanent Advisory Committee

The Act (16 U.S.C. 6902) provides (in section 6902(d)) that the Secretary of Commerce, in consultation with the U.S. Commissioners to the Commission, will appoint individuals as members of the advisory committee established under the Act, referred to here as the "Permanent Advisory Committee".

On January 4, 2021, NMFS published a notice in the **Federal Register** (86 FR 73) seeking nominations for the advisory committee established under the Act. Nominations had to be received by February 18, 2021. Although NMFS has received a number of nominations, NMFS on behalf of the Secretary of Commerce is reopening the nomination process in order to ensure an equitable balance among representatives of the

fisheries covered by the Convention, as specified in the Act.

The appointed members of the Permanent Advisory Committee are to include not less than 15 nor more than 20 individuals selected from the various groups concerned with the fisheries covered by the Convention, providing, to the extent practicable, an equitable balance among such groups. In addition to the 15-20 appointed members, the Permanent Advisory Committee includes the chair of the Western Pacific Fishery Management Council's Advisory Committee (or designee), and officials of the fisheries management authorities of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (or their designees).

Members of the Permanent Advisory Committee will be invited to attend all non-executive meetings of the U.S. Commissioners to the Commission and at such meetings will be given opportunity to examine and be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

Each appointed member of the Permanent Advisory Committee will serve for a term of 2 years and is eligible for reappointment. This request for nominations is for the term to begin on August 3, 2021, and is for a term of 2 consecutive years.

The Secretaries of Commerce and State will furnish the Permanent Advisory Committee with relevant information concerning fisheries and international fishery agreements.

NMFS, on behalf of the Secretary of Commerce, will provide to the Permanent Advisory Committee administrative and technical support services as are necessary for its effective functioning.

Appointed members of the Permanent Advisory Committee will serve without pay, but while away from their homes or regular places of business in the performance of services for the advisory committee will be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under 5 U.S.C. 5703. They will not be considered Federal employees while performing service as members of the advisory committee except for the purposes of injury compensation or tort claims liability as provided in 5 U.S.C. 18 and 28 U.S.C. 171.

Procedure for Submitting Nominations

Nominations for the Permanent Advisory Committee should be submitted to NMFS (see **ADDRESSES**). This request for nominations is for first-

time nominees as well as previous and current Permanent Advisory Committee members. Self nominations are acceptable. Nominations previously submitted in response to the notice published on January 4, 2021, should not be resubmitted. Nominations should include the following information: (1) Full name, address, telephone, and email address of nominee; (2) nominee's organization(s) or professional affiliation(s) serving as the basis for the nomination, if any; and (3) a background statement, not to exceed one page in length, describing the nominee's qualifications, experience and interests, specifically as related to the fisheries covered by the Convention.

Authority: 16 U.S.C. 6902.

Dated: April 21, 2021.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021-08647 Filed 4-23-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XB025]

South Atlantic Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public hearings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a series of public hearings via webinar pertaining to Amendment 10 to the Coral, Coral Reef and Live Hard Bottom Habitat Fishery Management Plan (FMP). The amendment addresses establishing a Shrimp Fishery Access Area along the eastern border of the northern extension of the Oculina Bank Coral Habitat Area of Particular Concern (HAPC).

DATES: The public hearings will be held via webinar on May 12 and 13, 2021.

ADDRESSES: *Council address:* South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, SAFMC; phone: (843) 571-4366 or toll free: (866) SAFMC-10; fax: (843) 769-4520; email: kim.iverson@safmc.net.

SUPPLEMENTARY INFORMATION: The scoping meetings will be conducted via

webinar and accessible via the internet from the Council's website at <https://safmc.net/safmc-meetings/public-hearings-scoping-meetings/>. The public hearings will begin at 5 p.m. Registration for the webinars is required. Registration information, a copy of the Public hearing summary and presentation, and an online public comment form will be posted on the Council's website at <https://safmc.net/safmc-meetings/public-hearings-scoping-meetings/> on April 28, 2021. The Council will accept public comment on Coral Amendment 10 from April 28, 2021 through 5 p.m. on May 14, 2021.

Amendment 10 to the Coral, Coral Reef and Live Hard Bottom Habitat FMP

The draft amendment currently addresses a request from the rock shrimp industry to create a Shrimp Fishery Access Area (SFAA) along the eastern boundary of the northern extension of the Oculina Bank Coral HAPC to allow rock shrimp trawling and access to historic rock shrimp fishing grounds. Vessels fishing for rock shrimp in the South Atlantic region are required to carry approved Vessel Monitoring Systems (VMS) to harvest or possess rock shrimp. Establishing a SFAA would allow access to the area at times where the species is found slightly west of the existing boundary while retaining the integrity of the eastern boundary of the Oculina Bank Coral HAPC, maintaining the prohibition on all other bottom tending gear.

During the public hearings, Council staff will present an overview of the amendment and will be available to answer questions. Members of the public will have an opportunity to go on record to record their comments for consideration by the Council.

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 20, 2021.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021-08540 Filed 4-23-21; 8:45 am]

BILLING CODE 3510-22-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; Economic Analysis of Shoreline Treatment Options for Coastal New Hampshire

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 25, 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 0648-0788 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 Sarah Gonyo, National Centers for Coastal Ocean Science, NOAA's National Ocean Service, Building SSMC4, Room 9320, 1305 East-West Highway, Silver Spring, MD, 20910, Telephone (240) 533-0382 or sarah.gonyo@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for a revision to information collection 0648-0788, sponsored by the National Oceanic and Atmospheric Administration (NOAA) National Center for Coastal Ocean Science (NCCOS). This collection will benefit the NOAA, Office of Coastal Management (OCM), and decision-makers on the state and local level in New Hampshire. NOAA will collect economic data pursuant to the Coastal

Zone Management Act (CZMA) and Digital Coastal Act.

The New Hampshire Coastal Risk and Hazards Commission (CRHC) was established by the State Legislature through RSA 483-E on July 2, 2013. The purpose of the Commission, as stated in the law, is to “recommend legislation, rules and other actions to prepare for projected sea-level rise and other coastal watershed hazards such as storms, increased river flooding and storm water runoff, and the risks such hazards pose to municipalities and the state assets in New Hampshire.” Further, in carrying out this charge, the Commission is specifically directed to “review National Oceanic and Atmospheric Administration and other scientific agency projections of coastal storm inundation and flood risk to determine the appropriate information, data, and property risks” to incorporate into its recommendations.

In 2016, the CRHC recommended the development of a “comprehensive, integrated New Hampshire Coastal Shoreline Management Plan (CSMP) that presents general priorities for coastal shoreline management, as well as site-specific and place-based strategies including, where appropriate, protection, adaptation, and abandonment.” Following a New Hampshire Shoreline Management workshop organized by GBNERR in 2014 and consistent with CRHC Recommendation BL6, NHCP has prioritized living shoreline assessment and implementation in its five-year strategy to enhance coastal management (309 Strategy, 2015) and set a longer-term goal to develop a Tidal Shoreline Management Plan (TSMP) for New Hampshire.

The National Ocean Service (NOS) proposes to collect economic data to document perceived effects of weather and climate events and adaptation strategies, to assess probable public benefits that would be derived from shoreline treatment options within coastal New Hampshire, and to establish a baseline for future monitoring of NOAA’s success in meeting its mandates and obligations.

Respondents will be randomly sampled from households (1) within New Hampshire, (2) within block groups in Maine adjacent to the Piscataqua River, and (3) within block groups in Massachusetts adjacent to the Hampton-Seabrook Estuary. Questions will explore such issues as participation in recreational activities, familiarity with weather and climate effects and adaptation methods, sense of place, and opinions on shoreline treatment options. No PII will be collected. The

final collection will support the development of a CSMP for New Hampshire as well as provide information to help inform local coastal zone management and planning.

Upon analysis of the pre-test data and guidance from experts in survey methodology, the following changes were made to enhance understanding, response rate, and to minimize respondent burden:

- Question 4: “suffered damage” has been replaced with “been damaged” to avoid potential bias an increase data quality.

- Questions 7a/8a: “coastal flooding” has been replaced with “flooding” to not exclude riverine flooding.

- Questions 7a/8a, 7b/8b: “flooding damage” and “shoreline erosion damage” were replaced with “damage from flooding” and “damage from shoreline erosion” to improve understanding.

- Questions 14h and 14i were removed based on pre-test results to reduce burden without decreasing data quality.

- Questions 16–21 originally asked respondents to indicate their preference to six unique policy options, but now respondents are asked to compare three sets of unique policy options. Pre-test results suggested that respondents would prefer to compare policies rather than rate them individually and comparing three sets of policy options should reduce burden while increasing data quality.

- Question 22b: This question is now asked after each policy comparison instead of once to improve data quality.

- Question 22f: “a public vote or referendum” was replaced with “being considered by the New Hampshire legislature” to convey the same information, but using region-specific terminology, which should increase data quality.

- Question 22: An additional statement was added to capture potentially invalid responses due to “scenario rejection,” which should increase data quality.

- Question 23: The question and response option phrasings have been updated to reflect the modified choice experiment.

- Question 30: The year has been updated from 2019 to 2020 when asking about the previous year’s household income.

- A question has been added to ask how long the respondent has been a resident of their current state. Respondents who have recently moved within their state may have different opinions than those who have recently moved from out-of-state, so this

additional question should increase data quality.

II. Method of Collection

The data collection will take place over a five- to nine-month period and will be comprised of a questionnaire to be completed by the respondent. The data will be collected via a combination of mail and internet survey instrument.

III. Data

OMB Control Number: 0648–0788.

Form Number(s): None.

Type of Review: Regular submission (revision of an existing information collection).

Affected Public: Individuals or households.

Estimated Number of Respondents: 6,000.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 2,000.

Estimated Total Annual Cost to Public: \$0.

Respondent’s Obligation: Voluntary.

Legal Authority: Digital Coast Act, Coastal Zone Management 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. 2021-08650 Filed 4-23-21; 8:45 am]

BILLING CODE 3510-JE-P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB-2021-0010]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is publishing this notice seeking comment on a Generic Information Collection titled "Experiment in Effective Consumer Financial Disclosures" prior to requesting the Office of Management and Budget's (OMB's) approval of this collection under the Generic Information Collection Plan "Generic Information Collection Plan for Studies of Consumers using Controlled Trials in Field and Economic Laboratory Settings" OMB Control number 3170-0048.

DATES: Written comments are encouraged and must be received on or before May 26, 2021 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

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

- *Email:* PRA_Comments@cfpb.gov. Include Docket No. CFPB-2021-0010 in the subject line of the email.

- *Mail/Hand Delivery/Courier:* Comment intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.

Please note that due to circumstances associated with the COVID-19 pandemic, the Bureau discourages the submission of comments by mail, hand delivery, or courier. Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal

information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at www.regulations.gov. Requests for additional information should be directed to Suzan Muslu, Data Governance Program Manager, at (202) 435-9267, or email: CFPB_PRA@cfpb.gov. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov. Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: "Experiment in Effective Consumer Financial Disclosures."

OMB Control Number: 3170-0048.

Type of Review: Request for approval of a generic information collection under an existing Generic Information Collection Plan.

Affected Public: Individuals.

Estimated Number of Respondents: 315.

Estimated Total Annual Burden Hours: 368.

Abstract: We plan on collecting economic data for a paper using a lab experiment comparing two disclosure styles. We will collect data on the choices respondents make given these different disclosures in order to understand which disclosure helps respondents make better choices. There is a survey at the end asking participants about risk preferences, age, gender, income, family income, college major, and primary language. These responses will be used to better understand how each subgroup performs given each disclosure. Faculty members at Gettysburg College will run the experiment in their Experimental Economics Lab where students of the college will complete the experiment on laboratory computers.

Request for Comments: The Bureau is publishing this notice and soliciting comments on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (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 through the use of automated collection techniques

or other forms of information technology. Comments submitted in response to this notice will be submitted to OMB as part of its review of this request. All comments will become a matter of public record.

Dated: April 20, 2021.

Suzan Muslu,

Data Governance Program Manager, Bureau of Consumer Financial Protection.

[FR Doc. 2021-08561 Filed 4-23-21; 8:45 am]

BILLING CODE 4810-AM-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD-2021-OS-0026]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 25, 2021.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

- *Mail:* The DoD cannot receive written comments at this time due to the COVID-19 pandemic. Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make

these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to The Office of People Analytics, 4800 Mark Center Drive, Suite 06E22, Alexandria, VA 22350, Kristin Williams, 703-963-3047.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Workplace and Gender Relations Survey of DoD Civilians; OMB Control Number 0704-WGRC.

Needs and Uses: This survey is used to solicit information on gender issues, including issues relating to sexual assault, sexual harassment, and gender discrimination in the DoD civilian employee workplace, as well as the climate in the Department for forming professional relationships between male and female employees. They also give the Department authority to conduct such surveys under the guidance of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)).

The Office of People Analytics (OPA) administers both web-based and paper-and-pen surveys to support the personnel information needs of the USD(P&R). The WGRC survey expands a series of surveys that began in 1988 with military personnel to DoD civilian employees. OPA conducted Joint Service gender issues surveys of active duty members in 1988, 1995, 2002, 2006, 2010, 2012, 2016, and 2018, and of Reserve component members in 2004, 2008, 2012, 2015, 2017, and 2019. This is the third iteration of WGRC surveys with DoD civilian employees, with the first iteration occurring in 2016 and second administration in 2018. The WGRC survey is legislatively required to be conducted every two years.

Information from the WGR surveys will be used by DoD policy offices, the Military Departments, and Congress for program evaluation and, specifically, to assess and improve personnel policies, programs, practices, and training related to gender relations in the DoD civilian workplace. OPA will provide reports to DoD policy offices, each Military Department, the Joint Chiefs of Staff (JCS), and Congress.

Affected Public: Individuals or households.

Annual Burden Hours: 67,500 hours.

Number of Respondents: 135,000 respondents.

Responses per Respondent: 1.
Annual Responses: 135,000.
Average Burden per Response: 30 minutes.

Frequency: Biennially.

Dated: April 21, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021-08658 Filed 4-23-21; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF EDUCATION

Applications for New Awards; Alaska Native and Native Hawaiian—Serving Institutions Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2021 for the Alaska Native and Native Hawaiian-Serving Institutions (ANNH) Program, Assistance Listing Numbers 84.031R (Alaska Native) and 84.031V (Native Hawaiian). This notice relates to the approved information collection under OMB control number 1840-0810.

DATES:

Applications Available: April 26, 2021.

Deadline for Transmittal of Applications: June 10, 2021.

Deadline for Intergovernmental Review: August 9, 2021.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.

FOR FURTHER INFORMATION CONTACT:

Robyn Wood, U.S. Department of Education, 400 Maryland Avenue SW, Room 2B203, Washington, DC 20202-4260. Telephone: (202) 453-7744. Email: Robyn.Wood@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:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The ANNH Program provides grants to eligible

institutions of higher education (IHEs) to enable them to improve and expand their capacity to serve Alaska Natives and Native Hawaiians. Alaska Native-serving institutions and Native Hawaiian-serving institutions may use these grant awards to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Alaska Natives or Native Hawaiians.

Priorities: This notice contains one competitive preference priority. This priority is from the Notice of Administrative Priority and Definitions for Discretionary Grant Programs, which was published in the **Federal Register** on December 30, 2020 (85 FR 86545) (Remote Learning NFP).

Competitive Preference Priority: For FY 2021 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award up to three additional points for the priority, depending on how well the application meets this priority.

This priority is:

Building Capacity for Remote Learning (up to 3 points).

Under this priority, an applicant must propose a project that is designed to provide personalized and job-embedded professional learning to build the capacity of educators to create remote learning experiences that advance student engagement and learning through effective use of technology (e.g., synchronous and asynchronous professional learning, professional learning networks or communities, and coaching).

Definitions: The definitions are from 34 CFR 77.1 and the Remote Learning NFP.

Demonstrates a rationale means a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

Logic model (also referred to as theory of action) means a framework that identifies key project components of the proposed project (i.e., the active "ingredients" that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

Note: In developing logic models, applicants may want to use resources such as the Regional Educational Laboratory Program's (REL Pacific) Education Logic Model Application, available at <https://ies.ed.gov/ncee/edlabs/regions/pacific/>

elm.asp to help design their logic models. Other sources include: https://ies.ed.gov/ncee/edlabs/regions/pacific/pdf/REL_2014025.pdf, https://ies.ed.gov/ncee/edlabs/regions/pacific/pdf/REL_2014007.pdf, and https://ies.ed.gov/ncee/edlabs/regions/northeast/pdf/REL_2015057.pdf.

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (e.g., training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Relevant outcome means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

Remote learning means programming where at least part of the learning occurs away from the physical building in a manner that addresses a learner's educational needs. Remote learning may include online, hybrid/blended learning, or non-technology-based learning (e.g., lab kits, project supplies, paper packets).

Program Authority: 20 U.S.C. 1067q (title III, part F, of the Higher Education Act of 1965, as amended (HEA)).

Note: In 2008, the HEA was amended by the Higher Education Opportunity Act of 2008 (HEOA), Public Law 110–315. Please note that the regulations for ANNH in 34 CFR part 607 have not been updated to reflect these statutory changes. The statute supersedes all other regulations.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 607. (e) The Remote Learning NFP.

II. Award Information

Type of Award: Discretionary grants. Five-year Individual Development Grants and Cooperative Arrangement Development Grants will be awarded in FY 2021.

Note: A cooperative arrangement is an arrangement to carry out allowable grant activities between an institution eligible to

receive a grant under this competition and another eligible or ineligible IHE, under which the resources of the cooperating institutions are combined and shared to better achieve the purposes of this part and avoid costly duplication of effort.

Estimated Available Funds:
\$13,973,850.

Individual Development Grants:

Estimated Range of Awards:

\$500,000–\$550,000 per year.

Estimated Average Size of Awards:
\$525,000 per year.

Maximum Award: We will not make an award exceeding \$550,000 for a single budget period of 12 months.

Estimated Number of Awards: 20.

Cooperative Arrangement

Development Grants:

Estimated Range of Awards:

\$500,000–\$600,000 per year.

Estimated Average Size of Awards:
\$550,000 per year.

Maximum Award: We will not make an award exceeding \$600,000 for a single budget period of 12 months.

Estimated Number of Awards: 5.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. Eligible Applicants:

This program is authorized by title III, part F, of the HEA. At the time of submission of their applications, applicants must certify their total undergraduate headcount enrollment and that either 20 percent of the IHE's enrollment is Alaska Native or 10 percent is Native Hawaiian. An assurance form, which is included in the application materials for this competition, must be signed by an official for the applicant and submitted.

To qualify as an eligible institution under the ANNH Program, an institution must—

(a) Be accredited or preaccredited by a nationally recognized accrediting agency or association that the Secretary has determined to be a reliable authority as to the quality of education or training offered;

(b) Be legally authorized by the State in which it is located to be a junior or community college or to provide an educational program for which it awards a bachelor's degree; and

(c) Be designated as an “eligible institution” by demonstrating that it: (1) Has an enrollment of needy students as described in 34 CFR 607.3; and (2) has low average educational and general expenditures per full-time equivalent (FTE) undergraduate student as described in 34 CFR 607.4.

Note: The notice announcing the FY 2021 process for designation of eligible

institutions, and inviting applications for waiver of eligibility requirements, was published in the **Federal Register** on March 4, 2021, (86 FR 12665). Only institutions that the Department determines are eligible, or which are granted a waiver under the process described in that notice, may apply for a grant in this program.

An eligible IHE that submits applications for an Individual Development Grant and a Cooperative Arrangement Development Grant in this competition may be awarded both in the same fiscal year. A grantee with an Individual Development Grant or a Cooperative Arrangement Development Grant may be a partner in one or more Cooperative Arrangement Development Grants. The lead institution in a Cooperative Arrangement Development Grant must be an eligible institution. Partners are not required to be eligible institutions.

Note: If you are a nonprofit organization, under 34 CFR 75.51, you may demonstrate your nonprofit status by providing: (1) Proof that the Internal Revenue Service currently recognizes the applicant as an organization to which contributions are tax deductible under section 501(c)(3) of the Internal Revenue Code; (2) a statement from a State taxing body or the State attorney general certifying that the organization is a nonprofit organization operating within the State and that no part of its net earnings may lawfully benefit any private shareholder or individual; (3) a certified copy of the applicant's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the applicant; or (4) any item described above if that item applies to a State or national parent organization, together with a statement by the State or parent organization that the applicant is a local nonprofit affiliate.

2. a. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

b. *Supplement-Not-Supplant:* This competition involves supplement-not-supplant funding requirements. Grant funds must be used so that they supplement and, to the extent practical, increase the funds that would otherwise be available for the activities to be carried out under the grant and in no case supplant those funds (34 CFR 607.30 (b)).

c. *Administrative Cost Limitation:*

This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

IV. Application and Submission Information

1. Application Submission

Instructions: Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf, which contains requirements and information on how to submit an application.

2. **Intergovernmental Review:** This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

3. **Funding Restrictions:** We specify unallowable costs in 34 CFR 607.10(c). We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

4. **Recommended Page Limit:** The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 50 pages for Individual Development Grants and no more than 65 pages for Cooperative Arrangement Development Grants and (2) use the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger, and no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract. However, the recommended page limit does apply to all of the application narrative.

Note: The Budget Information-Non-Construction Programs Form (ED 524) Sections A–C are not the same as the narrative response to the Budget section of the selection criteria.

V. Application Review Information

1. **Selection Criteria:** The following selection criteria for this competition are from 34 CFR 607.22(a) through (g) and 34 CFR 75.210. We will award up to 100 points to an application under the selection criteria and up to 3 additional points to an application under the competitive preference priority, for a total score of up to 103 points. The maximum number of points available for each criterion is indicated in parentheses.

(a) **Quality of the applicant’s comprehensive development plan.** (20 points). The extent to which—

(1) The strengths, weaknesses, and significant problems of the institution’s academic programs, institutional management, and fiscal stability are clearly and comprehensively analyzed and result from a process that involved major constituencies of the institution;

(2) The goals for the institution’s academic programs, institutional management, and fiscal stability are realistic and based on comprehensive analysis;

(3) The objectives stated in the plan are measurable, related to institutional goals, and, if achieved, will contribute to the growth and self-sufficiency of the institution; and

(4) The plan clearly and comprehensively describes the methods and resources the institution will use to institutionalize practice and improvements developed under the proposed project, including, in particular, how operational costs for personnel, maintenance, and upgrades of equipment will be paid with institutional resources.

(b) **Quality of activity objectives.** (15 points). The extent to which the objectives for each activity are—

(1) Realistic and defined in terms of measurable results; and

(2) Directly related to the problems to be solved and to the goals of the comprehensive development plan.

(c) **Quality of the project design.** (10 points).

(1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the extent to which the proposed project demonstrates a rationale (as defined in this notice).

(d) **Quality of implementation strategy.** (18 points). The extent to which—

(1) The implementation strategy for each activity is comprehensive;

(2) The rationale for the implementation strategy for each

activity is clearly described and is supported by the results of relevant studies or projects; and

(3) The timetable for each activity is realistic and likely to be attained.

(e) **Quality of key personnel.** (8 points). The extent to which—

(1) The past experience and training of key professional personnel are directly related to the stated activity objectives; and

(2) The time commitment of key personnel is realistic.

(f) **Quality of project management plan.** (10 points). The extent to which—

(1) Procedures for managing the project are likely to ensure efficient and effective project implementation; and

(2) The project coordinator and activity directors have sufficient authority to conduct the project effectively, including access to the president or chief executive officer.

(g) **Quality of evaluation plan.** (12 points). The extent to which—

(1) The data elements and the data collection procedures are clearly described and appropriate to measure the attainment of activity objectives and to measure the success of the project in achieving the goals of the comprehensive development plan; and

(2) The data analysis procedures are clearly described and are likely to produce formative and summative results on attaining activity objectives and measuring the success of the project on achieving the goals of the comprehensive development plan.

(h) **Budget.** (7 points). The extent to which the proposed costs are necessary and reasonable in relation to the project’s objectives and scope.

2. **Review and Selection Process:** We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant’s use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

A panel of three non-Federal reviewers will review and score each application in accordance with the

selection criteria. A rank order funding slate will be made from this review. Awards will be made in rank order according to the average score received from the peer review and from the competitive preference priority.

In tie-breaking situations for development grants, 34 CFR 607.23(b) requires that we award one additional point to an application from an IHE that has an endowment fund of which the current market value, per FTE enrolled student, is less than the average current market value of the endowment funds, per FTE enrolled student, at comparable type institutions that offer similar instruction. We award one additional point to an application from an IHE that has expenditures for library materials per FTE enrolled student that are less than the average expenditure for library materials per FTE enrolled student at similar type institutions. We also add one additional point to an application from an IHE that proposes to carry out one or more of the following activities—

- (1) Faculty development;
- (2) Funds and administrative management;
- (3) Development and improvement of academic programs;
- (4) Acquisition of equipment for use in strengthening management and academic programs;
- (5) Joint use of facilities; and
- (6) Student services.

For the purpose of these funding considerations, we use 2018–2019 data.

If a tie remains after applying the tie-breaker mechanism above, priority will be given to applicants that have the lowest endowment values per FTE enrolled student.

3. Risk Assessment and Specific Conditions: Consistent with 2 CFR 200.205, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. Integrity and Performance System: If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed

by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

5. In General: In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with—

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Promoting the freedom of speech and religious liberty in alignment with *Promoting Free Speech and Religious Liberty* (E.O. 13798) and *Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities* (E.O. 13864) (2 CFR 200.300, 200.303, 200.339, and 200.341);

(d) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(e) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. Award Notices: If your application is successful, we notify your U.S. Representative and U.S. Senators and

send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. Administrative and National Policy Requirements: We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. Open Licensing Requirements: Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. Reporting: (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on

reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

5. *Performance Measures:* Under the Government Performance and Results Act of 1993 and 34 CFR 75.110, the following performance measures will be used in assessing the performance of the ANNH Program:

(a) The percentage change, over the five-year period, of the number of full-time degree-seeking undergraduates enrolled at Alaska Native and Native Hawaiian-Serving Institutions (Note: This is a long-term measure, which will be used to periodically gauge performance);

(b) The percentage of first-time, full-time degree-seeking undergraduate students at four-year Alaska Native and Native Hawaiian-Serving Institutions who were in their first year of postsecondary enrollment in the previous year and are enrolled in the current year at the same Alaska Native and Native Hawaiian-Serving Institution;

(c) The percentage of first-time, full-time degree-seeking undergraduate students at two-year Alaska Native and Native Hawaiian-Serving Institutions who were in their first year of postsecondary enrollment in the previous year and are enrolled in the current year at the same Alaska Native and Native Hawaiian-Serving Institution;

(d) The percentage of first-time, full-time degree-seeking undergraduate students enrolled at four-year Alaska Native and Native Hawaiian-Serving Institutions who graduate within six years of enrollment; and

(e) The percentage of first-time, full-time degree-seeking undergraduate students enrolled at two-year Alaska Native and Native Hawaiian-Serving Institutions who graduate within three years of enrollment.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities

receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package 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 this 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 feature at this site, you can limit your search to documents published by the Department.

Michelle Asha Cooper,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 2021-08657 Filed 4-23-21; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2021-SCC-0064]

Agency Information Collection Activities; Comment Request; Rural, Insular, and Native Achievement Programs Progress Update Protocol

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before June 25, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-

2021-SCC-0064. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, ED will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208D, Washington, DC 20202-8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Joanne Osborne, 202-401-1265.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Rural, Insular, and Native Achievement Programs Progress Update Protocol.

OMB Control Number: 1810–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 50.

Total Estimated Number of Annual Burden Hours: 50.

Abstract: This is a request for a new information collection. The Rural, Insular, and Native Achievement Programs (RINAP) administers Section 1121 of Title I, Part A of the Elementary and Secondary Education (ESEA) Act; Title II of Public Law 108–118 (Supplemental Education Grant (SEG)), Coronavirus Aid, Relief, and Economic Security Act—Outlying Areas; Title III of Coronavirus Response Relief Supplemental Appropriations—Outlying Areas, Sections 2005 and 11006(2–3) of the American Rescue Plan Act; Title V, Part B of the ESEA (Rural Education Achievement Program), Title VI, Part B of the ESEA (Native Hawaiian Education); and Title VI, Part C of the ESEA (Alaska Native Education). Periodic progress updates, phone, virtual, or in-person conversations during a fiscal year with authorized representatives and project directors help ensure grantees are making progress toward meeting program goals and objectives. The information shared with RINAP helps inform the selection and delivery of technical assistance to grantees and aligns structures, processes, and routines so RINAP can monitor the connection between grant administration and intended outcomes.

Dated: April 21, 2021.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–08638 Filed 4–23–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–1682–000]

Elora Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced Elora Solar, LLC’s

application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant’s request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is May 10, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission’s Home Page (<http://www.ferc.gov>) using the “eLibrary” link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission’s Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: April 20, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021–08605 Filed 4–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD21–4–000]

Review of Cost Submittals by Other Federal Agencies for Administering Part I of the Federal Power Act; Notice Requesting Questions and Comments of Fiscal Year 2020 Other Federal Agency Cost Submissions

In its *Order On Rehearing Consolidating Administrative Annual Charges Bill Appeals And Modifying Annual Charges Billing Procedures*, 109 FERC ¶ 61,040 (2004) (October 8 Order), the Commission set forth an annual process for Other Federal Agencies (OFAs) to submit their costs related to Administering Part I of the Federal Power Act. Pursuant to the established process, the Chief of Financial Operations, Financial Management Division, Office of the Executive Director, on October 21, 2020, issued a letter requesting the OFAs to submit their costs by December 31, 2020 using the OFA Cost Submission Form.

Upon receipt of the agency submissions, the Commission posted the information in eLibrary, and issued, on March 11, 2021, a notice announcing the date for a technical conference to review the submitted costs. On March 25, 2021 the Commission held the technical conference. Technical conference transcripts, submitted cost forms, and detailed supporting documents are all available for review under Docket No. AD21–4.

The Commission provides all interested persons an opportunity to view and/or print the contents of these documents via the internet through the Commission’s Home Page (<http://www.ferc.gov>) using the “eLibrary” link. Enter the docket number excluding the last three digits in the docket number field to access documents filed in this proceeding. At this time, the Commission has suspended access to the Commission’s Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call

toll-free, (886) 208-3676 or TYY, (202) 502-8659.

The Commission strongly encourages electronic filings in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Interested parties may file specific questions and comments on the FY 2020 OFA cost submissions with the Commission under Docket No. AD21-4, no later than May 3, 2021. Once filed, the Commission will forward the questions and comments to the OFAs for response.

Anyone with questions pertaining to the technical conference or this notice should contact Raven A. Rodriguez at (202) 502-6276 (via email at raven.rodriguez@ferc.gov).

Dated: April 20, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-08612 Filed 4-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC21-96-000]

McKenzie Electric Cooperative, Inc.; Notice of Petition for Waiver

Take notice that on April 19, 2021, McKenzie Electric Cooperative, Inc. (Petitioner), filed a petition for waiver of the Federal Energy Regulatory Commission’s (Commission) requirement to provide its FERC Form No. 3-Qs for 2020 on the basis that no informational purpose would be served, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the

comment date. Anyone filing a motion to intervene, or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission’s Home Page (<http://ferc.gov>) using the “eLibrary” link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission’s Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TYY, (202) 502-8659.

Comments: 5:00 p.m. Eastern Time on May 20, 2021.

Dated: April 20, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-08611 Filed 4-23-21; 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 Numbers: RP21-736-000.

Applicants: WBI Energy Transmission, Inc.

Description: § 4(d) Rate Filing: 2021 List of Non-Conforming Service Agreements to be effective 5/17/2021.

Filed Date: 4/15/21.

Accession Number: 20210415-5143.

Comments Due: 5 p.m. ET 4/27/21.

Docket Numbers: RP21-737-000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rates—Conoco Amendments 910882 & 910662 to be effective 11/1/2020.

Filed Date: 4/15/21.

Accession Number: 20210415-5238.

Comments Due: 5 p.m. ET 4/27/21.

Docket Numbers: RP21-738-000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: Compliance filing Penalty Crediting Report for 2020.

Filed Date: 4/15/21.

Accession Number: 20210415-5245.

Comments Due: 5 p.m. ET 4/27/21.

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 20, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-08610 Filed 4-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC21-80-000.

Applicants: Knighthead Capital Management, LLC, Homer City Generation, L.P.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Homer City Generation, L.P., et al.

Filed Date: 4/20/21.

Accession Number: 20210420-5059.

Comments Due: 5 p.m. ET 5/11/21.

Docket Numbers: EC21–81–000.

Applicants: Coram California Development, L.P.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Coram California Development, L.P.

Filed Date: 4/19/21.

Accession Number: 20210419–5320.

Comments Due: 5 p.m. ET 5/10/21.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG21–128–000.

Applicants: Triple Butte LLC.

Description: Self-Certification of Exempt Wholesale Generator of Triple Butte LLC.

Filed Date: 4/19/21.

Accession Number: 20210419–5212.

Comments Due: 5 p.m. ET 5/10/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER21–1276–001.

Applicants: Midcontinent

Independent System Operator, Inc., American Transmission Company LLC.

Description: Tariff Amendment: 2021–04–20_SA 2793 ATC-City of Eagle River Substitute 1st Rev CFA to be effective 5/5/2021.

Filed Date: 4/20/21.

Accession Number: 20210420–5021.

Comments Due: 5 p.m. ET 5/11/21.

Docket Numbers: ER21–1277–001.

Applicants: Midcontinent

Independent System Operator, Inc., American Transmission Company LLC.

Description: Tariff Amendment: 2021–04–20_SA 2794 ATC-City of Gladstone Substitute 1st Rev CFA to be effective 5/5/2021.

Filed Date: 4/20/21.

Accession Number: 20210420–5031.

Comments Due: 5 p.m. ET 5/11/21.

Docket Numbers: ER21–1713–000.

Applicants: Midcontinent

Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2021–04–19_Attachment X, App. 1 Interconnection Request Requirement Changes to be effective 6/19/2021.

Filed Date: 4/19/21.

Accession Number: 20210419–5171.

Comments Due: 5 p.m. ET 5/10/21.

Docket Numbers: ER21–1714–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation ISA, Service Agreement No. 5557; Queue No. AE2–057 to be effective 5/21/2021.

Filed Date: 4/20/21.

Accession Number: 20210420–5018.

Comments Due: 5 p.m. ET 5/11/21.

Docket Numbers: ER21–1715–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to Service Agreement No. 5548; Queue No. AC1–076/AE2–134 to be effective 12/16/2019.

Filed Date: 4/20/21.

Accession Number: 20210420–5032.

Comments Due: 5 p.m. ET 5/11/21.

Docket Numbers: ER21–1716–000.

Applicants: BP Energy Retail LLC.

Description: Baseline eTariff Filing: Application for Market-Based Rate Authority to be effective 6/20/2021.

Filed Date: 4/20/21.

Accession Number: 20210420–5039.

Comments Due: 5 p.m. ET 5/11/21.

Docket Numbers: ER21–1717–000.

Applicants: Duke Energy Florida, LLC.

Description: § 205(d) Rate Filing: DEF—Annual Update of Real Power Loss Factors (2021) to be effective 5/1/2021.

Filed Date: 4/20/21.

Accession Number: 20210420–5055.

Comments Due: 5 p.m. ET 5/11/21.

Docket Numbers: ER21–1718–000.

Applicants: Idaho Power Company.

Description: § 205(d) Rate Filing: Goshen Substation Upgrades to be effective 3/9/2021.

Filed Date: 4/20/21.

Accession Number: 20210420–5058.

Comments Due: 5 p.m. ET 5/11/21.

Take notice that the Commission received the following PURPA 210(m)(3) filings:

Docket Numbers: QM21–19–000.

Applicants: Otter Tail Power Company.

Description: Application of Otter Tail Power Company to Terminate Its Mandatory Purchase Obligation under the Public Utility Regulatory Policies Act of 1978.

Filed Date: 4/19/21.

Accession Number: 20210419–5216.

Comments Due: 5 p.m. ET 5/17/21.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.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 20, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–08609 Filed 4–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC21–10–000]

Commission Information Collection Activities (FERC–725F); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on a renewal of currently approved information collection FERC 725F (Mandatory Reliability Standard for Nuclear Plant Interface Coordination), which will be submitted to the Office of Management and Budget (OMB) for review.

DATES: Comments on the collection of information are due May 26, 2021.

ADDRESSES: Send written comments on FERC–725F to OMB through www.reginfo.gov/public/do/PRAMain. Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number (1902–0249) in the subject line of your comments. Comments should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain.

Please submit copies of your comments to the Commission. You may submit copies of your comments (identified by Docket No. IC21–10–000) by one of the following methods:

Electronic filing through <http://www.ferc.gov>, is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.

- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.

- *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy

Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

○ *Hand (including courier) Delivery:* Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: OMB submissions must be formatted and filed in accordance with submission guidelines at www.reginfo.gov/public/do/PRAMain. Using the search function under the “Currently Under Review” field, select Federal Energy Regulatory Commission; click “submit,” and select “comment” to the right of the subject collection. FERC submissions must be formatted and filed in accordance with submission guidelines at: <http://www.ferc.gov>. For user assistance, contact FERC Online Support by email at ferconlinesupport@ferc.gov, or by phone at: (866) 208-3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <https://www.ferc.gov/ferc-online/overview>.

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at DataClearance@FERC.gov, telephone at (202) 502-8663.

SUPPLEMENTARY INFORMATION:

Title: FERC 725F, Mandatory Reliability Standard for Nuclear Plant Interface Coordination.

OMB Control No.: 1902-0249.

Type of Request: Three-year extension of the FERC-725F information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission requires the information collected by FERC-725F to implement the statutory provisions of section 215 of the Federal Power Act (FPA) (16 U.S.C. 824o). On August 8, 2005, the Electricity Modernization Act of 2005, which is Title XII, Subtitle A, of the Energy Policy Act of 2005 (EPAct 2005), was enacted into law.¹ EPAct 2005 added a new section 215 to the FPA, which required a Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, which are subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by the ERO subject to

Commission oversight, or the Commission can independently enforce Reliability Standards.²

On February 3, 2006, the Commission issued Order No. 672, implementing section 215 of the FPA.³ Pursuant to Order No. 672, the Commission certified one organization, North American Electric Reliability Corporation (NERC), as the ERO. The Reliability Standards developed by the ERO and approved by the Commission apply to users, owners and operators of the Bulk-Power System as set forth in each Reliability Standard.

On November 19, 2007, NERC filed its petition for Commission approval of the Nuclear Plant Interface Coordination Reliability Standard, designated NUC-001-1. In Order No. 716, issued October 16, 2008, the Commission approved the standard while also directing certain revisions.⁴ Revised Reliability Standard, NUC-001-2, was filed with the Commission by NERC in August 2009 and subsequently approved by the Commission January 21, 2010.⁵ On November 4, 2014, in Docket No. RD14-13, the Commission approved revised Reliability Standard NUC-001-3.⁶ On February 21, 2020 NERC filed a petition to revise Reliability Standard NUC-001-3 to NUC-0001-4.⁷

The purpose of Reliability Standard NUC-001-4 is to require “coordination between nuclear plant generator operators and transmission entities for the purpose of ensuring nuclear plant safe operation and shutdown.”⁸ The Nuclear Reliability Standard applies to nuclear plant generator operators (generally nuclear power plant owners

and operators, including licensees) and “transmission entities,” defined in the Reliability Standard as including a nuclear plant’s suppliers of off-site power and related transmission and distribution services. To account for the variations in nuclear plant design and grid interconnection characteristics, the Reliability Standard defines transmission entities as “all entities that are responsible for providing services related to Nuclear Plant Interface Requirements (NPIRs),” and lists eleven types of functional entities (heretofore described as “transmission entities”) that could provide services related to NPIRs.⁹

FERC-725F information collection requirements include establishing and maintaining interface agreements, including record retention requirements. These agreements are not filed with FERC, but with the appropriate entities as established by the Reliability Standard.

In response to the Notice of Information Collection and Request for Comments published in the **Federal Register** on February 16, 2021 (86 FR 9499), the Commission received no comments on the 60-day Paperwork Reduction Act notice.

Type of Respondent: Nuclear operators, nuclear plants, transmission entities.

*Estimate of Annual Burden:*¹⁰ The Commission estimates the average annual burden and cost¹¹ for this information collection as follows.

⁹ The list of functional entities consists of transmission operators, transmission owners, transmission planners, transmission service providers, balancing authorities, reliability coordinators, planning authorities, distribution providers, load-serving entities, generator owners, and generator operators.

¹⁰ Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. Refer to 5 CFR 1320.3 for additional information.

¹¹ The wage and benefit figures are based on the Bureau of Labor Statistics (BLS) data (at https://www.bls.gov/oes/current/naics2_22.htm) for May 2019 for Sector 22, Utilities. (The benefits figure is based on BLS data as of May 2020 <http://www.bls.gov/news.release/eccec.nr0.htm>.) The estimated hourly cost (for wages plus benefits) for reporting requirements is rounded to \$85.41/hour, based on the average for an electrical engineer (occupation code 17-2071, \$70.19/hour), legal (occupation code 23-0000, \$142.65/hour), and office and administrative staff (occupation code 43-0000, \$43.38/hour). The estimated hourly cost (wages plus benefits) for record keeping is \$34.79/hour for a file clerk (occupation code 43-4071).

² 16 U.S.C. 824o(e)(3).

³ *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards*, Order No. 672, FERC Stats. & Regs. ¶ 31,204, *order on reh’g*, Order No. 672-A, FERC Stats. & Regs. ¶ 31,212 (2006).

⁴ *Mandatory Reliability Standard for Nuclear Plant Interface Coordination*, Order No. 716, 125 FERC ¶ 61,065, at P 189 & n.90 (2008), *order on reh’g*, Order No. 716-A, 126 FERC ¶ 61,122 (2009).

⁵ *North American Electric Reliability Corporation*, 130 FERC ¶ 61,051 (2010). When the revised Reliability Standard was approved, the Commission did not go to OMB for approval. It is assumed that the changes made did not substantively affect the information collection and therefore a formal submission to OMB was not needed.

⁶ The Commission Letter Order is posted at <https://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=13675845>.

⁷ The NERC petition is available on FERC’s eLibrary system (<https://elibrary.ferc.gov/eLibrary/search>) by searching in Docket Number RD21-4.

⁸ See Reliability Standard NUC-001-4 at <http://www.nerc.com/files/NUC-001-4.pdf>.

¹ Energy Policy Act of 2005, Public Law 109-58, Title XII, Subtitle A, 119 Stat. 594, 941 (2005), 16 U.S.C. 824o.

FERC-725F (NUC-001-04)	Number of respondents	Annual number of responses per respondent	Total Number of responses	Average burden hrs. & cost per response (\$ (rounded)	Total annual burden hrs. & total annual cost (\$ (rounded)	Cost per respondent (\$ (rounded)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
New or Modifications to Existing Agreements (Reporting).	57 nuclear plants + 114 transmission entities ¹² .	2	342	66.67 hrs.; \$5,694	22,801 hrs.; \$1,947,433	\$11,388
New or Modifications to Existing Agreements (Record Keeping).	57 nuclear plants + 114 transmission entities.	2	342	6.67 hrs.; \$232	2,281 hrs.; \$79,356	464.07
Total .....	.....	.....	¹³ 342	.....	25,082 hrs.; ¹⁴ \$2,026,789.	

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency’s estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) 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.

Dated: April 20, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-08606 Filed 4-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15090-000]

Energy Recycling Company, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On February 8, 2021, Energy Recycling Company, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Bigstone Pumped Storage Project (Bigstone Project or project) to be located near the City of Milbank, Grant County, South Dakota. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners’ express permission.

The proposed project is a closed loop pumped storage project that would consist of the following: (1) A 55-foot-high, 120-acre-area circular upper reservoir constructed as a concrete-lined rockfill embankment with a total storage capacity of approximately 3,500 acre-feet operating between a maximum water surface elevation of 1,145 feet mean sea level (msl) and a minimum water surface elevation of 1,095 feet msl; (2) a reinforced concrete “morning glory” type upper intake of circular configuration with a maximum outside diameter of approximately 100-feet and an inside diameter of 18-feet; (3) a 2,800-foot-long, 16-foot-diameter vertical penstock excavated in granitic bedrock and steel-lined extending between the upper intake and the pump/turbines below; (4) an underground eight concentric circular tunnels lower reservoir with diameters from 5,400 feet to 4,200 feet excavated

in granitic bedrock, located 2,500 feet below the ground surface elevation of 1,095 feet msl, with a usable storage capacity approximately the same as the upper reservoir and operational water elevations between minus 1,410 feet msl and minus 1,452.5 feet msl; (5) a 200-foot-long, 70-foot-wide, 130-foot-high powerhouse located 300 feet below the lower reservoir containing two reversible Francis pump/turbine-motor/generator units rated for 333 megawatts each; (6) a 240-foot-long, 50-foot-wide, 40-foot-high underground transformer gallery; (7) a 200-foot-square above ground substation; (8) a 1.5-mile-long, 345-kilovolt (kV) transmission line extending from the substation to an existing 345-kV transmission line owned by others; and (9) appurtenant facilities. There would be no federal land within the proposed project boundary. The estimated annual generation of the Bigstone Project would be 1,450 gigawatt-hours.

Applicant Contact: Mr. Douglas Spaulding, P.E., Nelson Energy, 8441 Wayzata Blvd., Suite 101, Golden Valley, MN 55426; phone: (952) 544-8133.

FERC Contact: Sergiu Serban; phone: (202) 502-6211.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission’s eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at

¹² This figure of 120 transmission entities is based on the assumption that each agreement will be between 1 nuclear plant and 2 transmission entities (57 × 2 = 114). However, there is some double counting in this figure because some transmission entities may be party to multiple agreements with multiple nuclear plants. The double counting does not affect the burden estimate, and the correct number of unique respondents will be reported to OMB.

¹³ The 171 respondents affected by the reporting requirements are also affected by the recordkeeping requirements.

¹⁴ The reporting requirements have not changed. The decrease in the number of respondents is due to: (a) Normal fluctuations in industry (e.g., companies merging and splitting, and coming into and going out of business), and (b) no new agreements being issued due to the lack of new nuclear plants being developed.

FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-15090-000.

More information about this project, including a copy of the application, can be viewed or printed on the “eLibrary” link of Commission’s website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-15090) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: April 20, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-08607 Filed 4-23-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15105-000]

Solia 9 Hydroelectric, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 1, 2021, Solia 9 Hydroelectric, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Llano County Pumped Storage Project No. 15105-000 (Llano County Project, or project), a closed-loop pumped storage project to be located in Llano County, Texas. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners’ express permission.

The proposed pumped storage project would consist of the following: (1) A 3,500 acre-foot upper reservoir with a maximum water surface elevation of 2,400 feet mean sea level (msl); (2) a

3,500 acre-foot lower, underground, reservoir composed of eight, 115,000-foot-long, concentric tunnels varying in diameter from 4,200 feet to 5,400 feet, with a maximum water surface elevation of -1,425 feet msl; (3) a pumping plant and water supply conduit connecting the upper reservoir to the Llano River; (4) a 2,800-foot-long, 16-foot-diameter underground, steel-lined penstock equipped with a bifurcation structure connecting the upper reservoir to the powerhouse; (5) a 200-foot-long, 70-foot-wide, 130-foot-high underground powerhouse containing two, 333-megawatt (MW) reversible pump-turbine units for a combined capacity of 666 MW; (6) a 500-foot-long, 345-kilovolt interconnection line leading from the powerhouse to an existing transmission line; (7) a 200-foot-long, 200-foot-wide substation; and (8) appurtenant facilities. The estimated annual generation of the Llano Project would be 1,450 gigawatt-hours.

Applicant Contact: Douglas Spaulding, 8441 Wayzata Blvd., Suite 101, Golden Valley, Minnesota 55426; phone: (952) 544-8133; email: doug@nelsonenergy.us.

FERC Contact: Navreet Deo; phone: (202) 502-6304; email: navreet.deo@ferc.gov.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission’s eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

More information about this project, including a copy of the application, can be viewed or printed on the “eLibrary” link of Commission’s website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-15105) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: April 20, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-08608 Filed 4-23-21; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-ORD-2020-0183; FRL-10022-91-ORD]

Availability of the Systematic Review Protocol for the Vanadium and Compounds (Oral Exposure) IRIS Assessment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is announcing a 30-day public comment period associated with release of the Systematic Review Protocol for the Vanadium and Compounds (Oral Exposure) IRIS Assessment. This document communicates the rationale for conducting the oral assessment of vanadium and compounds, describes screening criteria to identify relevant literature, outlines the approach for evaluating study quality, and describes the methods for dose-response analysis.

DATES: The 30-day public comment period begins April 26, 2021 and ends May 26, 2021. Comments must be received on or before May 26, 2021.

ADDRESSES: The Systematic Review Protocol for the Vanadium and Compounds (Oral Exposure) IRIS Assessment will be available via the internet on the IRIS website at <https://www.epa.gov/iris> and in the public docket at <http://www.regulations.gov>, Docket ID: EPA-HQ-ORD-2020-0183.

FOR FURTHER INFORMATION CONTACT: For information on the docket, contact the ORD Docket at the EPA Headquarters Docket Center; email: Docket_ORD@epa.gov.

For technical information on the protocol, contact Mr. Dahnish Shams, Center for Public Health & Environmental Assessment; telephone (202) 564-2758, email: shams.dahnish@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background Information on the IRIS Program and Systematic Review Protocols

EPA’s IRIS Program is a human health assessment program that evaluates quantitative and qualitative information

on effects that may result from exposure to chemicals found in the environment. Through the IRIS Program, EPA provides high quality science-based human health assessments to support the Agency's regulatory activities and decisions to protect public health.

As part of developing a draft IRIS assessment, EPA presents a methods document, referred to as the protocol, for conducting a chemical-specific systematic review of the available scientific literature. EPA is seeking public comment on components of the protocol including the described strategies for literature searches, criteria for study inclusion or exclusion, considerations for evaluating study methods, information management for extracting data, approaches for synthesis within and across lines of evidence, and methods for derivation of toxicity values. The protocol serves to inform the subsequent development of the draft assessment and is made available to the public. EPA may update the protocol based on the evaluation of the literature, and any updates will be posted to the docket and on the IRIS website.

II. How To Submit Technical Comments to the Docket at <https://www.regulations.gov>

Submit your comments, identified by Docket ID No. EPA-HQ-ORD-2020-0183 for vanadium and compounds (oral), by one of the following methods:

- *www.regulations.gov*: Follow the on-line instructions for submitting comments.
- *Email*: Docket_ORD@epa.gov.
- *Fax*: 202-566-9744. Due to COVID-19, there may be a delay in processing comments submitted by fax.

- *Mail*: U.S. Environmental Protection Agency, EPA Docket Center (ORD Docket), Mail Code: 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460. The phone number is 202-566-1752. Due to COVID-19, there may be a delay in processing comments submitted by mail.

For information on visiting the EPA Docket Center Public Reading Room, visit <https://www.epa.gov/dockets>. Due to public health concerns related to COVID-19, the EPA Docket Center and Reading Room may be closed to the public with limited exceptions. The telephone number for the Public Reading Room is 202-566-1744. The public can submit comments via www.Regulations.gov or email.

Instructions: Direct your comments to EPA-HQ-ORD-2020-0183 for vanadium and compounds (oral). Please ensure that your comments are submitted within the specified comment period. Comments received after the

closing date will be marked "late," and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at <https://www.regulations.gov>, including any personal information provided, unless a comment includes information claimed to be Confidential Business Information (CBI) or other information for which disclosure is restricted by statute. Do not submit information through <https://www.regulations.gov> or email that you consider to be CBI or otherwise protected. The <https://www.regulations.gov> website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <https://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <https://www.epa.gov/dockets>.

Docket: Documents in the docket are listed in the <https://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 materials, such as copyrighted material, are publicly available only in hard copy. Publicly available docket materials are available either electronically in <https://www.regulations.gov> or as a hard copy at the ORD Docket in the EPA Headquarters Docket Center.

Wayne Cascio,

Director, Center for Public Health & Environmental Assessment.

[FR Doc. 2021-08559 Filed 4-23-21; 8:45 am]

BILLING CODE 6560-50-P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities; Notice of Submission for OMB Review; Comment Request

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of information collection.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Equal Employment Opportunity Commission gives notice of its intent to submit to the Office of Management and Budget (OMB) a request for renewal of the information collection described below.

DATES: Written comments on this notice must be submitted on or before June 25, 2021.

ADDRESSES: You may submit comments by any of the following methods—please use only one method:

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

Mail: Comments may be submitted by mail to Rachel See, Acting Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street NE, Washington, DC 20507.

Fax: Comments totaling six or fewer pages may be sent by fax machine to (202) 663-4114. (This is not a toll-free number.) Receipt of fax transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663-4070 (voice) or (202) 663-4074 (TTD). (These are not toll-free telephone numbers.)

Instructions: All comments received will be posted without change to <http://www.regulations.gov>, including any personal information you provide, except as noted below. However, EEOC reserves the right to refrain from posting comments, including those that contain obscene, indecent, or profane language; that contain threats or defamatory statements; that contain hate speech directed at race, color, sex, national origin, age, religion, disability, or genetic information; or that promote or endorse services or products.

Although copies of comments received are usually also available for review at the Commission's library, given the EEOC's current 100% telework status due to the Coronavirus Disease 2019 (COVID-19) public health emergency, the Commission's library is closed until further notice. Once the Commission's library is re-opened, copies of comments received in

response to this notice will be made available for viewing by appointment only at 131 M Street NE, Suite 4NW08R, Washington, DC 20507, between the hours of 9:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Kathleen Oram, Assistant Legal Counsel, at (202) 921-2665 or Kathleen.Oram@eeoc.gov, or Savannah Marion Felton, Senior Attorney, at (202) 921-2671 or Savannah.Felton@eeoc.gov. Requests for this notice in an alternative format should be made to the Office of Communications and Legislative Affairs at (202) 663-4191 (voice) or 1-800-669-6820 (TTY).

SUPPLEMENTARY INFORMATION:

Introduction

The Equal Employment Opportunity Commission (EEOC or Commission) gives notice of its intent to submit the recordkeeping requirements contained in the Uniform Guidelines on Employee Selection Procedures (UGESP or Uniform Guidelines)¹ to the Office of Management and Budget (OMB) for a three-year extension without change under the Paperwork Reduction Act of 1995 (PRA).

Request for Comments

Pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and OMB regulation 5 CFR 1320.8(d)(1), the EEOC invites public comments that will enable the agency to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, to be collected; e.g., permitting electronic submission of responses.

Overview of Current Information Collection

Collection Title: Recordkeeping Requirements of the Uniform Guidelines on Employee Selection Procedures, 29

CFR part 1607, 41 CFR part 60-3, 28 CFR part 50, 5 CFR part 300.

OMB Number: 3046-0017.

Type of Respondent: Businesses or other institutions; Federal Government; State or local governments and farms.

North American Industry Classification System (NAICS) Code: Multiple.

Standard Industrial Classification Code (SIC): Multiple.

Description of Affected Public: Any employer, Government contractor, labor organization, or employment agency covered by the Federal equal employment opportunity laws.

Respondents: 957,005.

*Responses:*² 957,005.

Recordkeeping Hours: 16,578,127 per year.

Number of Forms: None.

Form Number: None.

Frequency of Report: None.

Abstract: The Uniform Guidelines provide fundamental guidance for all Title VII-covered employers about the use of employment selection procedures. The records addressed by UGESP are used by respondents to ensure that they are complying with Title VII and Executive Order 11246; by the Federal agencies that enforce Title VII and Executive Order 11246 to investigate, conciliate, and litigate charges of employment discrimination; and by complainants to establish violations of Federal equal employment opportunity laws. While there is no data available to quantify these benefits, the collection of accurate applicant flow data enhances each employer's ability to address any deficiencies in recruitment and selection processes, including detecting barriers to equal employment opportunity.

Burden Statement: There are no reporting requirements associated with UGESP. The burden being estimated is the cost of collecting and storing a job applicant's gender, race, and ethnicity data.

The only paperwork burden derives from this recordkeeping. Only employers covered under Title VII and Executive Order 11246 are subject to UGESP. However, for the purposes of burden calculation, data for all employers are counted.² The number of employers with 15 or more employees is estimated at 957,005 which combines estimates from private employment,³

² In calculating burden, data from multiple sources are used. Some of these sources do not allow us to identify only those employers who are covered by Title VII (employers with 15 or more employees).

³ Source of original data: 2017 Economic Census. (<https://www.census.gov/content/census/en/data/datasets/2017/econ/susb/2017-susb.html>). Local

the public sector,⁴ and referral unions.⁵ Employers with 15 or more employees represent approximately 15.3% of all employers in the U.S. and employ about 87.7% of all employees in the U.S.⁶

This burden assessment is based on an estimate of the number of job applications submitted to all employers in one year, including paper-based and electronic applications. The total number of job applications submitted every year to covered employers is estimated to be 1,989,375,182, based on an average of approximately 29 applications⁷ for every hire and a Bureau of Labor Statistics data estimate of 68,594,000 annual hires.⁸ This figure also includes 149,182 applicants for union membership reported on the EEO-3 form for 2018.

The employer burden associated with collecting and storing applicant demographic data is based on the following assumptions: Applicants would need to be asked to provide three pieces of information—sex, race/ethnicity, and an identification number (a total of approximately 13 keystrokes); the employer may need to transfer information received to a database either manually or electronically (although we believe it likely that many employers utilize HR software that handles employment applications as well as the rest of the employers HR needs); and the employer would need to store the 13 characters of information for each applicant. Recordkeeping costs and burden are assumed to be the time cost associated with entering 13 keystrokes.

Assuming that the required recordkeeping takes 30 seconds per

Downloadable CSV data. Select U.S. & states, 6 digit NAICS. The original number of employers was adjusted to only include those with 15 or more employees.

⁴ Source of original data: 2017 Census of Governments: Employment. Individual Government Data File (<https://www.census.gov/data/tables/2017/econ/apes/annual-apes.html/>). Local Downloadable Data zip file "individual files". The original number of government entities was adjusted to only include those with 15 or more employees.

⁵ EEO-3 Reports filed by referral unions in 2018 with EEOC.

⁶ Source of original data: 2017 Economic Census. (<https://www.census.gov/content/census/en/data/datasets/2017/econ/susb/2017-susb.html>). Local Downloadable CSV data. Select U.S. & states, 6 digit NAICS; 2017 Census of Governments (<https://www.census.gov/data/tables/2017/econ/apes/annual-apes/>).

⁷ The average number of applications received per job opening in 2018, according to the private career advice website Zety. (<https://zety.com/blog/hr-statistics>).

⁸ Bureau of Labor Statistics Job Openings and Labor Turnover Survey, 2018 annual level data (Not seasonally adjusted), (<http://www.bls.gov/jlt/data.htm>) is the source of the original data. The BLS figure includes new hires in both the public and the private sectors across all employer sizes.

¹ 29 CFR, part 1607, 41 CFR part 60-3, 28 CFR part 50, 5 CFR part 300.

record, and assuming a total of 1,989,375,182 paper and electronic applications per year (as calculated above), the resulting UGESP burden hours would be 16,578,127. Based on a wage rate of \$17.44⁹ per hour for the individuals entering the data, the collection and storage of applicant demographic data would come to approximately \$289,122,526 per year. We expect that the foregoing assumptions are over-inclusive, because many employers have electronic job application processes that should be able to capture applicant flow data automatically.

While the burden hours and costs for the UGESP recordkeeping requirement seem very large, the average burden per employer is relatively small. We estimate that UGESP applies to 957,005 employers, which is about 15.3% of all employers in the U.S, and who employ about 87.7% of all employees in the U.S. (86.5% of private employees and 95.9% of government employees).¹⁰ Therefore, the estimated cost per covered employer is about \$263.¹¹ Additionally, 35.0% of employees work for firms with at least 5,000 employees,¹² and it is likely the burden of entry for these firms is transferred to the applicants via use of electronic application systems. UGESP also allows for simplified recordkeeping for employers with more than 15 but less than 100 employees.¹³

⁹ Based on the 10th percentile hourly wage for Human Resources Specialist in 2018 (<https://www.bls.gov/oes/2018/may/oes131071.htm>). The 10th percentile is slightly lower than the average salary for an entry-level Human Resources Specialist (<https://www.ziprecruiter.com/Salaries/Entry-Level-Human-Resources-Specialist-Salary>).

¹⁰ Source for private employees: 2017 Economic Census. (<https://www.census.gov/content/census/en/data/datasets/2017/econ/subs/2017-susb.html>). Local Downloadable CSV data. Select U.S. & states, 6 digit NAICS. Source for public employees: 2017 Census of Governments (<https://www.census.gov/data/tables/2017/econ/apes/annual-apes>).

¹¹ This assumes that the new hires in 2018 were distributed equally across firm and agency sizes. In 2018, 64,286,000 new hires were in the private sector 86.5% of which would be 55,575,000 new hires estimated for firms with at least 15 employees. Similarly, 4,310,000 new hires were in the public sector. 95.9% of which would be 4,133,000 new hires into governments with at least 15 employees. This totals approximately 59,708,000 new hires in Title VII locations. The remainder of the burden hour calculations remain the same.

¹² Source for private employees: 2017 Economic Census. (<https://www.census.gov/content/census/en/data/datasets/2017/econ/subs/2017-susb.html>).

¹³ See 29 CFR 1607.15A(1): *Simplified recordkeeping for users with less than 100 employees*. In order to minimize recordkeeping burdens on employers who employ one hundred (100) or fewer employees, and other users not required to file EEO-1, *et seq.*, reports, such users may satisfy the requirements of this section 15 if they maintain and have available records showing, for each year: (a) The number of persons hired, promoted, and terminated for each job, by sex, and

For the Commission.

Dated: April 20, 2021.

Charlotte A. Burrows,
Chair.

[FR Doc. 2021-08549 Filed 4-23-21; 8:45 am]

BILLING CODE 6570-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1270; FRS 22452]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before June 25, 2021. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should

where appropriate by race and national origin; (b) The number of applicants for hire and promotion by sex and where appropriate by race and national origin; and (c) The selection procedures utilized (either standardized or not standardized).

advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email PRA@fcc.gov and to Nicole.Ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele, (202) 418-2991.

OMB Control Number: 3060-1270.

Title: Protecting National Security Through FCC Programs.

Form Number: N/A.

Type of Review: Revision of a currently approved information collection.

Respondents: Business or other for profit.

Number of Respondents and Responses: 3,500 respondents; 10,250 responses.

Estimated Time per Response: 0.5-12 hours.

Frequency of Response: Annual, semi-annual and recordkeeping requirements.

Obligation to Respond: Mandatory and required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 1603-1604.

Total Annual Burden: 27,400 hours.

Total Annual Cost: 1,125,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting that respondents submit confidential information to the FCC. However, respondents may request confidential treatment of their information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) as a revision during this comment period to obtain the full three year clearance from OMB. Under this information collection, the Communications Act of 1934, as amended, requires the "preservation and advancement of universal service." 47 U.S.C. 254(b). The information collection requirements reported under this collection are the result of the Federal Communications Commission's (the Commission) actions to promote the Act's universal service goals.

On November 22, 2019, the Commission adopted the *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Report and Order, Order, and Further Notice of Proposed Rulemaking, 34 FCC Rcd 11423 (2019) (*Report and Order*). The *Report and Order* prohibits future use of Universal Service Fund (USF) monies to purchase, maintain, improve,

modify, obtain, or otherwise support any equipment or services produced or provided by a company that poses a national security threat to the integrity of communications networks or the communications supply chain.

On March 12, 2020, the President signed into law the Secure and Trusted Communications Networks Act of 2019 (Secure Networks Act), Public Law 116–124, 133 Stat. 158 (2020) (codified as amended at 47 U.S.C. 1601–1609), which among other measures, directs the FCC to establish the Secure and Trusted Communications Networks Reimbursement Program (Reimbursement Program). This program is intended to provide funding to providers of advanced communications service for the removal, replacement and disposal of certain communications equipment and services that poses an unacceptable national security risk (*i.e.*, covered equipment and services) from their networks. The Commission has designated two entities—Huawei Technologies Company (Huawei) and ZTE Corporation (ZTE), along with their affiliates, subsidiaries, and parents—as covered companies posing such a national security threat. *See Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs—Huawei Designation*, PS Docket No. 19–351, Memorandum Opinion and Order, 35 FCC Rcd 14435 (2020); *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs—ZTE Designation*, PS Docket No. 19–352, Memorandum Opinion and Order, DA 20–1399 (PSHSB rel. Nov. 24, 2020).

On December 10, 2020, the Commission adopted the *Second Report and Order* implementing the Secure Networks Act, which contained certain new information collection requirements. *See Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18–89, Second Report and Order, 35 FCC Rcd 14284 (2020) (*Second Report and Order*). These requirements will allow the Commission to receive, review and make eligibility determinations and funding decisions on applications to participate in the Reimbursement Program that are filed by certain providers of advanced communications service. These new information collection requirements will also assist the Commission in processing funding disbursement requests and in monitoring and furthering compliance with applicable program requirements to protect against waste, fraud, and abuse.

On December 27, 2020, the President signed into law the Consolidated Appropriations Act, 2021, appropriating \$1.9 billion to “carry out” the Reimbursement Program and amending the Reimbursement Program eligibility requirements to expand eligibility to include providers of advanced communications service with 10 million or fewer subscribers. *See* Public Law 116–260, Division N-Additional Coronavirus Response and Relief, Title IX-Broadband internet Access Service, sections 901, 906, 134 Stat. 1182 (2020). The Commission has interpreted the term “provider of advanced communications service” to mean “facilities-based providers, whether fixed or mobile, with a broadband connection to end users with at least 200 kbps in one direction.” *Second Report and Order*, 35 FCC Rcd at 14332, para. 111. Participation in the Reimbursement Program is voluntary but compliance with the new information collection requirements is required to obtain Reimbursement Program support.

The Secure Networks Act requires all providers of advanced communications service to annually report, with exception, on whether they have purchased, rented, leased or otherwise obtained covered communications equipment or service on or after certain dates. 47 U.S.C. 1603(d)(2)(B). The *Second Report and Order* adopted a new information collection requirement to implement this statutory mandate. *See* Secure Networks Act section 5. If the provider certifies it does not have any covered equipment and services, then the provider is not required to subsequently file an annual report, unless it later obtains covered equipment and services. *Second Report and Order* at para. 215.

This submission is for new information collection requirements contained in the *Second Report and Order* adopted by the Commission on December 10, 2020. The new requirements are necessary for the creation of a \$1.9 billion reimbursement program, as directed by Congress in the Secure Networks Act, as amended. This submission also covers a related information collection requirement necessitated by the Secure Networks Act and/or the *Second Report and Order* and proposes to eliminate a previously approved information collection requirement that is no longer necessary.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–08546 Filed 4–23–21; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—TS21–001, Identify and Evaluate Potential Risk Factors for Amyotrophic Lateral Sclerosis (ALS); Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—TS21–001, Identify and Evaluate Potential Risk Factors for Amyotrophic Lateral Sclerosis (ALS); June 10, 2021, 10:00 a.m.–5:00 p.m., EDT, in the original FRN. The web conference meeting was published in the **Federal Register** on February 1, 2021, Volume 86, Number 19, pages 7725–7726.

The meeting is being amended to change the meeting time and should read as follows:

Date: June 10, 2021.

Time: 8:30 a.m.–5:00 p.m., EDT.

Place: Web Conference.

The meeting is closed to the public.

FOR FURTHER INFORMATION CONTACT:

Mikel Walters, Ph.D., Scientific Review Officer, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway, NE, Mailstop F–63, Atlanta, Georgia 30341–3717, Telephone: (404) 639–0913, MWalters@cdc.gov.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–08550 Filed 4–23–21; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–1268; Docket No. CDC–2021–0043]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled “Drug Overdose Surveillance and Epidemiology”. This information collection is designed to improve local, state, and regional situational awareness of drug, opioid, heroin, and stimulant overdose trends and respond to acute local and multi-state drug outbreaks.

DATES: CDC must receive written comments on or before June 25, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0043 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.

- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the *Federal eRulemaking portal (regulations.gov)* or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

Drug Overdose Surveillance and Epidemiology (DOSE) (OMB Control No. 0920–1268, Exp. 8/31/2022)—Extension—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The rapid increase in opioid overdose deaths since 2013, numerous severe fentanyl and fentanyl analog outbreaks occurring since 2015 across the United States, and the declaration of the opioid overdose epidemic as a national public health emergency on October 26, 2017 have highlighted the urgent need to rapidly establish and enhance timely surveillance of suspected drug, opioid, heroin, and stimulant overdoses. These data are critical to inform timely local,

state, and regional response, especially to acute and/or widespread multi-state outbreaks.

This data collection effort, an essential component toward reducing the opioid crisis, is one of the top priorities for HHS. Drug Overdose Surveillance and Epidemiology (DOSE) data is critical to our ability to rapidly identify outbreaks and provide situational awareness of changes in emergency department (ED) visits involving suspected drug, opioid, heroin and stimulant overdoses at the local, state, and regional level. This will be accomplished by standardizing and enhancing the sharing of existing ED data collected by 52 health departments (all 50 state health departments, the health department of Puerto Rico, and the health department of the District of Columbia) with CDC. In addition, CDC leadership communicates with HHS on an ongoing basis, and this data is part of its request to better monitor, plan, and implement programs to prevent overdose and reduce subsequent harm.

DOSE proposes to fund 52 health departments (50 state health departments, the health department of Puerto Rico and the health department of the District of Columbia) to rapidly share existing ED data on counts of ED visits involving suspected drug, opioid, heroin, and stimulant overdoses using two standard data forms (*i.e.*, the Rapid ED overdose data form and the ED discharge overdose data form), and standard CDC case definitions.

The system will leverage ED syndromic data and hospital discharge data on ED visits already routinely collected by state and territorial health departments. No new data will be systematically collected from EDs, and health departments will be reimbursed by CDC for the burden related to sharing ED data with CDC. Fifty-two funded health departments (50 state health departments, Puerto Rico, and the District of Columbia) will rapidly share existing ED data with CDC on a monthly basis using the Rapid ED overdose data form and standard CDC case definitions. Although data may come from different local ED data systems, it is expected to cover at least 75% of ED visits in the jurisdiction (*e.g.*, state).

CDC will require all participating health departments to provide counts of ED visits involving suspected drug, opioid, heroin, and stimulant overdoses by county, age group, sex, and time (*i.e.*, month and year) in a standardized manner, using the Rapid ED overdose data form, which is an Excel data template. This form also collects data quality indicators such as percentage of ED visits missing data on key variables

(i.e., metadata). In order to assess and improve rapid ED data sharing, all 52 participating health departments will also be asked to share counts of ED visits involving suspected drug, opioid, heroin and stimulant overdoses by

county, age group, sex, and time (i.e., month and year), from more finalized hospital discharge files. The data will be shared with CDC on a quarterly or yearly basis using a standardized Excel data form, the ED discharge overdose

data form, and standard CDC case definitions. The total estimated annual burden hours are 1,272. There are no costs to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Total number of responses per respondent	Average burden per response (hours)	Total annual burden (hours)
Participating health departments sharing aggregate data from local syndromic or hospital discharge file.	Rapid ED overdose data form	19	12	3	684
Participating health departments sharing case-level ED data with CDC through the NSSP BioSense (OMB #0920-0824)*.	Rapid ED overdose data form	33	12	30/60	198
Participating health department sharing finalized hospital discharge data on a quarterly basis.	ED discharge overdose data form ...	26	4	3	312
Participating health department sharing finalized hospital discharge data on a yearly basis.	ED discharge overdose data form ...	26	1	3	78

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021-08576 Filed 4-23-21; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting 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, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92-463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)-

RFA-OH-20-007, National Center of Excellence for the Prevention of Childhood Agricultural Injury.

Date: June 8, 2021.

Time: 1:00 p.m.-3:00 p.m., EDT.

Place: Video-Assisted Meeting.

Agenda: To review and evaluate grant applications.

FOR FURTHER INFORMATION CONTACT: Dan Hartley, Ed.D., Scientific Review Officer, Office of Extramural Programs, National Institute for Occupational Safety and Health, CDC, 1095 Willowdale Road, Morgantown, West Virginia 26505, Telephone: (304) 285-5812; DHartley@cdc.gov.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021-08551 Filed 4-23-21; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-21-21EL; Docket No. CDC-2021-0041]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled National Learning Community for HIV CBO Leadership Evaluation. The purpose of this data collection is to evaluate the National Learning Community for HIV CBO Leadership which is a component of cooperative agreement CDC-RFA-PS19-1904: Capacity Building Assistance (CBA) for High Impact HIV Prevention Program Integration.

DATES: CDC must receive written comments on or before June 25, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0041 by any of the following methods:

- *Federal eRulemaking Portal:* *Regulations.gov.* Follow the instructions for submitting comments.

- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: *Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.*

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. 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 submissions of responses; and

5. Assess information collection costs.

Proposed Project

National Learning Community for HIV CBO Leadership Evaluation—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) partners with the national HIV prevention workforce to; (1) Ensure that persons with HIV (PWH) are aware of their infection and successfully linked to medical care and treatment to achieve viral suppression, and (2) expand access to pre-exposure prophylaxis (PrEP), condoms, and other proven strategies for persons at risk of becoming infected. CDC funds state and local health departments and community-based organizations (CBOs) to optimally plan, integrate, implement, and sustain comprehensive HIV prevention programs and services for people with and at greatest risk of HIV infection, including blacks/African Americans; Hispanics/Latinos; all races/ethnicities of gay, bisexual, and other men who have sex with men (MSM); people who inject drugs (PWID); and transgender persons.

Through the CDC cooperative agreement program entitled CDC–RFA–PS19–1904: Capacity Building Assistance (CBA) for High Impact HIV Prevention Program Integration, the CDC Division of HIV/AIDS Prevention (DHAP) funds the CBA Provider Network (CPN) to deliver CBA to CDC-funded health departments and CBOs. As part of that funding, the CDC has funded the Asian & Pacific Islander American Health Forum (APIAHF) to provide community-based organization (CBO) midlevel and senior leadership state-of-the-art trainings on how to improve their management of people, programs, and organizations to optimally provide HIV prevention, treatment, and/or care services. A key foundational course for all who enroll in the Learning Community is a comprehensive overview of the national strategy on ending the HIV epidemic. This information collection evaluates the Learning Community. Specifically, CDC and APIAHF are requesting the Office of Management and Budget (OMB) to grant a three-year approval to

collect data through the use of a Registration Form, a Post-Participation Survey, and a Post-Participation Semi-Structured Interview that will be administered to participants of the Learning Community.

The Learning Community participants will complete the Registration Form as part of the process for enrollment. The Learning Community Registration Form collects demographic information about participants including: (1) Business contact information (*e.g.*, email and telephone number, job title); (2) basic demographics on race, ethnicity, gender, sexual orientation, and employment setting; (3) programmatic and population areas of focus; and (4) work experience as a manager or organizational lead. After participating in the foundational courses and other course offerings over a 12-week period, participants are invited to complete the Post-Participation Survey. The Post-Participation Survey is designed to elicit information from participants about their experiences and feedback regarding the content of the courses and the delivery of the course material and other services (management coaching services are also being offered).

Also, part of the offering of the Learning Community is a six-week Problem-Solving Intensive that is designed to help managers work through specific managerial problems using the tenants of human-centered design. At the end of the Intensive, participants will be invited to participate in a Semi-Structured Interview by Zoom where they will discuss their experiences and feedback on the Intensive. The Registration Form, Post-Participation Survey, and Post-Participation Semi-Structured Interview for those participating in the Intensive will be administered to CBO staff who participate in these respective Learning Community activities. Respondents will provide information electronically through the online Registration Form and Post-Participation Survey. The number of respondents is calculated based on an expected number of CBO managers at CDC directly funded organizations given the previous number of organizations funded by CDC. We estimate 270 CBO managers will complete the Registration Form and the Post-Participation Survey, and 135 will provide responses to the Semi-Structured Interview, annually.

The information collected will allow APIAHF to:

- (1) Identify and respond to program performance issues identified through feedback from participants;

(2) Identify potentially new courses that may be of some use to HIV CBO leadership;
 (3) Provide a timely and accurate aggregated accounting of patterns of usage and enrollment trends to CDC and

other state, and local agencies, and other stakeholders seeking information about the services delivered in the Learning Community.
 No other federal agency collects these types of national HIV prevention

capacity building data. The total annualized burden is 89 hours. There are no other costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr.)	Total burden (in hr.)
CBO Managers	Registration Form	270	1	3/60	14
CBO Managers	Post Participation Survey	270	1	9/60	41
CBO Managers	Semi-Structured Zoom Interview	135	1	15/60	34
Total .....	.....	.....	.....	.....	89

Jeffrey M. Zirger,
Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.
 [FR Doc. 2021-08578 Filed 4-23-21; 8:45 am]
BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day-21-1108]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled *Paul Coverdell National Acute Stroke Program (PCNASP)* to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on December 3, 2020 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

- (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (b) Evaluate the accuracy of the agencies estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

Proposed Project

Paul Coverdell National Acute Stroke Program (PCNASP) (OMB Control No. 0920-1108, Exp. 09/30/2022)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Stroke is the fifth leading cause of death in the United States, and results in approximately 145,000 deaths per year. However, many strokes are preventable, or patient outcomes post-stroke can be improved through coordinated care that begins at stroke onset, and is delivered in a timely manner.

Through the Paul Coverdell National Acute Stroke Program (PCNASP), CDC has continuously worked to measure and improve acute stroke care using well-known quality improvement strategies coupled with frequent evaluation of results. There remains a national need to understand best practices of stroke systems of care, which includes prevention and awareness, use of EMS, in-hospital care, and rehabilitation and recovery. PCNASP awardees work statewide with participating hospitals, Emergency Medical Services (EMS) agencies, and other healthcare partners (e.g., community clinical partners) to improve quality of care for stroke patients. These efforts include implementing strategies to close the gap on stroke disparities, identifying effective stroke treatment centers, building capacity and infrastructure to ensure that stroke patients are routed to effective treatment centers in a timely manner, and improving transitions of care from the hospital to the next care setting.

The PCNASP’s current five-year cooperative agreement started on July 1, 2015 and includes nine state health department awardees and their selected partners (hospitals, EMS agencies, other healthcare facilities). This current funding period reflects additional emphasis on pre-hospital quality of care as well as the post-hospital transition of care setting from hospital to home or other healthcare facility. With technical

assistance provided by CDC, awardees have worked on identifying and using data systems to systematically collect and report data on all three phases of the stroke care continuum and on hospital capacity.

PCNASP currently has OMB approval for the collection of pre-hospital (EMS), in-hospital, and post-hospital patient care data, as well as hospital inventory data (OMB Control No. 0920–1108, Exp. 09/30/2022). CDC plans to request a revision of this currently approved collection, with an extension of three years, reflecting a new Notice of Funding Opportunity (NOFO). The new PCNASP cooperative agreement will be expanded to include 13 awardees, which will be awarded on or about July 1, 2021.

In-hospital patient care data will continue to align with standards set by The Joint Commission (TJC) and the American Heart Association’s Get With The Guidelines (GWTG) Program. Estimated burden for the collection of in-hospital data will increase by a net increase of eight hours due to added program awardees under the new cooperative agreement. The average burden per response remains 30 minutes for awardees, for a total of 26 hours annually.

Data collection methods for pre-hospital care will continue to be collected similarly to the two current methods, depending on awardees’ access to data sources. These two methods are existing data systems

currently available to awardees, including the AHA’s GWTG and the National Emergency Medical Services Information System (NEMSIS). CDC has worked to reduce the overall number of required data elements and identified areas of alignment with AHA’s GWTG. Total average burden will decrease due to the reduction in data elements under the new NOFO. Depending on the awardees’ access to data sources (GWTG or NEMSIS), the average burden per response will vary from 30 minutes to one hour. Thus, the burden for pre-hospital data is estimated to decrease from 60 to 46 burden hours annually.

Under the scope of the new NOFO, patient level post-hospital quality of care data will not be collected. Post-stroke transitions of care, rehabilitation, and follow-up will be assessed in alignment with existing CDC cooperative agreements, such as supporting the development of approaches to link patients with community resources and clinical services through CDC–RFA–DP18–1817. As a result, burden for this collection and transmission will not be included in the overall estimation of average burden.

Primary data collection of hospital inventory data will continue to be collected to understand the capacity and infrastructure of the hospitals that admit and treat stroke patients. Each hospital will report inventory information to its PCNASP awardee annually. The average burden per response remains 30

minutes for hospitals. In addition, each PCNASP awardee prepares an annual aggregate hospital inventory file for transmission to CDC. The average burden of reporting hospital inventory information for each PCNASP awardee remains eight hours per response. Based on current data and expected number of awardees under the new NOFO, we are estimating the number of hospital partners per awardee to be 50 hospitals. Due to this increase in awardees, the estimated number of hospital respondents is anticipated to increase from 378 to 650. Thus, there is a net increase of 136 hours for hospitals to collect and transmit this data. The total burden for hospital inventory data is increasing from 189 to 325 hours annually.

These requested changes will result in a net increase in total average burden from 361 to 501 hours. All patient, hospital, and EMS provider data that is submitted to CDC by PCNASP awardees will be de-identified and occur through secure data systems. Proposed data elements and quality indicators may be updated over time to include new or revised items based on evolving recommendations and standards in the field to improve the quality of stroke care.

OMB approval is requested for three years. CDC requests approval for an estimated 501 annualized burden hours. Participation is voluntary, and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
PCNASP Awardee	Hospital inventory	13	1	8
	In-hospital care data	13	4	30/60
	Pre-hospital care data	3	4	30/60
PCNASP Hospital Partners	Hospital Inventory	10	4	1
		650	1	30/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–08573 Filed 4–23–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Community Services Block Grant (CSBG) Annual Report (OMB #0970–0492)

AGENCY: Office of Community Services, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comment.

SUMMARY: The Office of Community Services (OCS), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is requesting expedited review of an information collection request from the Office of Management and Budget (OMB) and is inviting public comments on the collection of data for the new Community Services Block Grant (CSBG) CARES Act Supplemental and CSBG Disaster Supplemental funding. This information

is collected through modified versions of the currently approved CSBG Annual Report (OMB #0970-0492, expiration 5/31/2021).

DATES: *Comments due within 30 days of publication.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular

information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

SUPPLEMENTARY INFORMATION:

Description: ACF requested that OMB grant a 180-day approval for this request under procedures for expedited processing. A request for review under normal procedures is now being submitted. Any edits resulting from public comment have been incorporated into this submission under normal procedures. The CSBG Supplemental Annual Reports include modified versions of Modules 1, 2, and 4. Module 1 was modified to align with CSBG Disaster Supplemental and CSBG CARES State Plans and to help reduce the burden to the states. OCS modified

Modules 2 and 4 to collect specific data for the supplemental funding and to reduce burden, including the removal of questions that were not pertinent to the data collection for the Supplemental Reports. OCS made additional technical modifications including minor wording, headings, and numbering revisions. Respondents are only expected to submit Module 3 once through the current CSBG Annual Report; OCS made technical revisions to allow respondents to confirm which funding source they are using—CSBG, CARES, or Disaster.

Respondents: State governments, including the District of Columbia and the Commonwealth of Puerto Rico, and U.S. territories and CSBG eligible entities (Community Action Agencies).

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
CSBG Annual Report (States)	52	3	198	30,088	10,296
CSBG Annual Report (Eligible Entities)	1,009	3	697	2,109,819	703,273
CSBG CARES Supplemental Annual Report (States)	52	3	107	16,692	5,564
CSBG CARES Annual Report (Eligible Entities)	1,009	3	493	1,492,311	497,437
CSBG Disaster Supplemental Annual Report (States)	15	3	95	4,275	1,425
CSBG Disaster Supplemental Annual Report (Eligible Entities)	50	3	476	71,400	23,800

Estimated Total Annual Burden Hours: 1,241,795.

Authority: 112 Stat. 2729; 42 U.S.C. 9902(2).

Mary B. Jones,
ACF/OPRE Certifying Officer.

[FR Doc. 2021-08613 Filed 4-23-21; 8:45 am]

BILLING CODE 4184-27-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Community Services Block Grant (CSBG) Model State Plan Applications (OMB No. 0970-0382)

AGENCY: Office of Community Services, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Community Services (OCS) requests a three-year extension of the forms Community Services Block Grant (CSBG) State Plan, CSBG Eligible Entity Master List, and the American Customer Survey Index (ACSI) (OMB #0970-0382, expiration 6/

30/2021). There are minimal changes requested to the State Plan and the Master List. No changes are proposed to the ACSI.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing infocollection@acf.hhs.gov. Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation (OPRE), 330 C Street SW, Washington, DC 20201, Attn: ACF Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: Section 676 of the Community Services Block Grant (CSBG) Act requires states, including the District of Columbia and the Commonwealth of Puerto Rico, and U.S. territories applying for CSBG funds to submit an application and plan (CSBG

State Plan). The CSBG State Plan must meet statutory requirements prior to CSBG grantees (states and territories) being funded with CSBG funds. Grantees have the option to submit a detailed plan annually or biannually. Grantees that submit a biannual plan must provide an abbreviated plan the following year if substantial changes to the initial plan will occur.

OCS proposes to revise the automated CSBG State Plan format for states and territories by revising questions for clarity and system compatibility. OCS does not anticipate that these revisions will cause any additional burden to CSBG grantees as they have completed the automated plan for six years. It is anticipated that the burden will continue to diminish in subsequent years due to improved automation.

In addition to the CSBG State Plan, OCS requests that all grantees revise their CSBG Eligible Entity Master List in year one to add the executive director and website for each agency. Grantees will revise the Master List as necessary in subsequent years. As the CSBG Eligible Entity Master List is already completed and states have the information about their eligible entities (or sub-grantees), the burden will be

minimal to the states to provide the additional requested information.

Lastly, the request includes a survey for the sub-grantees (or CSBG-eligible entities). The survey focuses on the customer service that the CSBG sub-

grantees receive from the CSBG grantees. The survey is optional, and this will be the fifth time that the CSBG sub-grantees that chose to submit will complete it. There are no revisions proposed to the survey.

Respondents: State governments, including the District of Columbia and the Commonwealth of Puerto Rico, and U.S. territories, and local level sub-grantees.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
CSBG State Plan Application for States	56	3	31	5,208	1,736
CSBG Eligible Entity Master List	56	3	2	336	112
CSBG ACSI Survey of Eligible Entities	1007	1	.33	332	111

Estimated Total Annual Burden Hours: 1,848 hours for CSBG grantees; 111 for CSBG sub-grantees.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Sec. 676, Pub. L. 105–285, 112 Stat. 2735 (42 U.S.C. 9908).

Mary B. Jones,
ACF/OPRE Certifying Officer.

[FR Doc. 2021–08604 Filed 4–23–21; 8:45 am]

BILLING CODE 4184–27–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Follow-Up Study of Coaching Practices in Early Care and Education Settings (OMB #0970–0515)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: This is a primary data collection request for the Follow-up Study of Coaching Practices in Early Care and Education Settings (Follow-up SCOPE), a follow-up to the previously approved Study of Coaching Practices in Early Care and Education Settings (SCOPE) survey (OMB #0970–0515). The study aims to examine, using surveys and qualitative interviews, the practice and processes of coaching and professional development in supporting early care and education (ECE) settings in their provision of care for preschool children and their families as COVID–19 has progressed. The study will focus on both centers and family child care (FCC) homes that serve low-income children, with a primary target of settings that serve children supported by Child Care and Development Fund subsidies or a Head Start grant.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

SUPPLEMENTARY INFORMATION:

Description: Follow-up SCOPE will examine the practice of coaching and professional development more broadly provided in support of centers and FCC homes. The study will collect information on the following: How coaching and professional development are supporting centers and FCC homes; the perceived value and role of coaching, professional development, and quality improvement; the features of coaching and how they are delivered; and the role(s) of coaches and how they have been supported. The study will also examine the degree to which coaching has been sustained and/or changed compared to before COVID–19. In particular, there will be a focus on understanding the use of remote versus in-person strategies for coaching and professional development. This study aims to explore the implementation of coaching and professional development in ECE settings as COVID–19 has progressed. The study will not allow for statistical generalization to different sites or service populations.

Survey and interview questions will focus on the current status of these activities at the time of the data collection, changes compared to before COVID–19 began, and what has been challenging or worked well. The study will use surveys and interviews with center directors, FCC providers, and coaches. The sample frame will be comprised of respondents to the 2019 survey.

Respondents: ECE center directors, coaches, and FCC providers who responded to 2019 SCOPE surveys.

ANNUAL BURDEN ESTIMATES

[Data collection will be completed within a one-year period]

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Avg. burden per response (in hours)	Total/annual burden (in hours)
Coach Survey (Instrument 1)	100	1	.33	33
Center Director Survey (Instrument 2)	66	1	.33	22
FCC Provider Survey (Instrument 3)	38	1	.33	13
Coach Interview (Instrument 4)	12	1	.75	9
Center Director Interview (Instrument 5)	24	1	.75	18
FCC Provider Interview (Instrument 6): FCC providers	12	1	.75	9

Estimated Total Annual Burden Hours: 104.

Authority: 42 U.S.C. 9858(a)(5), 42 U.S.C. 9835, and 42 U.S.C. 9844.

Mary B. Jones,
ACF/OPRE Certifying Officer.

[FR Doc. 2021-08614 Filed 4-23-21; 8:45 am]

BILLING CODE 4184-22-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2020-P-2304]

Determination That Sodium Chloride 14.6% Solution for Injection, 50 Milliequivalent/20 Milliliters, in Plastic Containers, Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that Sodium Chloride 14.6% solution for injection, 50 milliequivalent (mEq)/20 milliliters (mL), in plastic containers, was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for sodium chloride 14.6% solution for injection, 50 mEq/20 mL, in plastic containers, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Ayako Sato, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6206, Silver Spring, MD 20993-0002, 240-402-4191, Ayako.Sato@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price

Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the “listed drug,” which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the “Approved Drug Products With Therapeutic Equivalence Evaluations,” which is known generally as the “Orange Book.” Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug’s NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

Sodium chloride 14.6% solution for injection, 50 mEq/20 mL, in plastic containers, is the subject of NDA 18897, held by Hospira Inc., and initially approved on July 20, 1984. Sodium chloride 14.6% solution for injection is

indicated for use as an electrolyte replenisher in parenteral fluid therapy.

In a communication dated September 6, 2019, Hospira Inc. notified FDA that sodium chloride 14.6% solution for injection, 50 mEq/20 mL, in plastic containers, was being discontinued, and FDA moved the drug product to the “Discontinued Drug Product List” section of the Orange Book.

Fresenius Kabi USA, LLC submitted a citizen petition dated December 16, 2020 (Docket No. FDA-2020-P-2304), under 21 CFR 10.30, requesting that the Agency determine whether sodium chloride 14.6% solution for injection, 50 mEq/20 mL, in plastic containers, was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that sodium chloride 14.6% solution for injection, 50 mEq/20 mL, in plastic containers, was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that sodium chloride 14.6% solution for injection, 50 mEq/20 mL, in plastic containers, was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of sodium chloride 14.6% solution for injection, 50 mEq/20 mL, in plastic containers, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have reviewed the available evidence and determined that this drug product was not withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list sodium chloride 14.6% solution for injection, 50 mEq/20 mL, in plastic containers, in the “Discontinued Drug Product List” section of the Orange Book. The “Discontinued Drug Product List” delineates, among other items, drug products that have been

discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to sodium chloride 14.6% solution for injection, 50 mEq/20 mL, in plastic containers, may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: April 20, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021-08615 Filed 4-23-21; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: 0937-0191-30D]

Agency Information Collection Request. 30-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.
ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health

and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before May 26, 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: Sherrette Funn, Sherrette.Funn@hhs.gov or (202) 795-7714. When submitting comments or requesting information, please include the document identifier 0990-New-30D and project title for reference.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (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.

Type of Collection: Reinstatement w/ without chg.

OMB No.: 0937-0191.

Abstract: The Office of Assistant Secretary for Administration, Program Support Center, Federal Real Property Assistance Program is requesting OMB approval on a previously approved information collection, 0937-0191. 40 U.S.C. 550 (the “Act”), as amended, provides authority to the Secretary of Health and Human Services to convey or lease surplus real property to States and their political subdivisions and instrumentalities, to tax-supported institutions, and to nonprofit institutions which (except for institutions which lease property to assist the homeless) have been held exempt from taxation under Section 501(c)(3) of the 1954 Internal Revenue Code, and 501(c)(19) for veterans organizations, for public health and homeless assistance purposes. Transfers are made to transferees at little or no cost.

Type of respondent: Responses are dependent on when Federal surplus real property is made available and is desired by a respondent/applicant for acquisition. Likely respondents include State, local, or tribal units of government or instrumentalities thereof, and not-for-profit organizations.

ESTIMATED ANNUALIZED BURDEN TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Applications for surplus Federal real property	15	1	200	3,000
Total	15	1	200	3,000

Dated: January 19, 2021.

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

Editorial note: This document was received for publication by the Office of the Federal Register on April 20, 2021.

[FR Doc. 2021-08548 Filed 4-23-21; 8:45 am]

BILLING CODE 4150-04-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Secretary; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as

amended, notice is hereby given of a meeting of the Muscular Dystrophy Coordinating Committee (MDCC).

The meeting will be open to the public. Individuals who plan to participate and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Muscular Dystrophy Coordinating Committee.

Date: June 2, 2021.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: The purpose of this meeting is to bring together committee members, representing government agencies, patient advocacy groups, other voluntary health organizations, and patients and their families to update one another on progress relevant to the Action Plan for the Muscular Dystrophies

and to coordinate activities and discuss gaps and opportunities leading to better understanding of the muscular dystrophies, advances in treatments, and improvements in patients’ and their families’ lives. The agenda for this meeting is available on the MDCC website: https://www.mdcc.nih.gov/Meetings_Events/june-2-2021.

Registration: To register, please go to: https://roseliassociates.zoomgov.com/webinar/register/WN_ihQyf5oBTNK706B9fAHpfQ.

Webcast Live: <https://videocast.nih.gov/watch=41965>.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Glen Nuckolls, Ph.D., Program Director, National Institute of Neurological Disorders and Stroke (NINDS), NIH, 6001 Executive Blvd., Rm 2203, Bethesda, MD 20892, 301-496-5876, MDCC@nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

More information can be found on the Muscular Dystrophy Coordinating Committee home page: <https://mdcc.nih.gov/>.

Dated: April 21, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-08659 Filed 4-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting 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: National Institute on Alcohol Abuse and Alcoholism Initial Review Group; Neuroscience Review Subcommittee.

Date: June 9, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Beata Buzas, Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2116, MSC 6902, Bethesda, MD 20892, 301-443-0800, bbuzas@mail.nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS)

Dated: April 21, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-08660 Filed 4-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Advisory Committee to the Director, National Institutes of Health.

The meeting will be held as a virtual meeting and is open to the public as indicated below. Individuals who plan to view the meeting and need special assistance or other reasonable accommodations to view the meeting should notify the Contact Person listed below in advance of the meeting. The meeting will be videocast and can be accessed from the NIH Videocasting and Podcasting website (<http://videocast.nih.gov/>).

Name of Committee: Advisory Committee to the Director, National Institutes of Health.

Date: May 6, 2021.

Time: 4:00 p.m. to 5:30 p.m.

Agenda: To provide an update on Artificial Intelligence/Machine Learning efforts and obtain concept clearance.

Place: National Institutes of Health, Building 1, One Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Gretchen Wood, Staff Assistant, National Institutes of Health, Office of the Director, One Center Drive, Building 1, Room 126, Bethesda, MD 20892, 301-496-4272, Woodgs@od.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: <http://acd.od.nih.gov>, where an agenda and any additional information for the meeting will be posted when available.

This notice is being published less than 15 days prior to the meeting due to scheduling difficulties.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired

Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: April 20, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-08554 Filed 4-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting 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: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Resource Related Research Projects (R24 Clinical Trial Not Allowed).

Date: May 25, 2021.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F21B, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Maryam Feili-Hariri, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F21B, Rockville, MD 20852, 240-669-5026, haririmf@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 20, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-08595 Filed 4-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute on Aging; 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: National Institute on Aging Special Emphasis Panel; Proteome Dynamics in Aging and AD.

Date: June 17, 2021.

Time: 10:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Birgit Neuhuber, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, (301) 480-1266, neuhuber@ninds.nih.gov.

Name of Committee: National Institute on Aging Special Emphasis Panel; Program Project.

Date: June 30, 2021.

Time: 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Dario Dieguez, Jr, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 827.3101, dario.dieguez@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 21, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-08636 Filed 4-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute on Aging; 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: National Institute on Aging Special Emphasis Panel; AD in vivo Models.

Date: May 27, 2021.

Time: 11:00 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Maurizio Grimaldi, MD, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, (301) 496-9374, grimaldim2@mail.nih.gov.

Name of Committee: National Institute on Aging Special Emphasis Panel; Estrogen on Cardio and Cognitive Health.

Date: May 28, 2021.

Time: 12:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Joshua Jin-Hyouk Park, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 496-6208, joshua.park4@nih.gov.

Name of Committee: National Institute on Aging Special Emphasis Panel; Training Program.

Date: June 9, 2021.

Time: 2:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Natcher Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Dario Dieguez, Jr, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging National Institutes of Health, Gateway Building, Suite

2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 827-3101, dario.dieguez@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 21, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-08637 Filed 4-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting 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: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Review of Career Development Applications.

Date: April 30, 2021.

Time: 5:00 p.m. to 5:45 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, 6707 Democracy Boulevard, Room 7017, Bethesda, MD 20892-5452, (301) 594-7637, davila-bloomm@extra.nidk.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 21, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-08616 Filed 4-23-21; 8:45 am]

BILLING CODE 4140-01-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 Small Business: Dermatology

Date: May 17, 2021.

Time: 12:30 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Aftab A. Ansari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, (301) 237-9931, ansaria@csr.nih.gov.

Name of Committee: Cell Biology Integrated Review Group Cellular Signaling and Regulatory Systems Study Section.

Date: May 24-25, 2021.

Time: 10:00 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: David Balasundaram, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5189, MSC 7840, Bethesda, MD 20892, 301-435-1022, balasundaramd@csr.nih.gov.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Pathophysiological Basis of Mental Disorders and Addictions Study Section.

Date: May 26-27, 2021.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Boris P. Sokolov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301-408-9115, bsokolov@csr.nih.gov.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Interdisciplinary Clinical Care in Specialty Care Settings Study Section.

Date: June 3-4, 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: Abu Saleh Mohammad Abdullah, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827-4043, abuabdullah.abdullah@nih.gov.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cell Signaling and Molecular Endocrinology Study Section.

Date: June 3-4, 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: Latha Malaiyandi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812Q, Bethesda, MD 20892, (301) 435-1999, malaiyandilm@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Interdisciplinary Clinical Care in Specialty Care Settings.

Date: June 4, 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: Lauren Fordyce, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3214, Bethesda, MD 20892, (301) 435-6998, fordycelm@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 20, 2021.

David W Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-08553 Filed 4-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting 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: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Kidney, Urologic and Hematologic Diseases D Subcommittee DDK-D.

Date: June 22-24, 2021.

Time: 5:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jason D. Hoffert, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7343, 6707 Democracy Boulevard, Bethesda, MD 20817, 301-496-9010, hoffertj@nidk.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 21, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-08617 Filed 4-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting 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: National Institute on Drug Abuse Special Emphasis Panel; Exploring Epigenomic or Non-Coding RNA Regulation in the Development, Maintenance, or Treatment of Chronic Pain (R61/R33 Clinical Trial Optional).

Date: June 2, 2021.

Time: 12:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Soyoun Cho, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, NIH, 3WFN, MSC 6021, 301 North Stonestreet Avenue, Bethesda, MD 20892, (301) 594-9460, Soyoun.cho@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: April 20, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-08596 Filed 4-23-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting 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: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Limited Competition for the Continuation of the Urinary Stone Disease Research Network (USDRN).

Date: July 8, 2021.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jason D. Hoffert, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7343, 6707 Democracy Boulevard, Bethesda, MD 20817, 301-496-9010, hoffertj@nidDK.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 21, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-08618 Filed 4-23-21; 8:45 am]

BILLING CODE 4140-01-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

Correction

In Notice document 2021-07987 beginning on page 20398 in the issue of April 19, 2021, make the following correction:

On page 20398, in the first column, under **DATES**, in the second line “April 19, 2021” should read “May 19, 2021”.

[FR Doc. C1-2021-07987 Filed 4-23-21; 8:45 am]

BILLING CODE 1301-00-D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7034-N-23]

30-Day Notice of Proposed Information Collection: The Outcomes Evaluation of the Choice Neighborhoods Program; OMB Control No. 2528-New

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 26, 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 June 1, 2020 at 85 FR 33189.

A. Overview of Information Collection

Title of Information Collection: The Outcomes Evaluation of the Choice Neighborhoods Program.

OMB Approval Number: 2528-New.
Type of Request: New collection.

Form Number: NA.
Description of the need for the information and proposed use:

This request is for the collection of information for an outcomes evaluation of the Choice Neighborhoods Program (Choice). Choice leverages significant public and private dollars to support locally driven strategies that address struggling neighborhoods with distressed public or HUD-assisted housing through a comprehensive approach to neighborhood transformation; local leaders, residents, and stakeholders come together to create and implement a plan that revitalizes distressed HUD housing and addresses the challenges in the surrounding neighborhood.

Launched in 2010, Choice provides direct investments through competitive grants targeted to neighborhoods marked by high rates of poverty with distressed public or HUD-assisted housing. Today, Choice remains one of HUD's primary tools to support planning and implementation efforts to catalyze redevelopment efforts in cities across the nation.

Under contract with HUD's Office of Policy Development and Research, the Urban Institute (Urban) is conducting an evaluation of Choice, focusing on the neighborhoods that received grants in 2011 and 2013: Quincy Corridor neighborhood in Boston, Massachusetts; Woodlawn neighborhood in Chicago, Illinois; Iberville/Tremé neighborhood in New Orleans, Louisiana; Eastern Bayview neighborhood in San Francisco, California; Yesler neighborhood in Seattle, Washington;

Near East Side neighborhood in Columbus, Ohio; South Norwalk neighborhood in Norwalk, Connecticut; North Central Philadelphia neighborhood in Philadelphia, Pennsylvania; and Larimer/East Liberty neighborhood in Pittsburgh, Pennsylvania. The overarching goal of the current evaluation is to understand the impact of the Choice program and the investment it brings, with an emphasis on understanding the first cohort of grantees, funded in 2011 and four additional grantees from the third cohort of grantees, funded in 2013.

The evaluation will use qualitative and quantitative methods to answer the following overarching research question: Whether public and private dollars were successfully leveraged to (1) replace distressed public and assisted housing with high-quality mixed-income housing that is well-managed and responsive to the needs of the surrounding neighborhood, (2) improve outcomes for households in the target housing, including employment and income, health, and education, and (3) create the conditions necessary for public and private reinvestment in distressed neighborhoods to improve amenities and assets. The evaluation is a follow-up to an initial evaluation completed by Urban in 2016, and will employ analysis of administrative/secondary data, including HUD data, as well as primary data collection in the form of a large household survey of households living in the Choice sites, and interviews and observations from stakeholders regarding the Choice program. In total, Urban expects to field

the survey to up to 2,388 Choice residents and contact 275 respondents for qualitative interviews. This information is necessary to evaluate Choice and to understand differences across sites, over time, in different types of HUD-assisted housing, by grantee type, and for different contextual conditions.

Respondents: Residents who are living in Choice Neighborhoods (Choice) sites in the Quincy Corridor neighborhood in Boston, Massachusetts; Woodlawn neighborhood in Chicago, Illinois; Iberville/Tremé neighborhood in New Orleans, Louisiana; Eastern Bayview neighborhood in San Francisco, California; Yesler neighborhood in Seattle, Washington; Near East Side neighborhood in Columbus, Ohio; South Norwalk neighborhood in Norwalk, Connecticut; North Central Philadelphia neighborhood in Philadelphia, Pennsylvania; and Larimer/East Liberty neighborhood in Pittsburgh, Pennsylvania, as well as stakeholders who were, or remain, engaged with the Choice program. Stakeholders include the lead grantee, implementation leads for housing, people, and neighborhood pillars, HUD managers of Choice grants, city agency officials and staff, public housing and affordable-housing property management staff, housing developers, early education providers, case management providers, other service providers, community and resident leaders, local police precinct commanders, and staff from local anchor institutions.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Cost
Household survey	2,388	1	2,388	.58	1,385.04	\$17.00	\$23,545.68
Interviews with resident leaders	5	1	5	1.5	7.5	17.00	127.50
Interviews with High-level informants: Lead grantees, City officials and staff	45	1	45	1.5	67.5	42.30	2,855.25
Interviews with HUD staff	18	1	18	1.5	27	75.82	2,047.14
Interviews with housing informants: Housing implementation lead, Housing developers, Public housing and affordable-housing property management staff	54	1	54	1.5	81	35.39	2,866.59
Interviews with people informants: People implementation lead, Case management staff, Other service providers	63	1	1	1.5	94.5	23.92	2,260.44
Interviews with education informants: Education implementation lead, education implementation staff	27	1	1	1.5	40.5	23.92	968.76
Interviews with Neighborhood informants: Implementation lead, Local police precinct commanders, Local anchor institution staff, Community leaders	63	1	1	1.5	94.5	35.52	3,356.64
Total	2,663	.....	.....	.....	1,797.54	.....	38,028.00

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.

C. 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. 2021-08634 Filed 4-23-21; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7034-N-22]

30-Day Notice of Proposed Information Collection: Veterans Housing Rehabilitation and Modification and Pilot Program; OMB Control No. 2506-0213

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 26, 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 March 1, 2021, at 86 FR 12018.

A. Overview of Information Collection

Title of Information Collection:

Veterans Housing Rehabilitation and Modification and Pilot Program.

OMB Approval Number: 2506-0213.

Type of Request: Extension of currently approved collection.

Form Number: SF-424; HUD 424CB; HUD 424-CBW; SF-LLL; HUD 2880; HUD 2990; HUD 2991; HUD 2993; HUD 2994A; HUD 27061; and HUD 27300.

Description of the need for the information and proposed use: The Veterans Housing Rehabilitation and Modification Pilot Program funding in FY 2020 was provided under the Further Consolidated Appropriations Act, 2020 (Pub. L. 116-94, approved December 20, 2019), the Consolidated Appropriations Act of 2018 (Pub. L. 115-141), and the Consolidated Appropriations Act, 2019 (Pub. L. 116-6). The purpose of VHRMP is to award grants to nonprofit veteran's service organizations to rehabilitate and modify the primary residence of disabled and low-income veterans. The program goal is to support eligible activities that serve the following objectives: (1) Modify and rehabilitate the primary residence of disabled and low-income veterans; (2) rehabilitate such residence that is in a state of interior and exterior disrepair; and (3) install energy efficient features or equipment. Information is required to rate and rank competitive applications and to ensure eligibility of applicants for funding. Quarterly reporting is required to monitor grant management.

Information collection	Frequency of responses	Number of respondents	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per hour	Total
HUD-424CB	200.00	1	200.00	2.60	520.00	\$70.45	36,634.00
HUD-424CBW	200.00	1	200.00	3.12	624.00	70.45	43,960.80
HUD-2880	200.00	1	200.00	2.00	400.00	70.45	28,180.00
HUD-2991	200.00	1	200.00	0.00	.....	70.45	
HUD-2993	200.00	1	200.00	0.00	.....	70.45	
HUD-2994A	200.00	1	200.00	0.50	100.00	70.45	7,045.00
HUD-27061	200.00	1	200.00	0.50	100.00	70.45	7,045.00
HUD-27300	200.00	1	200.00	3.00	600.00	70.45	42,270.00
Total .....	.....	.....	.....	11.72	.....	.....	165,134.80

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.

C. 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. 2021-08095 Filed 4-23-21; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

Notice on Outer Continental Shelf Oil and Gas Lease Sales

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: List of Restricted Joint Bidders.

SUMMARY: Pursuant to the Bureau of Ocean Energy Management (BOEM) regulatory restrictions on joint bidding, the Director of BOEM is publishing a List of Restricted Joint Bidders. Each entity within one of the following groups is restricted from bidding with any entity in any of the other following groups at Outer Continental Shelf oil and gas lease sales held during the bidding period of May 1, 2021, through October 31, 2021.

DATES: This List of Restricted Joint Bidders covers the bidding period of May 1, 2021, through October 31, 2021, and succeeds the prior list published on September 24, 2020 (85 FR 60266), which covered the period of November 1, 2020, through April 30, 2021.

SUPPLEMENTARY INFORMATION:

List of Restricted Joint Bidders

Group I

BP America Production Company
BP Exploration & Production Inc.
BP Exploration (Alaska) Inc.

Group II

Chevron Corporation
Chevron U.S.A. Inc.
Chevron Midcontinent, L.P.
Unocal Corporation
Union Oil Company of California
Pure Partners, L.P.

Group III

Eni Petroleum Co. Inc.

Eni Petroleum US LLC
Eni Oil US LLC
Eni Marketing Inc.
Eni BB Petroleum Inc.
Eni US Operating Co. Inc.
Eni BB Pipeline LLC

Group IV

Equinor ASA
Equinor Gulf of Mexico LLC
Equinor USA E&P Inc.
Group V Exxon Mobil Corporation
ExxonMobil Exploration Company

Group VI

Shell Oil Company
Shell Offshore Inc.
SWEPI LP
Shell Frontier Oil & Gas Inc.
SOI Finance Inc.
Shell Gulf of Mexico Inc.

Group VII

Total E&P USA, Inc.

Even if an entity does not appear on the above list, certain joint or single bids submitted by such entity may be disqualified, and rejected, by BOEM if that entity is chargeable for the prior production period with an average daily production in excess of 1.6 million barrels of crude oil, natural gas, and natural gas liquids. *See* 30 CFR 556.512.

Authority: 42 U.S.C. 6213; and 30 CFR 556.511-556.515.

Amanda Lefton,

*Director, Bureau of Ocean Energy
Management.*

[FR Doc. 2021-08626 Filed 4-23-21; 8:45 am]

BILLING CODE 4310-MR-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1194]

Certain High-Density Fiber Optic Equipment and Components Thereof; Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on March 23, 2021, the presiding administrative law judge (“ALJ”) issued an Initial Determination on Violation of Section 337. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public only.

FOR FURTHER INFORMATION CONTACT:

Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202-205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: A general exclusion order directed to certain high-density fiber optic equipment and components thereof imported, sold for importation, and/or sold after importation that infringe claims 1 and 3 of U.S. Patent No. 9,020,320; claims 11, 12, 14-16, 19, 21, 27, and 28 of U.S. Patent No. 10,444,456; claims 9, 16, 23, and 26 of U.S. Patent No. 10,120,153; and claims 22 and 23 of U.S. Patent No. 8,712,206; and cease and desist orders directed to the following eight respondents: (1) FS.com Inc. of New Castle, Delaware; (2) Leviton Manufacturing Co., Inc. of Melville, New York; (3) Panduit Corporation of Tinley, Illinois; (4) Huber+Suhner AG of Herisau, Switzerland; (5) Huber + Suhner, Inc. of Charlotte, North Carolina; (6) Shenzhen Anfkong Telecom Co., Ltd. d/b/a Anfkong Telecom of Shenzhen, China; (7) Shanghai TARLUZ Telecom Tech. Co., Ltd. d/b/a TARLUZ of Shanghai, China; and (8) Wulei Technology Co., Ltd. d/b/a Bonelinks of Shenzhen, China. Parties are to file public interest

submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on March 23, 2021. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

- (i) Explain how the articles potentially subject to the recommended remedial orders are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;
- (iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;
- (iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and
- (v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on Monday, May 17, 2021.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number ("Inv. No. 337-TA-1194") in a prominent place on the cover page and/or the first page. (See *Handbook for Electronic Filing Procedures*, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: April 20, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-08560 Filed 4-23-21; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-639 and 641-642 and 731-TA-1475-1479, 1481-1483, and 1485-1492 (Final)]

Common Alloy Aluminum Sheet From Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey

Determinations

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission

¹ The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that an industry in the United States is materially injured by reason of imports of common alloy aluminum sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey, provided for in subheadings 7606.11.30, 7606.11.60, 7606.12.30, 7606.12.60, 7606.91.30, 7606.91.60, 7606.92.30, and 7606.92.60 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce ("Commerce") to be sold in the United States at less than fair value ("LTFV"), and to be subsidized by the governments of Bahrain, India, and Turkey.^{2,3}

Background

The Commission instituted these investigations effective March 9, 2020, following receipt of petitions filed with the Commission and Commerce by the Aluminum Association Common Alloy Aluminum Sheet Working Group and its Individual Members, Aleris Rolled Products, Inc., Beachwood, Ohio; Arconic, Inc., Bettendorf, Iowa; Constellium Rolled Products Ravenswood, LLC, Ravenswood, West Virginia; JW Aluminum Company, Daniel Island, South Carolina; Novelis Corporation, Atlanta, Georgia; and Texarkana Aluminum, Inc., Texarkana, Texas. The final phase of the investigations was scheduled by the Commission following notification of a preliminary determinations by Commerce that imports of common alloy aluminum sheet from Bahrain, Brazil, India and Turkey were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and imports of common alloy aluminum sheet from Bahrain, Brazil, Croatia, Egypt, Germany, Greece, India, Indonesia, Italy, Korea, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey were sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a

² The Commission also finds that imports subject to Commerce's affirmative critical circumstances determination are not likely to undermine seriously the remedial effect of the countervailing duty order on common alloy aluminum sheet from Turkey or the antidumping duty order on common alloy aluminum sheet from Indonesia.

³ The Commission terminated its countervailing duty investigation on common alloy aluminum sheet from Brazil and its antidumping duty investigations on common alloy aluminum sheet from Greece and Korea (86 FR 14338, March 15, 2021) following negative final determinations by Commerce.

public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on November 18, 2020 (85 FR 73511). In light of the restrictions on access to the Commission building due to the COVID-19 pandemic, the Commission conducted its hearing through written testimony and video conference on March 2, 2021. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on April 20, 2021. The views of the Commission are contained in USITC Publication 5182 (April 2021), entitled *Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and Turkey: Investigation Nos. 701-TA-639 and 641-642 and 731-TA-1475-1479, 1481-1483 and 1485-1492 (Final)*.

By order of the Commission.

Dated: April 20, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-08572 Filed 4-23-21; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Wearable Electronic Devices with ECG Capability and Components Thereof, DN 3545*; 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 AliveCor, Inc. on April 20, 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 wearable electronic devices with ECG capability and components thereof. The complainant names as respondent: Apple Inc. of Cupertino, CA. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondent 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. 3545") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures¹). 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

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

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 21, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-08654 Filed 4-23-21; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-827]

Importer of Controlled Substances Application: Rhodes Technologies

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of application.

SUMMARY: Rhodes Technologies has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the

issuance of the proposed registration on or before May 26, 2021. Such persons may also file a written request for a hearing on the application on or before May 26, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All request for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on March 15, 2021, Rhodes Technologies, 498 Washington Street, Coventry, Rhode Island 02816, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Tetrahydrocannabinols	7370	I
Methylphenidate	1724	II
Oxycodone	9143	II
Hydromorphone	9150	II
Hydrocodone	9193	II
Morphine	9300	II
Opium, Raw	9600	II
Oxymorphone	9652	II
Poppy Straw Concentrate	9670	II

The company plans to import Opium, Raw (9600), and Poppy Straw Concentrate (9670) in order to bulk manufacture controlled substances in Active Pharmaceutical Ingredient (API) form. The company distributes the manufactured APIs in bulk to its customers.

The company plans to import the other listed controlled substances for internal reference standards use only. The comparisons of foreign reference standards to the company's domestically manufactured API will allow the company to export domestically manufactured API to foreign markets.

William T. McDermott,

Assistant Administrator.

[FR Doc. 2021-08539 Filed 4-23-21; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[OMB Number 1117-NEW]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; New Proposed Collection Exempt Chemical Preparations Application

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Drug Enforcement Administration (DEA), Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until June 25, 2021.

FOR FURTHER INFORMATION CONTACT: If you have comments on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Scott A. Brinks, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (571) 362-3261.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, e.g., permitting electronic submission of responses.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

Overview of This Information Collection

- 1. *Type of Information Collection:* New collection.
- 2. *Title of the Form/Collection:* Exempt Chemical Preparations Application.
- 3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* N/A. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

- 4. *Affected public who will be asked or required to respond, as well as a brief abstract:*
Affected public: Business or other for-profit.
Abstract: Pursuant to 21 U.S.C. 811(g)(3)(B), DEA (by delegation of authority from the Attorney General) may, by regulation, exempt from specific provisions of the Controlled Substances Act (CSA) any compound, mixture, or preparation containing any controlled substance, which is not for administration to a human being or animal, and which is packaged in a certain manner, so that as packaged it

- does not present any significant potential for abuse. In accordance with 21 CFR 1308.23(f), the Administrator (or the Deputy Assistant Administrator), at any time, may revoke or modify any exemption granted pursuant to 21 CFR 1308.23; modify or revoke the criteria by which exemptions are granted; and modify the scope of exemptions.
- 5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The below table presents information regarding the number of respondents, responses and associated burden hours.

Labor category	Number	% of time	Cost
Chemist, GS-14, step 5	3	30	\$200,967
Unit Chief, GS-14, step 5	1	5	11,165
Section Chief, GS-15, step 5	1	1	2,627
Total			214,758

- 6. *An estimate of the total public burden (in hours) associated with the proposed collection:* DEA estimates that this collection takes 2,093 annual burden hours.
If additional information is required please contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: April 21, 2021.
Melody Braswell,
Department Clearance Officer for PRA, U.S. Department of Justice.
 [FR Doc. 2021-08586 Filed 4-23-21; 8:45 am]
BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation
 [OMB Number 1110-0039]

Agency Information Collection Activities; Proposed eCollection; eComments Requested; Revision of a Currently Approved Collection
Bioterrorism Preparedness Act: Entity/ Individual Information

AGENCY: Criminal Justice Information Services Division, Federal Bureau of Investigation (FBI), Department of Justice (DOJ).
ACTION: 30-Day notice.

SUMMARY: The Criminal Justice Information Services (CJIS) Division, Federal Bureau of Investigation (FBI), Department of Justice (DOJ), will be

- submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.
- DATES:** Comments are encouraged and will be accepted for an additional 30 days until May 26, 2021.
- ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.
- SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:
 - Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
 - Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
 - Enhance the quality, utility, and clarity of the information to be collected; and
 - Minimize the burden of the collection of information on those who are to respond, including through the use of

appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

- (1) *Type of Information Collection:* Revision of a currently approved collection.
- (2) *Title of the Form/Collection:* Federal Bureau of Investigation Bioterrorism Preparedness Act: Entity/ Individual Information.
- (3) Agency form number, if any, and the applicable component of the Department sponsoring the collection: Agency form number: FD-961 Sponsoring component: Criminal Justice Information Services Division, Federal Bureau of Investigation (FBI), Department of Justice (DOJ).
- (4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: City, county, state, federal, individuals, business or other for profit, and not-for-profit institute. This collection is needed to receive names and other identifying information submitted by individuals requesting access to specific agents or toxins, and consult with appropriate official of the Department of Health and Human Services and the Department of Agriculture as to whether certain individuals specified in the provisions should be denied access to or granted limited access to specific agents.
- (5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to

respond/reply: It is estimated that approximately 3,655 (FY 2020) respondents at 1 hour and 30 minutes for the FD-961 form.

(6) An estimate of the total public burden (in hours) associated with the collection: Given that approximately 5,483 hours, annual burden associated with this information collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: April 21, 2021.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2021-08583 Filed 4-23-21; 8:45 am]

BILLING CODE 4410-02-P

DEPARTMENT OF JUSTICE

[OMB Number 1140-NEW]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; New Information Collection; Authorization for Release of Consumer/Credit Information—ATF Form 8620.26

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection (IC) is also being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until June 25, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact: Lakisha Gregory, Chief, Personnel Security Division either by mail at 99 New York Ave. NE, Washington, DC 20226, by email at [\[atf.gov\]\(mailto:atf.gov\), or by telephone at 202-648-9260.](mailto:Lakisha.Gregory@</p>
</div>
<div data-bbox=)

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection* (check justification or form 83-I): New collection.

2. *The Title of the Form/Collection:* Authorization for Release of Consumer/Credit Information.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF Form 8620.26.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other (if applicable): None.

Abstract: The Authorization for Release of Consumer/Credit Information—ATF Form 8620.26 will be used to determine if a candidate for Federal or contractor employment at the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), is compliant with Federal requirements relating to financial obligations.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 2,000

respondents will use the form annually, and it will take each respondent approximately 5 minutes to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 167 hours, which is equal to 2,000 (# of respondents) * .0833333 (5 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: April 21, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021-08585 Filed 4-23-21; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF JUSTICE

[OMB Number 1110-0074]

Agency Information Collection Activities; Proposed eCollection; eComments Requested; Extension, Without Change, of a Previously Approved Collection FBI Hazardous Devices School Course Application (FD-731)

AGENCY: Critical Incident Response Group, Hazardous Device School, Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Critical Incident Response Group (CIRG), Hazardous Devices School (HDS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for an additional 30 day until May 26, 2021.

FOR FURTHER INFORMATION CONTACT: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open

for Public Comments” or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Approval of a new collection.

(2) *Title of the Form/Collection:* Federal Bureau of Investigation Hazardous Devices School Course Application.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Agency form number: FD-731.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: This form is utilized by the FBI, Hazardous Devices School to collection information needed during a review process of the identification and qualification of prospective students, and to initiate a review of security clearance status prior to being granted access to law enforcement sensitive and classified facilities and information.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 1000 respondents will complete each form within approximately 45 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 700 total annual burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department

Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: April 21, 2021.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2021-08582 Filed 4-23-21; 8:45 am]

BILLING CODE 4410-02-P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121-0292]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Extension of Currently Approved Collection: Survey of Sexual Victimization (SSV)

AGENCY: Bureau of Justice Statistics, Office of Justice Programs, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Justice Statistics, Office of Justice Programs, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until June 25, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Laura Maruschak, Statistician, Corrections Statistics Unit, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email: Laura.Maruschak@usdoj.gov; telephone: 202-307-5986).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether, and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *The Title of the Form/Collection:* Survey of Sexual Victimization [formerly the Survey of Sexual Violence].

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form numbers for the questionnaires are SSV-1, SSV-2, SSV-3, SSV-4, SSV-5, SSV-6, SSV-IA, and SSV-IJ. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government correctional facilities. Other: Federal Government and business (privately operated correctional institutions, both for-profit and not-for-profit). The data will be used to develop national estimates of the incidence and prevalence of sexual assault within correctional facilities, as well as characteristics of substantiated incidents, as required under the Prison Rape Elimination Act of 2003 (Pub. L. 108-79).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimate of the total number of respondents is 1,581 adult and juvenile correctional systems and facilities. (This estimate assumes a response rate of 100%.) Federal and state correctional systems for adults and juveniles (102 respondents) will take an estimated 60 minutes to complete the summary form; local, military, Immigration and Customs Enforcement, tribal, and privately-operated facilities (1,479 respondents) will take an estimated 30 minutes to

complete the summary form; and each incident form (an estimated 3,000 incident forms will be completed each year, one for each incident that was substantiated) will take about 30 minutes. The burden estimates are based on data from the prior administration of the SSV.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There is an estimated 2,342 total burden hours per year associated with this collection, with a combined total of 7,026 for the three years.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: April 21, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021-08588 Filed 4-23-21; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121-0314]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Reinstatement of a Previously Approved Collection: Firearm Inquiry Statistics (FIST) Program

AGENCY: Bureau of Justice Statistics, Office of Justice Programs, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Bureau of Justice Statistics (BJS), Office of Justice Programs, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register**. BJS received one comment in response. The comment supported reinstatement of the FIST collection. It also suggested that FIST could collect information on how often firearms are transferred without a passed background check due to checks not being completed in the allowable time. However, information on this may be found in NICS Operations Reports. The comment also suggested a study of NICS data flow that is outside the scope

of the immediate FIST project but would affect the data FIST collects from various sources.

DATES: Comments are encouraged and will be accepted for 30 days until May 26, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Reinstatement of a previously approved information collection for which approval has expired.

(2) *The Title of the Form/Collection:* 2019–2022 Firearm Inquiry Statistics Program.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is FIST–1. The applicable component within the Department of Justice is the Bureau of Justice Statistics, Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Through the Firearm Inquiry

Statistics (FIST) Program, the Bureau of Justice Statistics (BJS) obtains information from state and local checking agencies responsible for maintaining records on the number of background checks for firearm transfers or permits that were issued, processed, tracked, or conducted during the calendar year. Specifically, state and local checking agencies are asked to provide information on the number of applications and denials for firearm transfers received or tracked by the agency and reasons why applications were denied. BJS combines these data with the Federal Bureau of Investigation’s (FBI) National Instant Criminal Background Check System (NICS) transaction data to produce comprehensive national statistics on firearm applications and denials resulting from the Brady Handgun Violence Prevention Act of 1993 and similar state laws governing background checks and firearm transfers. BJS also plans to collect information from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) on denials screened and referred to ATF field offices for investigation and possible prosecution. BJS publishes FIST data on the BJS website in statistical tables and uses the information to respond to inquiries from Congress, federal, state, and local government officials, researchers, students, the media, and other members of the general public interested in criminal justice statistics.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* A projected 1,073 respondents will take part in the 2019/2020 FIST data collection with an average of 30 minutes for each to complete the FIST survey form. A projected 1,006 respondents will take part in the 2021 and 2022 data collections with an average of 25 minutes for each to complete the FIST survey form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden hours associated with this collection is 537 hours for the 2019/2020 data collection and 419 hours annually for the 2021 and 2022 data collections.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: April 21, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021-08587 Filed 4-23-21; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121-0317]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Reinstatement, With Change, of a Previously Approved Collection for Which Approval has Expired: 2021 Identity Theft Supplement (ITS)

AGENCY: Bureau of Justice Statistics, Office of Justice Programs, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Bureau of Justice Statistics, Office of Justice Programs, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register**. Following publication of the 60-day notice, the Bureau of Justice Statistics received no requests for the survey instrument and two communications containing suggestions for revisions to the collection of data and regarding the administration of the instrument, which are addressed in Supporting Statement Part A.

DATES: Comments are encouraged and will be accepted for 30 days until May 26, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Erika Harrell, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email: Erika.Harrell@usdoj.gov; telephone: 202-307-0758).

SUPPLEMENTARY INFORMATION: 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. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Reinstatement of the Identity Theft Supplement, with changes, a previously approved collection for which approval has expired.

(2) *The Title of the Form/Collection:* 2021 Identity Theft Supplement.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number for the questionnaire is ITS-1. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Respondents will be persons 16 years or older living in households located throughout the United States sampled for the National Crime Victimization Survey (NCVS). The ITS will be conducted as a supplement to the NCVS in all sample households for a six (6) month period. The ITS is primarily an effort to measure the prevalence of identity theft among persons, the characteristics of identity theft victims, and patterns of reporting to the police, credit bureaus, and other authorities. The ITS was also designed to collect important characteristics of identity theft such as how the victim’s personal information was obtained; the physical, emotional and financial impact on victims; offender information;

and the measures people take to avoid or minimize their risk of becoming an identity theft victim. BJS plans to publish this information in reports and reference it when responding to queries from the U.S. Congress, Executive Office of the President, the U.S. Supreme Court, state officials, international organizations, researchers, students, the media, and others interested in criminal justice statistics.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimate of the total number of respondents is 104,910. An estimated 90.2% of respondents (94,630) are estimated to report no identity theft and will complete the ITS screener and follow-up questions with an average burden of about eight minutes. Among the 9.8% of respondents (10,280) who are expected to experience at least one incident of identity theft during the reference period, the time to ask the screener, incident, and follow-up questions of identity theft is estimated to take an average of fifteen minutes. Respondents will be asked to respond to this survey only once during the six-month period. The burden estimate is based on data from actual interview times from the 2018 ITS, an analysis of the 2021 ITS questionnaire changes and mock interviews done with the 2021 questionnaire.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 15,185 total burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: April 21, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021-08584 Filed 4-23-21; 8:45 am]

BILLING CODE 4410-18-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (21-026)]

Notice of Intent To Grant an Exclusive, Co-Exclusive or Partially Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant exclusive, co-exclusive or partially exclusive patent license.

SUMMARY: NASA hereby gives notice of its intent to grant an exclusive, co-exclusive or partially exclusive patent license to practice the inventions described and claimed in the patents and/or patent applications listed in **SUPPLEMENTARY INFORMATION** below.

DATES: The prospective exclusive, co-exclusive or partially exclusive license may be granted unless NASA receives written objections including evidence and argument, no later than May 11, 2021 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than May 11, 2021 will also be treated as objections to the grant of the contemplated exclusive, co-exclusive or partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

Objections and Further Information: Written objections relating to the prospective license or requests for further information may be submitted to Agency Counsel for Intellectual Property, NASA Headquarters at Email: hq-patentoffice@mail.nasa.gov. For questions: Phone (202) 358-3437.

SUPPLEMENTARY INFORMATION: NASA intends to grant an exclusive, co-exclusive, or partially exclusive patent license in the United States to practice the inventions described and claimed in: U.S. Patent No. 8,492,160, Biomarker Sensors and Method for Multi-color imaging and Processing of Single-molecule Life Signatures to Healthmetryx, Inc., having its principal place of business in Boston, Massachusetts. The fields of use may be limited. NASA has not yet made a final determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

This notice of intent to grant an exclusive, co-exclusive or partially exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at <http://technology.nasa.gov>.

Helen Galus,

Agency Counsel for Intellectual Property.

[FR Doc. 2021-08621 Filed 4-23-21; 8:45 am]

BILLING CODE 7510-13-P

NUCLEAR REGULATORY COMMISSION

[NRC-2020-0193]

Information Collection: Criteria and Procedures for Emergency Access to Non-Federal and Regional Low-Level Waste Disposal Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, "Criteria and Procedures for Emergency Access to Non-Federal and Regional Low-Level Waste Disposal Facilities."

DATES: Submit comments by May 26, 2021. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://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: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2020-0193 when contacting the NRC about the availability of information for this action. You may obtain publicly

available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2020-0193.

- *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 supporting statement is available in ADAMS under Accession No. ML21098A047.

- *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.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2020-0193 in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment

submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a proposed collection of information to OMB for review entitled, "Criteria and Procedures for Emergency Access to Non-Federal and Regional Low-Level Waste Disposal Facilities." The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on December 23, 2020, (85 FR 84012).

1. *The title of the information collection:* Part 62 of title 10 of the *Code of Federal Regulations* (10 CFR), "Criteria and Procedures for Emergency Access to Non-Federal and Regional Low-Level Waste Disposal Facilities."

2. *OMB approval number:* 3150-0143.

3. *Type of submission:* Extension.

4. *The form number if applicable:* Not applicable.

5. *How often the collection is required or requested:* On occasion.

6. *Who will be required or asked to respond:* Any low-level waste generator or governor of a State on behalf of generators seeking emergency access to an operating low-level waste disposal facility or an exemption from the requirements in 10 CFR part 62.

7. *The estimated number of annual responses:* 2.

8. *The estimated number of annual respondents:* 1.

9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 233.

10. *Abstract:* 10 CFR part 62 sets out the information that must be provided to the NRC by any low-level waste generator or governor of a State on behalf of generators seeking emergency access to an operating low-level waste disposal facility. The information is required to allow the NRC to determine if denial of disposal constitutes a serious and immediate threat to public health and safety or common defense and security. 10 CFR part 62 also provides that the Commission may grant an exemption from the requirements in this part upon application of an interested person or upon its own initiative.

Dated: April 21, 2021.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2021-08619 Filed 4-23-21; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2021-0071]

Information Collection: Requests to Agreement States and Non-Agreement States for Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, "Requests to Agreement States and Non-Agreement States for Information."

DATES: Submit comments by June 25, 2021. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2021-0071. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T-6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2021-0071 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov/> and search for Docket ID NRC-2021-0071. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC-2021-0071 on this website.

- *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 supporting statement is available in ADAMS under Accession No. ML21074A317.

- *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.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: Infocollects.Resource@nrc.gov.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2021-0071 in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov/> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* "Requests to Agreement States and Non-Agreement States for Information."
2. *OMB approval number:* 3150-0029.
3. *Type of submission:* Revision.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* One-time, on occasion.
6. *Who will be required or asked to respond:* 50 states, the District of Columbia, and Puerto Rico.
7. *The estimated number of annual responses:* 1,965.
8. *The estimated number of annual respondents:* 52.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 15,720.
10. *Abstract:* The NRC is requesting OMB approval of a plan for a generic collection of information. The need and practicality of the collection can be evaluated, but the details of the specific individual collections will not be known until a later time. The Agreement States and non-Agreement States will be asked on a one-time or as needed basis to respond to a specific incident, to gather information on licensing and inspection practices or other technical information, or to provide comments on proposed policy and program updates. The results of such information requests, which are authorized under Section 274(b) of the Atomic Energy Act, will be utilized in part by the NRC in preparing responses to Congressional inquiries. In addition, the information can assist the Commission in its considerations and decisions involving Atomic Energy Act materials programs in an effort to make the national nuclear materials program more uniform and consistent.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: April 21, 2021.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2021-08653 Filed 4-23-21; 8:45 am]

BILLING CODE 7590-01-P

OFFICE OF PERSONNEL MANAGEMENT

January 2021 Pay Schedules

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The President adjusted the rates of basic pay and locality payments for certain Federal civilian employees effective in January 2021. The Executive order authorizes a 1.0 percent across-the-board increase for statutory pay systems and provides that locality percentages will remain at 2020 levels. This notice serves as documentation for the public record.

FOR FURTHER INFORMATION CONTACT: Kristen Foy, Pay and Leave, Employee Services, Office of Personnel Management; (202) 606-4194 or *pay-leave-policy@opm.gov*.

SUPPLEMENTARY INFORMATION: On December 31, 2020, the President signed Executive Order (E.O.) 13970 (86 FR 421), which implemented pay adjustments for certain Federal civilian employees in January 2021. This is consistent with the President's alternative pay plan issued under 5 U.S.C. 5303(b) and 5304a on February 10, 2020. The pay rates in E.O. 13901 have been superseded.

The publication of this notice satisfies the requirement in Section 5(b) of E.O. 13970 that the Office of Personnel Management (OPM) publish appropriate notice of the 2021 locality payments in the **Federal Register**.

Schedule 1 of E.O. 13970 provides the rates for the 2021 General Schedule (GS) and reflects a 1.0 percent increase from 2020. Executive Order 13970 also includes the percentage amounts of the 2021 locality payments, which remain at 2020 levels. (See Section 5 and Schedule 9 of Executive Order 13970.)

General Schedule employees receive locality payments under 5 U.S.C. 5304. Locality payments apply in the United States (as defined in 5 U.S.C. 5921(4)) and its territories and possessions. In 2021, locality payments ranging from 15.95 percent to 41.44 percent apply to GS employees in the 54 locality pay areas. The 2021 locality pay area definitions can be found at: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2021/locality-pay-area-definitions/>.

The 2021 locality pay percentages became effective the first day of the first pay period beginning on or after January 1, 2021 (January 3, 2021). An employee's locality rate of pay is computed by increasing his or her scheduled annual rate of pay (as defined in 5 CFR 531.602) by the applicable locality pay percentage. (See 5 CFR 531.604 and 531.609.)

Executive Order 13970 establishes the new Executive Schedule (EX), which incorporates a 1.0 percent increase required under 5 U.S.C. 5318 (rounded to the nearest \$100). By law, Executive Schedule officials are not authorized to receive locality payments.

Executive Order 13970 establishes the 2021 range of rates of basic pay for members of the Senior Executive Service (SES) under 5 U.S.C. 5382. The minimum rate of basic pay for the SES is \$132,552 in 2021. The maximum rate of the SES rate range is \$199,300 (level II of the Executive Schedule) for SES members who are covered by a certified SES performance appraisal system and \$183,300 (level III of the Executive Schedule) for SES members who are not covered by a certified SES performance appraisal system.

The minimum rate of basic pay for the senior-level (SL) and scientific and professional (ST) rate range was increased by 1.0 percent (\$132,552 in 2021), which is the amount of the across-the-board GS increase. The applicable maximum rate of the SL/ST rate range is \$199,300 (level II of the Executive Schedule) for SL or ST employees who are covered by a certified SL/ST performance appraisal system and \$183,300 (level III of the Executive Schedule) for SL or ST employees who are not covered by a certified SL/ST performance appraisal system. Agencies with certified performance appraisal systems for SES

members and employees in SL and ST positions must also apply a higher aggregate limitation on pay—up to the Vice President's salary (\$255,800 in 2021.)

Note that section 748 of division E of the Consolidated Appropriations Act, 2021 (Pub. L. 116–260, December 27, 2020), contains a provision that continues the pay freeze on the payable pay rates for the Vice President and certain senior political appointees at the rates of pay and applicable limitations on payable rates of pay in effect on December 31, 2020, by operation of section 749 of division C of Public Law 116–93 (December 20, 2019). The section 748 pay freeze is scheduled to end on the last day of the last pay period that begins in calendar year 2021 (*i.e.*, January 1, 2022, for those on the standard biweekly pay period cycle). Future Congressional action will determine whether the pay freeze continues beyond that date. OPM guidance on the 2021 pay freeze for certain senior political officials can be found in CPM 2021–04 at <https://www.chcoc.gov/content/continued-pay-freeze-certain-senior-political-officials-4>.

Executive Order 13970 provides that the rates of basic pay for administrative law judges (ALJs) under 5 U.S.C. 5372 are increased by 1.0 percent (rounded to the nearest \$100) in 2021. The rate of basic pay for AL–1 is \$172,500 (equivalent to the rate for level IV of the Executive Schedule). The rate of basic pay for AL–2 is \$168,200. The rates of basic pay for AL–3/A through 3/F range from \$115,100 to \$159,400.

The rates of basic pay for members of Contract Appeals Boards are calculated as a percentage of the rate for level IV of the Executive Schedule. (See 5 U.S.C. 5372a.) Therefore, these rates of basic pay are increased by 1.0 percent in 2021.

On November 27, 2020, OPM issued a memorandum on behalf of the President's Pay Agent (the Secretary of Labor and the Directors of the Office of Management and Budget and OPM) that continues GS locality payments for ALJs and certain other non-GS employee categories in 2021. By law, EX officials, SES members, employees in SL/ST positions, and employees in certain other equivalent pay systems are not authorized to receive locality payments. (Note: An exception applies to certain grandfathered SES, SL, and ST employees stationed in a nonforeign area on January 2, 2010. See CPM 2009–27 at <https://www.chcoc.gov/content/nonforeign-area-retirement-equity-assurance-act>.) The memo is available at [https://www.opm.gov/policy-data-](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2020/extension-of-locality-pay-memo-for-non-gs-employees-2021.pdf)

[oversight/pay-leave/salaries-wages/2020/extension-of-locality-pay-memo-for-non-gs-employees-2021.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2020/extension-of-locality-pay-memo-for-non-gs-employees-2021.pdf).

On January 1, 2021, OPM issued a memorandum (CPM 2021–01) on the 2021 pay adjustments. (See <https://www.chcoc.gov/content/january-2021-pay-adjustments>.) The memorandum transmitted Executive Order 13970 and provided the 2021 salary tables, locality pay areas and percentages, and information on general pay administration matters and other related guidance. The “2021 Salary Tables” posted on OPM's website at <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/> are the official rates of pay for affected employees and are hereby incorporated as part of this notice.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2021–08656 Filed 4–23–21; 8:45 am]

BILLING CODE 6325–39–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2021–86 and CP2021–89]

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 28, 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
- II. Docketed Proceeding(s)

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): MC2021–86 and CP2021–89; Filing Title: USPS Request to Add Priority Mail Contract 696 to Competitive Product List and Notice of Filing Materials Under Seal; Filing Acceptance Date: April 20, 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 28, 2021.

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).

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2021-08652 Filed 4-23-21; 8:45 am]

BILLING CODE 7710-FW-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-91618; File No. SR-NYSE-2021-20]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change Amending Section 102.04 of the NYSE Listed Company Manual To Establish Limits on Investments in Unregistered Investment Vehicles by Listed Closed End Funds

April 20, 2021.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the “Act”)² and Rule 19b-4 thereunder,³ notice is hereby given that, on April 9, 2021, New York Stock Exchange LLC (“NYSE” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III 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 proposes to amend Section 102.04 of the NYSE Listed Company Manual (“Manual”) to establish limits on investments in unregistered investment vehicles by listed closed end funds. The proposed rule change is available on the Exchange’s website at www.nyse.com, at the principal office of the Exchange, 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 self-regulatory organization 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 those 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 parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange will generally authorize the listing of a closed-end management investment company (a “Fund”) registered under the Investment Company Act of 1940 (the “Investment Company Act”) pursuant to the provisions of Section 102.04(A) of the Manual. Section 102.04(A) does not include any explicit restrictions on the kinds of investments a listed Fund may include in its portfolio. The Exchange proposes to amend Section 102.04(A) to provide for a limited ability of listed Funds to invest in private fund vehicles that are not themselves registered under the Investment Company Act, including alternative asset classes such as hedge funds and private equity funds. The SEC has amended its own rules with respect to mutual funds to formally establish permitted levels of investments by mutual funds in illiquid investment categories. The longstanding guidance from SEC staff has been that mutual funds should not exceed a 15% limitation on illiquid investments, including private funds. In 2016, the Commission adopted Investment Company Act Rule 22e-4(b)(1)(iv) to codify this policy.⁴ In light of this development in the SEC’s regulation of mutual funds and the continuing interest demonstrated by issuers, the Exchange now proposes to amend Section 102.04(A) to provide for a limited ability of Funds to invest in private funds.

The proposed amendment to Section 102.04(A) of the Manual would include a new definition of “Private Funds.” A “Private Fund” for purposes of Section 102.04(A) as amended would mean (1) in the case of an entity organized under the laws of the United States or any state therein, a limited partnership, limited liability company, trust, corporation or similar incorporated or unincorporated entity that would be an investment company under Section 3(a) of the Investment Company Act but for the exception provided from that definition by either Sections 3(c)(1) or 3(c)(7) of the Investment Company Act and (2) in the case of an entity not

organized under the laws of the United States or any state, an entity that is only permitted to offer its securities in the United States in a private offering that complies with Section 7(d) and either 3(c)(1) or 3(c)(7) of the Investment Company Act and the interpretations of the SEC thereunder.

The Exchange proposes to exclude from the definition of Private Funds any funds that are issuers of collateralized debt obligations (“CDOs”) or collateralized loan obligations (“CLOs”). The issuers of CDOs and CLOs are private investment vehicles not registered under the Investment Company Act, and differ from hedge funds and private equity funds in material respects. Most importantly, there is an active secondary trading market for CDOs and CLOs and there are services that report trading prices for those markets. As a result, there is a significant degree of transparency in the valuation of CDOs and CLOs, as the market typically values them based on general market prices for debt issuances with the same credit rating and seniority as the tranches included in the specific CDO or CLO. Considering the greater liquidity and transparency of CDOs and CLOs, the Exchange proposes to exclude investments in those asset classes from its definition of Private Funds and, thus, does not propose to apply to CDOs and CLOs the proposed limits on listed Funds’ investments in Private Funds.

Accordingly, the Exchange proposes that a “Private Fund” not include any entity that meets the following requirements:

(i) The entity is engaged in the business of purchasing, or otherwise acquiring, and holding Eligible Assets (as defined below) (and in activities related or incidental thereto);

(ii) all securities issued by the entity are either (A) initially sold to qualified institutional buyers as defined in Rule 144A under the Securities Act or to persons involved in the organization or operation of the issuer or an affiliate, as defined in Rule 405 under the Securities Act, of such a person or (B) fixed-income securities or other securities which entitle their holders to receive payments that depend primarily on the cash flow from Eligible Assets;

(iii) the entity appoints a trustee that meets the requirements of Section 26(a)(1) of the Investment Company Act and that is not affiliated, as defined in Rule 405 under the Securities Act, with such entity or with any person involved in the organization or operation of such entity, which does not offer or provide credit or credit enhancement to such entity and that executes an agreement or instrument concerning such entity’s

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ 17 CFR 270.22e-4(b)(1)(iv).

securities containing provisions to the effect set forth in Section 26(a)(3) of the Investment Company Act;

(iv) the entity takes reasonable steps to cause the trustee to have a perfected security interest or ownership interest valid against third parties in those Eligible Assets that principally generate the cash flow needed to pay the fixed-income security holders, *provided* that such assets otherwise required to be held by the trustee may be released to the extent needed at the time for the operation of the issuer; and

(v) the entity takes actions necessary for the cash flows derived from Eligible Assets for the benefit of the holders of fixed-income securities to be deposited periodically in a segregated account that is maintained or controlled by the trustee consistent with the rating (if any) of the outstanding fixed-income securities.

“Eligible Assets” means financial assets, either fixed or revolving, that by their terms convert into cash within a finite time period plus any rights or other assets designed to assure the servicing or timely distribution of proceeds to security holders.

Proposed Limitations on Investments in Private Funds

Under the proposed amended form of Section 102.04(A), the Exchange would not authorize the initial listing of any Fund where, at the time of original listing

(A) Private Funds on an aggregated basis represent more than 15% of the Fund’s net assets

(B) any single Private Fund represents more than 5% of the Fund’s net assets; or

(C) the Fund invests or intends to invest in Private Funds and has not adopted and does not maintain fundamental policies (as such term is used in the Investment Company Act of 1940) providing that:

(i) Such Fund may not at any time make an additional investment in a Private Fund if, immediately after giving effect to such investment, Private Funds would represent more than 15% of such Fund’s net assets or such individual Private Fund would represent more than 5% of such Fund’s net assets; and

(ii) if at any time such Fund (a) holds more than 15% of its net assets in Private Funds or (b) violates its fundamental policy prohibiting any additional investment in a Private Fund such that, immediately after giving effect to such investment, such individual Private Fund would represent more than 5% of such Fund’s net assets:

- The Fund must immediately inform the Exchange of such occurrence and publicly disclose such occurrence in a manner consistent with the Exchange’s immediate release policy as set forth in Sections 202.05 and 202.06 of the Manual;

- management must report such an occurrence to the Fund’s board of directors within one business day of the occurrence, with an explanation of the extent and causes of the occurrence, and how the Fund plans, as the case may be, to (i) reduce its investments in Private Funds to no more than 15% of its net assets within a reasonable period of time, or (ii) reduce its investment in the individual Private Fund with respect to which it has exceeded the ownership interest permitted by the applicable fundamental policy to a level no greater than its ownership interest immediately prior to the transaction giving rise to such condition, in each case within a reasonable period of time; and

- if the amount, as the case may be, of (i) the Fund’s investments in Private Funds is still above 15% of its net assets, or (ii) the Fund’s investment in the individual Private Fund with respect to which it has exceeded the investment limit of its fundamental policy is still above its ownership interest immediately prior to the transaction giving rise to such condition, in each case 30 days from the occurrence (and at each consecutive 30 day period thereafter), the Fund’s board of directors, including a majority of directors who are not interested persons (as such term is defined in Section 2(a)(19) of the Investment Company Act of 1940) of the Fund, must assess whether the plan presented to it pursuant to the requirements set forth above continues to be in the best interest of the Fund.

Any listed Fund in good standing may commence investing in Private Funds, but may do so only if it first adopts the required fundamental policies described above. The Fund must consult with the Exchange before taking this action. Any such Fund will also be subject to the ongoing requirements with respect to investments in Private Funds set forth above.

Today Exchange rules do not restrict the investment by listed Funds in Private Funds. The proposed amendment to Section 102.04(A) would amend the Exchange’s listing rules to restrict the investment by Funds in Private Funds, such as hedge funds and private equity funds, which are illiquid and consequently difficult to value. The Exchange notes that the SEC has addressed identical concerns about the inclusion of illiquid asset classes in

mutual fund portfolios by adopting a rule imposing a 15% limitation on the acquisition of such assets by mutual funds. By adopting an identical restriction for listed Funds, the Exchange believes that it is similarly appropriately addressing these concerns for listed Funds. Furthermore, the Exchange notes that its own proposal goes further than the restriction the SEC has imposed upon mutual funds by also requiring a diversification in any listed Fund’s holdings of Private Funds. The Exchange believes that the proposed 5% limitation on any individual Private Fund investment would limit the materiality of any individual Private Fund investment with respect to the Fund portfolio as a whole and that this provision provides a significant additional protection for investors in listed Funds over and above the protection provided to mutual fund investors by the comparable rule under the Investment Company Act.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁵ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁶ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest. The Exchange believes that the proposal protects investors and the public interest because it strictly limits both the aggregate investment by listed Funds in Private Funds and the percentage any individual Private Fund investment may represent in a listed Fund’s portfolio. The Exchange believes that these restrictions appropriately address concerns about the illiquidity of Private Fund investments by limiting the materiality of Private Fund investments to a listed Fund’s portfolio both in the aggregate and for any individual Private Fund investment. The Exchange notes that the 15% aggregate investment limit in the proposal is the same as the limit applied by the SEC to mutual funds under Investment Company Act rules, while the 5% limit on individual investments in the proposal is an augmentation of the SEC’s limitations with respect to mutual funds. The Exchange believes that it is consistent with the protection of investors and the public interest to exempt CDOs and CLOs from these

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

restrictions, as there is a more active trading market for CDOs and CLOs than for Private Funds and there is more consistency and transparency in valuing them.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The purpose of the proposal is to enhance competition by providing a listing market for Funds that wish to have the ability to invest in Private Funds, while appropriately restricting Funds in pursuing that strategy to protect investors. The proposed amendment would not impose any burden on competition between newly-listed Funds and those that are already listed, as currently-listed Funds that are in good standing would be eligible to invest in Private Funds on the same terms as newly-listed Funds. Other listing venues can adopt similar rules if they so desire. As such, the Exchange does not believe that the proposal imposes any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be 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-NYSE-2021-20 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-NYSE-2021-20. 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-NYSE-2021-20 and should be submitted on or before May 17, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-08566 Filed 4-23-21; 8:45 am]

BILLING CODE 8011-01-P

⁷ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-91614; File No. SR-Phlx-2021-10]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Order Approving a Proposed Rule Change To Permit Monday and Wednesday Expirations for Options Listed Pursuant to the Short Term Options Program on the Invesco QQQ TrustSM Series ETF Trust

April 20, 2021.

I. Introduction

On February 22, 2021, Nasdaq PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² a proposed rule change to amend Phlx Options 4, Section 5 at Commentary .11 to allow Monday and Wednesday expirations for options listed pursuant to the Exchange's short term option series program ("Short Term Option Series Program") on the Invesco QQQ TrustSM Series ("QQQ") ETF Trust. The proposed rule change was published for comment in the **Federal Register** on March 8, 2021.³ The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposal

Under the terms of the current Short Term Option Series Program, after an option class has been approved for listing and trading on the Exchange, the Exchange may open for trading on any Thursday or Friday that is a business day series of options on that class that expire on each of the next five consecutive Fridays that are business days,⁴ provided that such Friday does not occur in the same week in which monthly options series on the same class expire or is not a Friday on which Quarterly Options Series on the same class expire.⁵ If the Exchange is not open for business on the Friday of the following business week, the series will expire on the first business day immediately prior to that Friday.⁶ In addition, the Exchange may open for

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 91238 (March 2, 2021), 86 FR 13404 ("Notice").

⁴ See Commentary .11 to Phlx Options 4, Section 5.

⁵ See Commentary .11(b) to Phlx Options 4, Section 5.

⁶ See Commentary .11 to Phlx Options 4, Section 5.

trading on any Friday or Monday that is a business day series of options on the SPDR S&P 500 ETF Trust (“SPY”) to expire on any Monday of the month that is a business day and is not a Monday in which Quarterly Options Series expire, provided that expirations that are listed on a Friday must be listed at least one business week and one business day prior to the expiration.⁷ The Exchange also may open for trading on any Tuesday or Wednesday that is a business day series of options on SPY to expire on any Wednesday of the month that is a business day and is not a Wednesday in which Quarterly Options Series expire.⁸

The Exchange proposes to expand the Short Term Option Series Program to permit Phlx to open for trading, on any Monday or Friday that is a business day, series of options on QQQ that expire on any Monday of the month that is a business day and is not a Monday in which Quarterly Options Series on the same class expire (“Monday QQQ Expirations”). In the case of a series that is listed on a Friday and expires on a Monday, it must be listed at least one business week and one business day prior to that Monday expiration. If the Monday QQQ Expiration falls on a Monday that is not a business day, the series shall expire on the first business day immediately following that Monday.

Similarly, the Exchange also proposes to expand the Short Term Option Series Program to permit Phlx to open for trading, on any Tuesday or Wednesday that is a business day, series of options on QQQ to expire on any Wednesday of the month that is a business day and is not a Wednesday in which Quarterly Options Series on the same class expire (“Wednesday QQQ Expirations”). If the Wednesday QQQ Expiration falls on a Wednesday that is not a business day, the series shall expire on the first business day immediately prior to that Wednesday.

In addition, the Exchange proposes to amend Commentary .11 to Options 4, Section 5, to state that it may list up to five consecutive Monday QQQ Expirations at one time and up to five consecutive Wednesday QQQ Expirations at one time, and that there may be no more than a total of five Monday QQQ Expirations and no more than a total of five Wednesday QQQ Expirations. The Exchange also proposes to amend Commentary .11(b) to Options 4, Section 5 to permit Monday QQQ Expirations and Wednesday QQQ Expirations to expire

in the same week in which monthly options series on the same class expire. Otherwise, Monday QQQ Expirations and Wednesday QQQ Expirations will be subject to the same rules as standard Short Term Option Series.⁹

III. Discussion and Commission’s Findings

The Commission has carefully reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.¹⁰ Specifically, the Commission finds that the proposal is consistent with the requirements of Sections 6(b)(5) of the Act,¹¹ which requires, among other things, that a national securities exchange have rules 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. The Commission believes that the proposed rule change may provide the investing public and other market participants more flexibility to closely tailor their investment and hedging decisions in QQQ options, thus allowing them to better manage their risk exposure. In addition, the Commission notes that the Exchange has similar rules permitting the listing and trading of Monday and Wednesday expirations on SPY.¹²

In approving the proposal, the Commission notes that the Exchange has represented that it has an adequate surveillance program in place to detect manipulative trading in Monday QQQ Expirations and Wednesday QQQ Expirations.¹³ The Exchange further states that it has the necessary systems

⁹ For example, the Monday QQQ Expirations and Wednesday QQQ Expirations would be subject to the same series limitations and strike interval rules as standard Short Term Option Series. See Notice, *supra* note 3, at 13404–5.

¹⁰ 15 U.S.C. 78f. In approving this proposed rule change, the Commission has considered the proposed rule change’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹¹ 15 U.S.C. 78f(b)(5).

¹² See Commentary .11 to Phlx Options 4, Section 5.

¹³ See Notice, *supra* note 3, at 13406.

capacity to support the new options series.¹⁴

IV. Conclusion

It is therefore ordered that pursuant to Section 19(b)(2) of the Act¹⁵ that the proposed rule change (SR-Phlx-2021-10) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-08565 Filed 4-23-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, April 29, 2021.

PLACE: The meeting will be held via remote means and/or at the Commission’s headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission’s website at <https://www.sec.gov>.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552(b)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the

¹⁴ *Id.*

¹⁵ 15 U.S.C. 78s(b)(2).

¹⁶ 17 CFR 200.300-3(a)(12).

⁷ See *id.*

⁸ See *id.*

scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

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 22, 2021.

Vanessa A. Countryman,
Secretary.

[FR Doc. 2021-08749 Filed 4-22-21; 4:15 pm]

BILLING CODE 8011-01-P

DEPARTMENT OF STATE

[Public Notice: 11411]

30-Day Notice of Proposed Information Collection: Overseas Schools Grant Status Report

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to May 26, 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: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Thomas P. Shearer, Office of Overseas Schools, U.S. Department of State, Room H328, 2301 C Street NW, Washington, DC 20522-0132, who may be reached on 202-261-8201 or at Shearertp@state.gov.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Overseas Schools Grant Status Report.
- *OMB Control Number:* 1405-0033.
- *Type of Request:* Extension of a currently approved collection.

- *Originating Office:* Bureau of Administration, A/OPR/OS.
- *Form Number:* DS-2028.
- *Respondents:* Overseas schools grantees.
- *Estimated Number of Respondents:* 193.
- *Estimated Number of Responses:* 193.
- *Average Time per Response:* 15 minutes.
- *Total Estimated Burden Time:* 48.25 hours.
- *Frequency:* Annually.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- 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.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Office of Overseas Schools of the Department of State (A/OPR/OS) is responsible for determining that adequate educational opportunities exist at Foreign Service Posts for dependents of U.S. Government personnel stationed abroad, and for assisting American-sponsored overseas schools to demonstrate U.S. educational philosophy and practice. The information gathered provides the technical and professional staff of A/OPR/OS the means by which obligations, expenditures and reimbursements of the grant funds are monitored to ensure the grantee is in compliance with the terms of the grant.

Methodology

Information is collected via electronic and paper submission. The Department has placed the form DS-2028 in a Microsoft Excel spreadsheet, and is sent as a link to the school along with the grant documents. School officials can complete the form electronically and

forward the form to post for forwarding to A/OPR/OS.

Thomas P. Shearer,
Director, A/OPR/OS, Department of State.
[FR Doc. 2021-08593 Filed 4-23-21; 8:45 am]

BILLING CODE 4710-24-P

DEPARTMENT OF STATE

[Public Notice: 11403]

30-Day Notice of Proposed Information Collection: Grant Request Automated Submissions Program (GRASP)

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to May 26, 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: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Thomas P. Shearer, Office of Overseas Schools, U.S. Department of State, Room H328, 2301 C Street NW, Washington, DC 20522-0132, who may be reached on 202-261-8201 or at Shearertp@state.gov.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Grant Request Automated Submissions Program (GRASP).
- *OMB Control Number:* 1405-0036.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Bureau of Administration, A/OPR/OS.
- *Form Number:* DS-0573, DS-0574, DS-0575, DS-0576.
- *Respondents:* Recipients of grants.
- *Estimated Number of Respondents:* 193.

- *Estimated Number of Responses:* 193.
- *Average Time per Response:* 90 minutes.
- *Total Estimated Burden Time:* 289.5 hours.
- *Frequency:* Annually.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- 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.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Office of Overseas Schools of the Department of State (A/OPR/OS) is responsible for determining that adequate educational opportunities exist at Foreign Service posts for dependents of U.S. Government personnel stationed abroad and for assisting American-sponsored overseas schools in demonstrating U.S. educational philosophy and practice. The information gathered enables A/OPR/OS to advise the Department and other foreign affairs agencies regarding current and constantly changing conditions, and enables A/OPR/OS to make judgments regarding assistance to schools for the improvement of educational opportunities.

The legal requirements that authorize the function of A/OPR/OS and thereby authorize the collection of information are the Foreign Assistance Act of 1961 (as amended), and the Mutual Educational and Cultural Affairs Act of 1961 (as amended), and the Department of State Basic Authorities Act of 1956, as amended by the Foreign Service Act of 1980, Public Law 96-465.

Methodology

Information is collected via electronic media.

Thomas P. Shearer,

Director, A/OPR/OS, Department of State.

[FR Doc. 2021-08592 Filed 4-23-21; 8:45 am]

BILLING CODE 4710-24-P

DEPARTMENT OF STATE

[Public Notice: 11412]

Bureau of Political-Military Affairs, Directorate of Defense Trade Controls: Notifications to the Congress of Proposed Commercial Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: The Directorate of Defense Trade Controls and the Department of State give notice that the attached Notifications of Proposed Commercial Export Licenses were submitted to the Congress on the dates indicated.

DATES: As shown on each of the 29 letters.

FOR FURTHER INFORMATION CONTACT: Ms. Paula C. Harrison, Directorate of Defense Trade Controls (DDTC), Department of State at (202) 663-3310; or access the DDTC website at https://www.pmdtcc.state.gov/ddtc_public and select "Contact DDTC," then scroll down to "Contact the DDTC Response Team" and select "Email." Please add this subject line to your message, "ATTN: Congressional Notification of Licenses."

SUPPLEMENTARY INFORMATION: Section 36(f) of the Arms Export Control Act (22 U.S.C. 2776) requires that notifications to the Congress pursuant to sections 36(c) and 36(d) be published in the **Federal Register** in a timely manner. The following comprise recent such notifications and are published to give notice to the public.

December 22, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Canada, UK, and Iraq to support the training, maintenance, repair, sustainment, and supply functions of the M1A1/M1A1SA Abrams Main Battle Tank,

the M88A1/M88A2 recovery vehicle, and associated equipment.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 19-041.

December 22, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Norway, Australia, and Saudi Arabia associated with the sale, delivery and support of the Al Diriyah Command, Control, Communications Computers and intelligence (C4I) System.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,

Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 19-053.

December 22, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms abroad controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export to the Philippines of 5.56mm automatic rifles.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Ryan M. Kaldahl,
*Acting Assistant Secretary of State, Bureau of
Legislative Affairs.*

Enclosure: Transmittal No. DDTC 19-088.

December 22, 2020

The Honorable Nancy Pelosi, *Speaker of the
House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms parts and components abroad controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Mexico for the assembly of automatic rifle kits.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Ryan M. Kaldahl,
*Acting Assistant Secretary of State, Bureau of
Legislative Affairs.*

Enclosure: Transmittal No. DDTC 19-100.

December 22, 2020

The Honorable Nancy Pelosi, *Speaker of the
House of Representatives*

Dear Madam Speaker:

Pursuant to Sections 36 (c) and (d) of the Arms Export Control Act, please find enclosed a certification of a proposed amendment for the manufacture of significant military equipment abroad and the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Saudi Arabia, UK, Spain, and Italy to support the assembly, design, development, intermediate level maintenance, manufacture, modification, operation, repair, testing, and demilitarization of the Paveway and Enhanced Paveway Weapon System.

The U.S. government is licensing the export of these items having taken into account political, military, economic, human rights, and arms control considerations. More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Ryan M. Kaldahl,
*Acting Assistant Secretary of State, Bureau of
Legislative Affairs.*

Enclosure: Transmittal No. DDTC 19-105.

October 7, 2020

The Honorable Nancy Pelosi, *Speaker of the
House of Representatives*

Dear Madam Speaker:

Pursuant to Sections 36(c) and (d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Italy, Qatar, Spain, and the UK to support the design, development, manufacture, production, assembly, testing, repair, intermediate level maintenance, training, modification, operation and integration of the Paveway II, Enhanced Paveway II, and Paveway IV weapons systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations. More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Jessica L. Moore,
*Senior Bureau Official, Bureau of Legislative
Affairs.*

Enclosure: Transmittal No. DDTC 19-120.

December 14, 2020

The Honorable Nancy Pelosi, *Speaker of the
House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Australia and Norway for AMRAAM, AIM-9X, Canister Launchers, High Mobility Launchers, and associated hardware to support the design, development, engineering, integration, and support to the LAND-19 Phase 7B NASAMS.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Ryan M. Kaldahl,
*Acting Assistant Secretary of State, Bureau of
Legislative Affairs.*

Enclosure: Transmittal No. DDTC 19-126.

December 16, 2020

The Honorable Nancy Pelosi, *Speaker of the
House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services, to Italy to support the replication of Have Quick II and SATURN Electronic Counter-Counter Measure (ECCM) for integration into Radio Communication Equipment.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

Sincerely,
Ryan M. Kaldahl,
*Acting Assistant Secretary of State, Bureau of
Legislative Affairs.*

Enclosure: Transmittal No. DDTC 20-026.

October 21, 2020

The Honorable Nancy Pelosi, *Speaker of the
House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, technical data, and defense services to France, UK, Italy, the Netherlands, and the UAE to support the installation, integration, engineering/design services, ship combat system integration, testing, operation, live-fire/demonstration, proposal activity, Intermediate Level Maintenance Facility (ILMF), recertification, training (including maintenance training), upgrades, repair, and follow-on support on ships for the Rolling Airframe Missile (RAM) Guided Missile Weapon System (GMWS).

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

Sincerely,
Jessica L. Moore,
*Senior Bureau Official, Bureau of Legislative
Affairs.*

Enclosure: Transmittal No. DDTC 20-027.

December 16, 2020

The Honorable Nancy Pelosi, *Speaker of the
House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, technical data, and defense services to Australia, Canada, the Netherlands, and

the UK necessary for the Organizational and Depot level training and Maintenance, Repair, Overhaul and Upgrade (MRO&U) for the F135 propulsion system at regional depots in Australia and the Netherlands.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

Sincerely,
Ryan M. Kaldahl,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–028.

December 16, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data, and defense services for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of technical data and defense services, to France for the manufacture of Have Quick I/II Electronic Counter-Countermeasures (ECCM) and SATURN ECCM.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Ryan M. Kaldahl,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–033.

October 22, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Israel for the manufacture of five Mini-MD STAMP: Gimbaled Laser Target Designator (GLTD) systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Jessica L. Moore,
Senior Bureau Official, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–034.

December 16, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data, and defense services for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Italy, Oman, and the UK to support the design, development, manufacture, production, assembly, testing, repair, intermediate level maintenance, training, modification, operation, marketing, and integration of the Paveway II, Enhanced Paveway II, and Paveway IV Weapon System.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Ryan M. Kaldahl,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–035.

December 16, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license amendment for the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Sweden, the UK, and Brazil to support the sale of F414–GE–39E aircraft engines for use with Gripen combat aircraft and training on the integration, operation, test, and operational level maintenance of the engine.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Rylan M. Kaldahl,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–037.

December 14, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, technical data, and defense services, to Algeria and Greece to permit the parties to have technical discussions to define support requirements and discuss potential aircraft configurations for procurement of four C–130J–30 cargo aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Rylan M. Kaldahl,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–040.

December 16, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, technical data, and defense services to Canada to support the manufacture of integrally bladed rotors (IBRs) for the F135 propulsion system.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Ryan M. Kaldahl,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–041.

October 23, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical

data and defense services, in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Canada to support the design, development, engineering, assembly, operation, production, manufacture, testing, maintenance, repair, replacement, improvement, enhancement, modification and destruction of opto-mechanical assemblies, subassemblies, and components for existing and next generation (3rd Gen) Forward Looking Infrared (FLIR) technology.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Jessica L. Moore,
Senior Bureau Official, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20-043.

November 12, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Canada, Denmark, France, Republic of Korea, Taiwan and the UK to support the integration, installation, operation, training, testing, maintenance, and repair of the Modular Scalable Sonar System.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20-044.

October 22, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense

articles, including technical data and defense services, to Taiwan to support the Taiwan Advance Air Defense Systems.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Jessica L. Moore,
Senior Bureau Official, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20-045.

October 23, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Australia and Saudi Arabia for the delivery, installation, assembly, inspection, and testing of the Patriot Air Missile Defense System Deep Maintenance and Refurbishment (DMR) program.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Jessica L. Moore,
Senior Bureau Official, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20-046.

December 16, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Italy, France, and Germany to support the manufacture of components for GE38-1B/T408-GE-400 and GE38-1C engines used on CH-53K and CH-47 helicopters.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20-047.

October 23, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Japan to support the incoming inspection, diagnostic testing, disassembly, repair, reassembly, and verification testing for Patriot PAC-3 4-Pack Munition Assemblies (CRI) and 1-Pack Munition Assemblies (MSE) and associated subassemblies.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Jessica L. Moore,
Senior Bureau Official, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20-048.

December 14, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components abroad controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export to Thailand of M16A4 5.56 mm automatic rifles.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,

Ryan M. Kaldahl,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–049.

December 16, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Sections 36(c) and (d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the manufacture of significant military equipment abroad and the export of firearms, parts, and components abroad controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Canada to support the manufacture and testing of automatic firearm parts, silencers, associated parts, and components.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Ryan M. Kaldahl,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–050.

November 5, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of 100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Australia to support the integration, installation, operation, training, testing, maintenance, and repair of the fleet of C–130J Hercules aircraft fleet and common C–27J aircraft parts.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Jessica L. Moore,
Senior Bureau Official, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–058.

October 23, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of firearms, parts, and components abroad controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export to the UK of 5.56 mm, 7.62 mm, and .300 blackout automatic rifles, major component parts, and suppressors.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Jessica L. Moore,
Senior Bureau Official, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–062.

December 14, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to the Netherlands and the UK to support the manufacture of the F–35 (all variants) in-flight operating doors and drag chute assemblies, including subassemblies, for the F–35 aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Ryan M. Kaldahl,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–063.

December 22, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Sections 36(c) and (d) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the manufacture of significant military equipment abroad and the export of firearms components abroad controlled under Category I of the U.S. Munitions List in the amount of \$1,000,000 or more.

The transaction contained in the attached certification involves the export of defense

articles, including technical data and defense services, to Canada to support the manufacture and testing of silencers, associated parts, and components.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Ryan M. Kaldahl,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–069.

December 16, 2020

The Honorable Nancy Pelosi, *Speaker of the House of Representatives*

Dear Madam Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, please find enclosed a certification of a proposed license for the export of defense articles, including technical data and defense services, in the amount of \$100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data and defense services, to Norway to support the manufacture of Communications, Navigation, and Identification (CNI) modules, CNI power supplies and digital boards for the F–35 Joint Strike Fighter aircraft.

The U.S. government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the U.S. firm concerned.

Sincerely,
Ryan M. Kaldahl,
Acting Assistant Secretary of State, Bureau of Legislative Affairs.

Enclosure: Transmittal No. DDTC 20–071.

Paula Harrison,

Senior Management Analyst, Directorate of Defense Trade Controls, U.S. Department of State.

[FR Doc. 2021–08646 Filed 4–23–21; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice: 11415]

Notice of Charter Renewal for the President's Emergency Plan for AIDS Relief (PEPFAR) Scientific Advisory Board

The official designation of this advisory committee is The President's Emergency Plan for AIDS Relief (PEPFAR) Scientific Advisory Board,

hereinafter referred to as “the Board.” The Board is established under the general authority of the Secretary of State and the Department of State (“the Department”) as set forth in Title 22 of the United States Code, in particular Section 2656 of that Title, and consistent with the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix). The Board serves the U.S. Global AIDS Coordinator solely in an advisory capacity concerning scientific, implementation, and policy issues related to the global response to HIV/AIDS.

In accordance with Public Law 92–463, Section 14, it has been formally determined to be in the public interest to continue the Charter of the PEPFAR Scientific Advisory Board for another two years. The Charter renewal was approved and filed on March 1, 2021.

For further information about the Board, please contact Dr. Sara Klucking, Director of the Office of Research and Science and Designated Federal Officer for the Board, Office of the U.S. Global AIDS Coordinator and Health Diplomacy, at KluckingSR@state.gov or (202) 615–4350.

Sara Klucking,

Director, Office of Research and Science, Designated Federal Officer, Office of the U.S. Global AIDS Coordinator and Health Diplomacy, U.S. Department of State.

[FR Doc. 2021–08602 Filed 4–23–21; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice: 11413]

Notice of Department of State Sanctions Actions Reimposing Certain Sanctions With Respect to Iran

SUMMARY: On January 23, 2020, Secretary of State Michael R. Pompeo imposed sanctions on three entities and two individuals pursuant to E.O. 13846, Reimposing Certain Sanctions With Respect to Iran.

DATES: The Secretary of State’s determination and selection of certain sanctions to be imposed upon the three entities and two individuals identified in the **SUPPLEMENTARY INFORMATION** section were effective as of January 23, 2020.

FOR FURTHER INFORMATION CONTACT: Taylor Ruggles, Director, Office of Economic Sanctions Policy and Implementation, Bureau of Economic and Business Affairs, Department of State, Washington, DC 20520, tel.: (202) 647 7677, email: RugglesTV@state.gov.

SUPPLEMENTARY INFORMATION: Pursuant to Section 3(a) of E.O. 13846, the

Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Homeland Security, and the United States Trade Representative, and with the President of the Export-Import Bank, the Chairman of the Board of Governors of the Federal Reserve System, and other agencies and officials as appropriate, is authorized to impose on a person any of the sanctions described in sections 4 or 5 of E.O. 13846 upon determining that the person met any of the criteria set forth in sections 3(a)(i)–3(a)(vi) of E.O. 13846.

The Secretary of State has determined, pursuant to Section 3(a)(iii) of E.O. 13846, that each of Triliance Petrochemical, Shandong Qiwangda Petrochemical Co., Ltd. and Jiexiang Industry Hong Kong Limited, have knowingly, on or after November 5, 2018, engaged in a significant transaction for the purchase, acquisition, sale, transport, or marketing of petrochemical products from Iran.

Pursuant to Section 5(a) of E.O. 13846, the Secretary of State has selected the following sanctions to be imposed upon Triliance Petrochemical, Shandong Qiwangda Petrochemical Co., Ltd. and Jiexiang Industry Hong Kong Limited:

- Prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the entities have any interest;
- Prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the entities;
- Block 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 entities, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in;
- Prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the entities;
- Restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from the entities; and
- Impose on the principal executive officer or officers, or persons performing similar functions and with similar authorities, of the entities the sanctions described in sections 5(a)(ii)–5(a)(iv) and 5(a)(vi) of E.O. 13846.

Pursuant to Section 5(a) of E.O. 13846, the Secretary of State has selected the following sanctions to be imposed upon Ali Bayandarian, Triliance Petrochemical’s Director; and Zhiqing Wang, Shandong Qiwangda Petrochemical Co., Ltd.’s Director; each of whom as been determined to be a principal executive officer of the aforementioned entities, or performing similar functions with similar authorities as a principal executive officer:

- Prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which Ali Bayandarian and Zhiqing Wang have any interest;
- Prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of Ali Bayandarian and Zhiqing Wang;
- Block all property and interests in property of Ali Bayandarian and Zhiqing Wang 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, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; and
- Restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from Ali Bayandarian and Zhiqing Wang.

Additionally, pursuant to Section 4(e) of E.O. 13846, the Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien that the Secretary of State determines is a corporate officer or principal of, or a shareholder with a controlling interest in, a sanctioned person subject to this action.

Peter Haas,

Acting Assistant Secretary, Bureau of Economic and Business Affairs, Department of State.

[FR Doc. 2021–08642 Filed 4–23–21; 8:45 am]

BILLING CODE 4710–AE–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36472; Docket No. FD 36472 (Sub-No. 1); Docket No. FD 36472 (Sub-No. 2); Docket No. FD 36472 (Sub-No. 3); Docket No. FD 36472 (Sub-No. 4); Docket No. FD 36472 (Sub-No. 5); Docket No. AB 1312X]

CSX Corporation and CSX

Transportation, Inc., et al.—Control and Merger—Pan Am Systems, Inc., Pan Am Railways, Inc., Boston and Maine Corporation, Maine Central Railroad Company, Northern Railroad, Pan Am Southern LLC, Portland Terminal Company, Springfield Terminal Railway Company, Stony Brook Railroad Company, and Vermont & Massachusetts Railroad Company; Norfolk Southern Railway—Trackage Rights Exemption—CSX Transportation, Inc.; Norfolk Southern Railway—Trackage Rights Exemption—Providence & Worcester Railroad; Norfolk Southern Railway—Trackage Rights Exemption—Boston & Maine Corp.; Norfolk Southern Railway—Trackage Rights Exemption—Pan Am Southern LLC; Pittsburg & Shawmut Railroad—Operation Exemption—Pan Am Southern LLC; SMS Rail Lines of New York, LLC—Discontinuance Exemption—in Albany County, NY

AGENCY: Surface Transportation Board.

ACTION: Decision No. 2 in STB Finance Docket No. 36472; Notice of Proposed Procedural Schedule and Request for Comments.

SUMMARY: The Surface Transportation Board (Board) invites public comments on a proposed procedural schedule for this proceeding. On February 25, 2021, CSX Corporation (CSXC), CSX Transportation Inc. (CSXT), 747 Merger Sub 2, Inc. (747 Merger Sub 2), Pan Am Systems, Inc. (Systems), Pan Am Railways, Inc. (PAR), Boston and Maine Corporation (Boston & Maine), Maine Central Railroad Company (Maine Central), Northern Railroad (Northern), Portland Terminal Company (Portland Terminal), Springfield Terminal Railway Company (Springfield Terminal), Stony Brook Railroad Company (Stony Brook), and Vermont & Massachusetts Railroad Company (V&M) (collectively, Applicants) submitted a filing with the Board. The applicants are seeking approval for: (1) CSXC, CSXT, and 747 Merger Sub 2 to control the seven railroads controlled by Systems and PAR, and (2) CSXT to merge six of the seven railroads into CSXT. In Decision No. 1, served and published on March 25, 2021, the Board accepted the February 25 submission as a pre-filing notification, thus allowing

Applicants to supplement their submission with the requisite information for a “significant” transaction in accordance with the Board’s regulations, between April 25 and June 25, 2021 (*i.e.*, two to four months after the pre-filing notice was submitted).

DATES: Written comments on the Board’s proposed procedural schedule must be filed by May 6, 2021.

ADDRESSES: Any filing submitted in this proceeding should be filed with the Board via e-filing on the Board’s website. In addition, one copy of each filing must be sent (and may be sent by email only if service by email is acceptable to the recipient) to each of the following: (1) Secretary of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) Attorney General of the United States, c/o Assistant Attorney General, Antitrust Division, Room 3109, Department of Justice, Washington, DC 20530; (3) CSX’s¹ and 747 Merger Sub 2’s representative, Anthony J. LaRocca, Steptoe & Johnson LLP, 1330 Connecticut Ave. NW, Washington, DC 20036; (4) Systems’,² PAR’s, and PAR Railroads’ representative, Robert B. Culliford, Pan Am Systems, Inc., 1700 Iron Horse Park, North Billerica, MA 01862; and (5) any other person designated as a Party of Record on the service list.

FOR FURTHER INFORMATION CONTACT:

Amy Ziehm at (202) 245–0391. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: On April 1, 2021, Applicants filed a petition to establish a revised procedural schedule as directed by the Board in Decision No. 1. The Board will propose modifications to the Applicants’ proposed schedule. Under 49 U.S.C. 11325(c), the Board must conclude the evidentiary proceedings for a significant transaction no later than 180 days after publication of notice in the **Federal Register** that the Board has accepted the application. Here, the Applicants have proposed a schedule in which the record would close 127 days after **Federal Register** publication. Although section 11325(c) allows the Board to set a shorter

¹ CSXT is a wholly owned subsidiary of CSXC. CSXC and CSXT are referred to collectively as CSX.

² Systems directly and wholly owns PAR, which in turn directly and wholly owns four rail carriers: Boston & Maine, Maine Central, Portland Terminal, and Springfield Terminal. Boston & Maine directly and wholly owns Northern and Stony Brook, as well as a 98% interest in V&M. These seven rail carriers will be referred to collectively as the PAR Railroads.

schedule, the Board finds that a schedule based on the full 180 days allowed by the statute is more appropriate. As the Board noted in Decision No. 1, slip op. at 8, in a “significant” transaction proceeding, applicants are required to submit more detailed information regarding competitive effects, operating plans, and other issues than in a “minor” transaction proceeding. Also, unlike in a “minor” transaction proceeding, parties in a “significant” transaction proceeding are permitted to file responsive applications, including inconsistent applications. *Id.* Given these procedural features of “significant” transactions, the Board finds that the schedule proposed by Applicants would be too compressed. Indeed, the Applicants’ proposed 127-day schedule here is only 22 days longer than the 105-day schedule³ the Applicants proposed when they sought to classify this transaction as “minor.”⁴ (See Notice 14.) Moreover, the Applicants provide no explanation why such an expedited schedule is needed. Therefore, the Board will propose the following procedural schedule.⁵

April 26, 2021.	Application due.
May 26, 2021	Board notice of acceptance of application to be published in the Federal Register .
June 16, 2021	Notices of intent to participate in this proceeding due.

³ A 105-day schedule is the maximum time permitted for the evidentiary proceeding in a “minor” transaction under 49 U.S.C. 11325(d).

⁴ Applicants’ submission was filed as an application for approval as a “minor” transaction pursuant to 49 CFR 1180.2(c). However, in Decision No. 1, the Board found that the proposed transaction should be classified as a “significant” transaction, which must meet different procedural and informational requirements, and that Applicants’ submission therefore could not be treated as an application. The Board determined that it would consider the February 25, 2021 submission a pre-filing notification, as required in significant transactions. See 49 CFR 1180.4(b)(1).

⁵ The schedule proposed here is similar in duration to the schedule adopted for a “significant” transaction in *Canadian Pacific Railway—Control—Dakota, Minnesota & Eastern Railroad*, FD 35081 (STB served Dec. 27, 2007).

- June 25, 2021 Descriptions of anticipated responsive, including inconsistent, applications due. Petitions for waiver or clarification with respect to such applications due. Comments, protests, requests for conditions, and any other evidence and argument in opposition to the Application or Related Transactions due. This includes any comments from the U.S. Department of Justice (DOJ) and U.S. Department of Transportation (USDOT).⁶
- July 26, 2021 Responsive, including inconsistent, applications due.
- September 8, 2021. Responses to comments, protests, requests for conditions, and other opposition due, including to DOJ and USDOT filings. Responses to responsive, including inconsistent, applications due. Rebuttal in support of the Application and Related Transactions due.
- October 8, 2021. Rebuttal in support of responsive, including inconsistent, applications due.
- TBD Public hearing (if necessary).⁷
- November 22, 2021. Final briefs due.⁸ (Close of the record.)
- February 18, 2022. Service date of final decision.
- March 20, 2022. Effective date of final decision.

The Board invites all interested persons to submit written comments on the proposed procedural schedule. Comments must be filed by May 6, 2021. The proposed dates in this decision are subject to change depending on the comments received or other circumstances.

The Board notes that Applicants' proposed procedural schedule included a due date for the filing of their Safety Integration Plan (SIP), as required by 49 CFR 1180.1(f)(3). The Board considers the SIP as part of its environmental review process or, if an environmental

review is not required, the Board will establish case-specific procedures. 49 CFR 1106.4(b), (c). Applicants claim that an environmental review would not be required for this transaction. (Notice 34–38; CSXC and CSXT Letter to Danielle Gosselin, Acting Director, OEA, Apr. 7, 2021 (Environmental Comment EI–30550).) The Board's Office of Environmental Analysis is reviewing information submitted by Applicants on the transaction's anticipated environmental impacts and the Board will address environmental review issues in a subsequent decision.

Decided: April 19, 2021.

By the Board, Board Members Begeman, Fuchs, Oberman, Primus, and Schultz.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2021–08493 Filed 4–23–21; 8:45 am]

BILLING CODE 4915–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Technical Amendment to Product Exclusions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: In September 2018, the U.S. Trade Representative imposed additional duties on goods of China with an annual trade value of approximately \$200 billion as part of the action in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation. In June 2019, the U.S. Trade Representative initiated a product exclusion process and then published several notices of exclusions. This notice makes a technical amendment to the exclusions that apply to certain products of China covered by the September 2018 action that were exported from China before May 10, 2019, and entered the United States after May 10, 2019, and before June 15, 2019.

DATES: This technical amendment covers goods exported from China before May 10, 2019, that entered the United States after May 10, 2019, and before June 15, 2019.

FOR FURTHER INFORMATION CONTACT: For general questions about this notice, contact Associate General Counsel Philip Butler at (202) 395–5725. For specific questions on customs

classification or implementation of product exclusions, contact traderemedy@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION: For background on the proceedings in this investigation, please see prior notices including 82 FR 40213 (August 24, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018), 83 FR 38760 (August 7, 2018), 83 FR 47974 (September 21, 2018), 83 FR 49153 (September 28, 2018), 83 FR 65198 (December 19, 2018), 84 FR 7966 (March 5, 2019), 84 FR 20459 (May 9, 2019), 84 FR 29576 (June 24, 2019), 84 FR 38717 (August 7, 2019), 84 FR 46212 (September 3, 2019), 84 FR 49591 (September 20, 2019), 84 FR 57803 (October 28, 2019), 84 FR 61674 (November 13, 2019), 84 FR 65882 (November 29, 2019), 84 FR 69012 (December 17, 2019), 85 FR 549 (January 6, 2020), 85 FR 6674 (February 5, 2020), 85 FR 9921 (February 20, 2020), 85 FR 15015 (March 16, 2020), 85 FR 17158 (March 26, 2020), 85 FR 23122 (April 24, 2020), 85 FR 27489 (May 8, 2020), and 85 FR 32094 (May 28, 2020).

Effective September 24, 2018, the U.S. Trade Representative imposed additional 10 percent *ad valorem* duties on goods of China classified in 5,757 full and partial subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), with an approximate annual trade value of \$200 billion. See 83 FR 47974, as modified by 83 FR 49153. In May 2019, the U.S. Trade Representative increased the additional duty to 25 percent, with an effective date of May 10, 2019. See 84 FR 20459.

To account for customs enforcement factors and the average transit time between China and the United States by sea, an implementing notice published on May 15, 2019, provided that products of China covered by the September 2018 action that were exported before May 10, 2019, were not subject to the additional duty of 25 percent, as long as the products entered into the United States prior to June 1, 2019. See 84 FR 21892. This subsequently was amended to extend the June 1, 2019 date to June 15, 2019. See 84 FR 26930. To distinguish the covered products of China subject to the 10 percent rate of additional duty from those subject to the 25 percent rate, a new heading in Chapter 99 of the HTSUS (9903.88.09) was created to cover products from China exported before May 10, 2019, and entered into the United States on or after May 10, 2019, and before June 15, 2019. See 84 FR 21892, as modified by 84 FR 26930.

⁶ Although Applicants propose that such filings be due on July 9, 2021, which would be 44 days after the **Federal Register** notice accepting the application, section 11325(c)(1) calls for such filings to be submitted 30 days after the **Federal Register** notice.

⁷ The Board will decide whether to conduct a public hearing, which would be held between the filing of rebuttals and final briefs, in a later decision after the record has been more fully developed. See 49 U.S.C. 11324(a) (“The Board shall hold a public hearing unless the Board determines that a public hearing is not necessary in the public interest.”).

⁸ The Board will also determine the page limits for final briefs in a later decision after the record has been more fully developed.

On June 24, 2019, the U.S. Trade Representative established a process by which stakeholders could request exclusion of particular products classified within an eight-digit HTSUS subheading covered by the \$200 billion action from the additional duties. See 84 FR 29576. In August 2019, the U.S. Trade Representative granted an initial set of exclusion requests. See 84 FR 38717. The U.S. Trade Representative granted additional exclusions in September, October, November and December 2019, and January, February, March, April and May 2020. See 84 FR 49591; 84 FR 57803; 84 FR 61674; 84 FR 65882; 84 FR 69012; 85 FR 549; 85 FR 6674; 85 FR 9921; 85 FR 15015; 85 FR 17158; 85 FR 23122; 85 FR 27489; and 85 FR 32094.

Published exclusions under the \$200 billion action were to apply as of September 24, 2018, the effective date of the \$200 billion action, and extend to August 7, 2020. However, the implementing language used in the exclusions notices did not include a reference to HTSUS heading 9903.88.09 and therefore did not have the effect of excluding products that were exported before May 10, 2019, and entered into the United States on or after May 10, 2019, and before June 15, 2019. The annex to this notice makes a technical correction to the exclusions granted under the \$200 billion action to include HTSUS heading 9903.88.09. Like all exclusions under this Section 301 investigation, this technical correction applies to entries of goods that are not liquidated or to entries that are liquidated but not final.

Annex

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption under Harmonized Tariff Schedule of the United States (HTSUS) heading 9903.88.09, note 20(l) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified by inserting the following sentence after the first paragraph:

“The product exclusions provided by headings 9903.88.13, 9903.88.18, 9903.88.33, 9903.88.34, 9903.88.35, 9903.88.36, 9903.88.37, 9903.88.38, 9903.88.40, 9903.88.41, 9903.88.43, 9903.88.45, 9903.88.46 and 9903.88.48 shall apply to articles the product of China that were entered under heading 9903.88.09 and that are provided for in this subdivision.”

Greta Peisch,

General Counsel, Office of the United States Trade Representative.

[FR Doc. 2021-08603 Filed 4-23-21; 8:45 am]

BILLING CODE 3290-F1-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request for Change in Land Use From Aeronautical to Non Aeronautical for 16.2 Acres of Land at Pittsfield Municipal Airport, Pittsfield, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comments.

SUMMARY: Notice is being given that the FAA is considering a request from the Town of Pittsfield, MA to change 16.2 acres of land from aeronautical to non-aeronautical use for non-aeronautical revenue generation at Pittsfield Municipal Airport, Pittsfield, MA. The airport has two projects. The first project is the installation of a solar farm and the second is a municipal water tank that will service the airport. The solar facility will be built on three on airport sites, totaling 15.5 acres, and will produce 6 mW of energy. The power produced will go into the electrical grid, however, the airport will have a long term land lease with the solar utility, generating a long term revenue stream for the airport. The lease revenue will be placed in the airport's operating and maintenance fund. The municipal water tank will serve the community as well as the airport, significantly enhancing the existing airport water system and serve future development on the airport as well. The tank and access road requires approximately .73 acres and will not interfere with future development of the airport.

DATES: Comments must be received on or before May 26, 2021.

ADDRESSES: You may send comments using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>, and follow the instructions on providing comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W 12-140, 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.

Interested persons may inspect the request and supporting documents by contacting the FAA at the address listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Mr. Jorge E. Panteli, Compliance and Land Use Specialist, Federal Aviation

Administration New England Region Airports Division, 1200 District Avenue, Burlington, Massachusetts 01803. Telephone: 781-238-7618.

Authority: 49 U.S.C. 47107(h)(2).

Issued in Burlington, Massachusetts on April 21, 2021.

Julie Seltsam-Wilps,

Deputy Director, ANE-600.

[FR Doc. 2021-08594 Filed 4-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No.—2021-2070]

Petition for Exemption; Summary of Petition Received; Wing Aviation, LLC

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before May 17, 2021.

ADDRESSES: Send comments identified by docket number FAA-2018-0835 using any of the following methods:

- *Federal eRulemaking 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, 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, 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: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking

process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

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 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nia Daniels, (202) 267-7626, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Timothy R. Adams,

Deputy Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA-2018-0835.

Petitioner: Wing Aviation, LLC.

Section(s) of 14 CFR Affected:

§§ 43.10(c)(5) and (d); 61.3(a); 91.9(b); 91.119(b) and (c); 91.151(a); 91.203(a)(1); 91.213(a), (b), and (c); 91.225(f); 135.21(f); 135.25(a)(1); 135.63(c) and (d); 135.79(a)(1), (2), and (3); 135.149(a); 135.161(a)(1), (2), and (3); 135.203(a); 135.205(a); 135.209(a); 135.215(b); 135.243(b)(1) and (2); 135.267; 135.337(b)(1) and (5); 135.338(b)(1) and (5); 135.339(e)(3) and (4); 135.340(e)(3) and (4); 135.341(b)(2), (3), and (4); 135.415(b); 135.423(b)(1) through (3) and (c); 135.439(a)(2); 135.501(a) and (2); 135.503(a)(1) and (2); 135.503(b).

Description of Relief Sought: Wing Aviation LLC (Wing) seeks to amend Exemption No. 18163 in order to expand its unmanned aircraft system (UAS) delivery services under Title 14, Code of Federal Regulations (14 CFR) part 135. Wing intends to locate regional pilot in commands (PICs) in a central hub, where the PIC may be located away from the given operating area. Wing also intends to stage unmanned aircraft (UA) at multiple sites throughout the operating area rather than centralizing all UA in a single ground operating site. Lastly, Wing asserts that it has demonstrated successful line checks at 6-month intervals and therefore seeks to fully align the prescribed intervals with

the governing part 135 regulation that necessitates line checks of their operations staff every 12 months.

[FR Doc. 2021-08649 Filed 4-23-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Rescinding a Notice of Intent To Prepare an Environmental Impact Statement for the Long Island Rail-Truck Intermodal Facility

AGENCY: Federal Highway Administration (FHWA), Department of Transportation.

ACTION: Notice to rescind a notice of intent to prepare an environmental impact statement.

SUMMARY: The FHWA is issuing this Notice to advise the public that we are rescinding the 2004 Notice of Intent (NOI) to Prepare an Environmental Impact Statement (EIS) for the development of the Long Island Rail-Truck Intermodal Facility (LIRTIF) on a portion of the Pilgrim State Hospital property, located in the Town of Islip, Suffolk County, New York.

FOR FURTHER INFORMATION CONTACT: For FHWA: Richard J. Marquis, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 7th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: 518-431-8897, Email: Rick.Marquis@dot.gov. For New York State Department of Transportation: Rich Causin, P.E., Acting Regional Director, New York State Department of Transportation, Region 10, State Office Building, 250 Veterans Memorial Highway, Hauppauge, NY 11788, Telephone: 631-952-6632, Email: Mary.Ricard@dot.ny.gov.

SUPPLEMENTARY INFORMATION: The FHWA, as the lead Federal agency, in cooperation with the New York State Department of Transportation (NYSDOT), published a NOI on June 10, 2004 (69 FR 32656) to prepare an EIS for the development of the LIRTIF on a portion of the Pilgrim State Hospital property, located in the Town of Islip, Suffolk County, New York. Subsequently, FHWA and NYSDOT developed a Draft EIS that was signed on May 22, 2007. FHWA hereby advises the public, after coordination with the NYSDOT, that we are rescinding the NOI for the project and cancelling any work associated with the existing EIS due to the significant time that has passed and the age of the traffic data

utilized for the development of the Draft EIS. The NYSDOT may initiate a new project in the future as they remain committed to advancing strategies that mitigate congestion and reduce greenhouse gas emissions, including increasing the efficiency of freight goods movement in the Long Island Region.

Any future Federal-aided Long Island Rail-Truck Intermodal Facility project will comply with the environmental review requirements of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*), FHWA environmental regulations (23 CFR part 771), and related authorities, as appropriate. Comments and questions concerning this action should be directed to FHWA at the address provided in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 42 U.S.C. 4321 *et seq.*; 23 CFR part 771.

Issued on: April 20, 2021.

Richard J. Marquis,

Division Administrator, Albany, New York.

[FR Doc. 2021-08601 Filed 4-23-21; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FY 2021 Competitive Funding Opportunity: Pilot Program for Transit-Oriented Development Planning

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Funding Opportunity (NOFO).

SUMMARY: The Federal Transit Administration (FTA) announces the opportunity to apply for \$10,052,572 in Fiscal Year (FY) 2020 and FY 2021 funding under the Pilot Program for Transit-Oriented Development Planning (TOD Pilot Program) (Federal Assistance Listing: 20.500). As required by Federal public transportation law and subject to funding availability, funds will be awarded competitively to support comprehensive planning associated with new fixed guideway and core capacity improvement projects. FTA may award additional funding that is made available to the program prior to the announcement of project selections.

DATES: Complete proposals must be submitted electronically through the *GRANTS.GOV* “APPLY” function by 11:59 p.m. EDT on June 21, 2021. Any applicant intending to apply should initiate the process by registering on the *GRANTS.GOV* Website immediately to ensure completion of registration before the submission deadline. Instructions for applying can be found on FTA’s website at <https://www.transit.dot.gov/TODPilot> and in the “FIND” module of *GRANTS.GOV*. The *GRANTS.GOV* funding opportunity ID is FTA–2021–004–TPE–TODP. Mail and fax submissions will not be accepted.

FOR FURTHER INFORMATION CONTACT: April McLean-McCoy, FTA Office of Planning and Environment, (202) 366–7429, or April.McLeanMcCoy@dot.gov. A TDD is available at 1–800–877–8339 (TDD/FIRS).

SUPPLEMENTARY INFORMATION:

Table of Contents

- A. Program Description
- B. Federal Award Information
- C. Eligibility Information
- D. Application and Submission Information
- E. Application Review Information
- F. Federal Award Administration Information
- G. Federal Awarding Agency Contacts
- H. Other Information

A. Program Description

Section 20005(b) of the Moving Ahead for Progress in the 21st Century Act (MAP–21; Pub. L. 112–141, July 6, 2012), with funding authorized by 49 U.S.C. 5338(a)(2)(B), authorizes FTA to award grants under the TOD Pilot Program. This funding opportunity is occurring under Federal Assistance Listing number 20.500.

This program supports FTA’s strategic goals and objectives through the timely and efficient investment in public transportation. The TOD Pilot Program grants are competitively awarded to local communities to integrate land use and transportation planning with a new fixed guideway or core capacity improvement transit capital project as defined in Federal public transportation law (49 U.S.C. 5309(a)). (See Section C of this NOFO for more information about eligibility). This program supports the President’s Build Back Better initiative to mobilize American ingenuity to build a modern infrastructure and an equitable future. In addition, through promotion of increased access for environmental justice populations, equity-focused community outreach and public engagement of underserved communities and adoption of equity-focused policies, reduction of

greenhouse gas emissions, and by addressing the effects of climate change, the TOD Pilot Program and this NOFO advance the goals of Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government; Executive Order 13900: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis; and Executive Order 14008: Tackling the Climate Crisis at Home and Abroad.

The TOD Pilot Program is intended to fund comprehensive planning that supports economic development, increased transit ridership, multimodal connectivity and accessibility, improved transit access for pedestrian and bicycle traffic, and increased mixed-use development near transit stations, and addresses climate change, challenges facing environmental justice populations, and racial equity and barriers to opportunity. The TOD Pilot Program also encourages identification of infrastructure needs and engagement with the private sector.

FTA is seeking comprehensive planning projects covering an entire transit capital project corridor, rather than proposals that involve planning for individual station areas or only a small section of the corridor. To ensure that any proposed planning work both reflects the needs and aspirations of the local community and results in concrete, specific deliverables and outcomes, transit project sponsors must partner with entities with land use planning authority in the transit project corridor to conduct the planning work.

B. Federal Award Information

FTA intends to award all available funding (approximately \$10 million) in the form of grants to selected applicants responding to this NOFO. Additional funds made available prior to project selection may be allocated to eligible projects. Due to funding limitations, applicants that are selected for funding may receive less than the amount originally requested.

Only proposals from eligible recipients for eligible activities will be considered for funding. FTA anticipates minimum grant awards of \$250,000 and maximum grant awards of \$2,000,000.

In the last NOFO that closed on October 16, 2020, the TOD Pilot Program received applications for 19 eligible projects requesting a total of \$15,262,060. Nine (9) projects were funded at a total of \$6,169,568.

FTA will grant pre-award authority to incur costs for selected projects beginning on the date FY 2021 project selections are announced on FTA’s

website. Funds are available for obligation for four fiscal years after the fiscal year in which the competitive awards are announced. Funds are available only for projects that have not incurred costs prior to the announcement of project selections.

C. Eligibility Information

1. Eligible Applicants

Applicants of the TOD Pilot Program must be State or local governmental authorities and FTA grant recipients (*i.e.*, existing direct and designated recipients) as of the publication date of this NOFO in *GRANTS.GOV*. An applicant must be the project sponsor of an eligible transit capital project as defined below in Section C, subsection 3, or an entity with land use planning authority in the project corridor of an eligible transit capital project. Except in cases where an applicant is both the sponsor of an eligible transit project and has land use authority in at least a portion of the transit project corridor, the applicant must partner with the relevant transit project sponsor or at least one entity in the project corridor with land use planning authority. Documentation of this partnership must be included with the application; see Section D, subsection 2 of this NOFO for further information.

Only one application per transit capital project corridor may be submitted to FTA. Multiple applications submitted for a single transit capital project corridor indicate that partnerships are not in place and FTA will reject all of the applications.

2. Cost Sharing or Matching

The maximum Federal funding share is 80 percent.

Eligible sources of non-Federal match include the following: Cash from non-Federal sources (other than revenues from providing public transportation services); revenues derived from the sale of advertising and concessions; amounts received under a service agreement with a State or local social service agency or private social service organization; revenues generated from value capture financing mechanisms; funds from an undistributed cash surplus; replacement or depreciation cash fund or reserve; or new capital. In-kind contributions are permitted. Transportation Development Credits (formerly referred to as Toll Revenue Credits) may not be used to satisfy the non-Federal match requirement.

3. Other Eligibility Criteria

i. Eligible Transit Projects

Any comprehensive planning work proposed for funding under the TOD Pilot Program must be associated with an eligible transit capital project. To be eligible, the proposed transit capital project must be a new fixed guideway project or a core capacity improvement project as defined by Federal public transportation law (49 U.S.C. 5309(a)), although it is not required to be approved for funding through the Capital Investment Grant program.

A fixed guideway is a public transportation facility:

- (A) Using and occupying a separate right-of-way for the exclusive use of public transportation;
- (B) using rail;
- (C) using a fixed catenary system;
- (D) for a passenger ferry system; or
- (E) for a bus rapid transit system.

A New fixed guideway capital project is defined in statute to be:

(A) A new fixed guideway project that is a minimum operable segment or extension to an existing fixed guideway system; or

(B) a fixed guideway bus rapid transit project that is a minimum operable segment or an extension to an existing bus rapid transit system.

A fixed guideway bus rapid transit project is defined in statute as a bus capital project:

(A) In which the majority of the project operates in a separated right-of-way dedicated for public transportation use during peak periods;

(B) that represents a substantial investment in a single route in a defined corridor or subarea; and

(C) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including:

- (i) Defined stations;
- (ii) traffic signal priority for public transportation vehicles;
- (iii) short headway bidirectional services for a substantial part of weekdays and weekend days; and
- (iv) any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

A core capacity improvement project is defined by 49 U.S.C. 5309(a) to mean a substantial corridor-based capital investment in an existing fixed guideway system that increases the capacity of the corridor by not less than 10 percent. The term does not include project elements designed to maintain a state of good repair of the existing fixed guideway system.

Comprehensive planning work in a corridor for a transit capital project that does not meet the statutory definition above of either a new fixed guideway project or a core capacity improvement project is not eligible under the TOD Pilot Program.

ii. Eligible Activities

Any comprehensive planning efforts funded under the TOD Pilot Program must address all six factors set forth in Section 20005(b)(2) of MAP-21:

- i. Enhances economic development, ridership, and other goals established during the project development and engineering processes;
- ii. facilitates multimodal connectivity and accessibility;
- iii. increases access to transit hubs for pedestrian and bicycle traffic;
- iv. enables mixed-use development;
- v. identifies infrastructure needs associated with the eligible project; and
- vi. includes private sector participation.

MAP-21 also requires the comprehensive planning effort to advance the metropolitan planning organization's metropolitan transportation plan. Further, MAP-21 requires applicants to establish performance criteria for the comprehensive planning effort.

Following are examples of the types of substantial deliverables that may result from the comprehensive planning work. Substantial deliverables are reports, plans and other materials that represent the key accomplishments of the comprehensive planning effort and that must be submitted to FTA as each is completed. Substantial deliverables may include, but are not restricted to, the following:

- i. A comprehensive plan report that includes corridor development policies and station development plans comprising the corridor, a proposed timeline, and recommended financing strategies for these plans;
- ii. A strategic plan report that includes corridor specific planning strategies and program recommendations to support comprehensive planning;
- iii. Revised TOD-focused zoning codes and/or resolutions;
- iv. A report evaluating and recommending financial tools to encourage TOD implementation such as land banking, value capture, and development financing;
- v. Policies to encourage TOD, including actions that reduce regulatory barriers that unnecessarily raise the costs of housing development or impede the development of affordable housing;
- vi. Actions that increase access to environmental justice populations,

reduce greenhouse gas emissions, and the effects of climate change;

vii. An equity and inclusion program/plan or equity-focused policies related to TOD; or

viii. Local or regional resolutions to implement TOD plans and/or establish TOD funding mechanisms.

iii. Ineligible Activities

FTA will not make awards for the following activities:

- i. TOD planning work only in a single transit capital project station area;
- ii. Transit project development activities that would be reimbursable under an FTA capital grant, such as project planning, the design and engineering of stations and other facilities, environmental analyses needed for the transit capital project, or costs associated with specific joint development activities;
- iii. Capital projects, such as land acquisition, construction, and utility relocation; and
- iv. Site- or parcel-specific planning, such as the design of individual structures.

D. Application and Submission Information

1. Address To Request Application Package

The application package may be obtained from *GRANTS.GOV*. Applications must be submitted electronically through *GRANTS.GOV*, and general information for submitting applications can be found at <https://www.grants.gov/web/grants/applicants.html> along with specific instructions for the forms and attachments required for submission. The Standard Form (SF) 424, Application for Federal Assistance, which must be included with every application, can be downloaded from *GRANTS.GOV*. Mail and fax submissions will not be accepted.

A complete proposal submission consists of two forms in addition to other documents described in section 2 below: The SF-424 Application for Federal Assistance (available at *GRANTS.GOV*) and the supplemental form for the FY 2021 TOD Pilot Program (available from *GRANTS.GOV* or the FTA website at <https://www.transit.dot.gov/TODPilot>). Failure to submit the information as requested can delay review or disqualify the application.

2. Content and Form of Application Submission

Proposals must include a completed SF-424 Mandatory form and the following attachments to the completed SF-424:

i. A completed Applicant and Proposal Profile supplemental form for the TOD Pilot Program (supplemental form) found on the FTA website at <https://www.transit.dot.gov/TODPilot>. The information on the supplemental form will be used to determine applicant and project eligibility for the program, and to evaluate the proposal against the selection criteria described in part E of this notice;

ii. A map of the proposed study area showing the transit project alignment and stations, major roadways, major landmarks, and the geographic boundaries of the proposed comprehensive planning activities;

iii. Documentation of a partnership between the transit project sponsor and an entity in the project corridor with land use planning authority to conduct the comprehensive planning work, if the applicant does not have both of these responsibilities. Documentation may consist of a memorandum of agreement or letter of intent signed by all parties that describes the parties' roles and responsibilities in the proposed comprehensive planning project; and

iv. Documentation of any funding commitments for the proposed comprehensive planning work.

Information such as the applicant's name, Federal amount requested, local match amount, description of the study area, are requested in varying degrees of detail on both the SF-424 form and supplemental form. Applicants must fill in all fields unless stated otherwise on the forms. Applicants should use both the "Check Package for Errors" and the "Validate Form" buttons on both forms to check all required fields, and ensure that the Federal and local amounts specified are consistent. In the event of errors with the supplemental form, FTA recommends saving the form on your computer and ensuring that JavaScript is enabled in your PDF reader. The information listed below MUST be included on the SF-424 and supplemental forms for TOD Pilot Program funding applications.

The SF-424 and supplemental form will prompt applicants to address the following items:

1. Provide the name of the lead applicant and, if applicable, the specific co-sponsors submitting the application.

2. Provide the applicant's Dun and Bradstreet Data Universal Numbering System (DUNS) number.

3. Provide contact information including: Contact name, title, address, phone number, and email address.

4. Specify the Congressional district(s) where the planning project will take place.

5. Identify the project title and project scope to be funded, including anticipated substantial deliverables and the milestones at when they will be provided to FTA.

6. Identify and describe an eligible transit project that meets the requirements of Section C, subsection 3 of this notice.

7. Provide evidence of a partnership between the transit project sponsor and at least one agency with land use authority in the transit capital project corridor, as described earlier in this subsection.

8. Address the six factors set forth in MAP-21 Section 20005(b)(2).

9. Address each evaluation criterion separately, demonstrating how the project responds to each criterion as described in Section E.

10. Provide a line-item budget for the total planning effort, with enough detail to indicate the various key components of the comprehensive planning project.

11. Identify the Federal amount requested.

12. Document the matching funds, including amount and source of the match (may include local or private sector financial participation in the project). Describe whether the matching funds are committed or planned, and include documentation of the commitments.

13. Provide explanation of the scalability of the project.

14. Address whether other Federal funds have been sought or received for the comprehensive planning project.

15. Provide a schedule and process for the development of the comprehensive plan that includes anticipated dates for incorporating the planning work effort into the region's unified planning work program, completing major tasks and substantial deliverables, and completing the overall planning effort.

16. Describe how the comprehensive planning work advances the metropolitan transportation plan of the metropolitan planning organization.

17. Propose performance criteria for the development and implementation of the comprehensive planning work.

18. Identify potential State, local or other impediments to the products of the comprehensive planning work and its implementation, and how the work will address them.

19. Describe how the comprehensive planning work addresses climate change and elevates challenges facing environmental justice populations.

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant is required to: (1) Be registered in SAM before submitting an

application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by FTA. FTA may not make an award until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time FTA is ready to make an award, FTA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making a Federal award to another applicant. These requirements do not apply if the applicant: (1) Is an individual; (2) is excepted from the requirements under 2 CFR 25.110(b) or (c); or (3) has an exception approved by FTA under 2 CFR 25.110(d). SAM registration takes approximately 3-5 business days, but FTA recommends allowing ample time, up to several weeks, for completion of all steps. For additional information on obtaining a unique entity identifier, please visit www.sam.gov.

Non-Federal entities that have received a Federal award are required to report certain civil, criminal, or administrative proceedings to SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) to ensure registration information is current and comply with federal requirements. Applicants should reference 2 CFR 200.113, for more information.

4. Submission Dates and Times

Project proposals must be submitted electronically through <http://www.GRANTS.GOV> by 11:59 p.m. EDT on June 21, 2021. *GRANTS.GOV* attaches a time stamp to each application at the time of submission. Proposals submitted after the deadline will only be considered under extraordinary circumstances not under the applicant's control. Applications are time and date stamped by *GRANTS.GOV* upon successful submission. Mail and fax submissions will not be accepted.

Within 48 hours after submitting an electronic application, the applicant should receive two email messages from *GRANTS.GOV*: (1) Confirmation of successful transmission to *GRANTS.GOV*; and (2) confirmation of successful validation by *GRANTS.GOV*. FTA will then validate the application and will attempt to notify any applicants whose applications could not be validated. If the applicant does not receive confirmation of successful

validation or a notice of failed validation or incomplete materials, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission. An application that is submitted at the deadline and cannot be validated will be marked as incomplete, and such applicants will not receive additional time to re-submit.

FTA urges applicants to submit their applications at least 96 hours prior to the due date to allow time to receive the validation messages and to correct any problems that may have caused a rejection notification. *GRANTS.GOV* scheduled maintenance and outage times are announced on the *GRANTS.GOV* website at <http://www.GRANTS.GOV>. Deadlines will not be extended due to scheduled maintenance or outages.

Applicants are encouraged to begin the registration process on the *GRANTS.GOV* site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered applicants may still be required to take steps to keep their registration up to date before submissions can be made successfully: (1) Registration in SAM is renewed annually and (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in *GRANTS.GOV* by the AOR to make submissions.

5. Funding Restrictions

See Section C of this NOFO for detailed eligibility requirements. FTA emphasizes that any comprehensive planning projects funded through the TOD Pilot Program must be associated with an eligible transit project, specifically a new fixed guideway project or a core capacity improvement project as defined in Federal transit statute, 49 U.S.C. 5309(a). Projects are not required to be funded through the Capital Investment Grant Program. Funds must be used only for the specific purposes requested in the application. Funds under this NOFO cannot be used to reimburse projects for otherwise eligible expenses incurred prior to an FTA award under this program. Refer to Section C.3., Eligible Projects, for information on activities that are allowable in this grant program. Allowable direct and indirect expenses

must be consistent with the Governmentwide Uniform Administrative Requirements and Cost Principles (2 CFR part 200) and FTA Circulars 5010.1E.

6. Other Submission Requirements

Applicants are encouraged to identify scaled funding options in case insufficient funding is available to fund a project at the full requested amount. If an applicant indicates that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. FTA may award a lesser amount regardless of whether a scalable option is provided.

All applications must be submitted via the *GRANTS.GOV* website. FTA does not accept applications on paper, by fax machine, email, or other means. For information on application submission requirements, please see Section D.1., Address to Request Application and Section D.4., Submission Dates and Times.

E. Application Review Information

1. Criteria

Project proposals will be evaluated primarily on the responses provided in the supplemental form. Additional information may be provided to support the responses; however, any additional documentation must be directly referenced on the supplemental form, including the file name where the additional information can be found. Applications will be evaluated based on the quality and extent to which the following evaluation criteria are addressed.

a. Demonstrated Need

FTA will evaluate each project to determine the need for funding based on the following factors:

- i. Potential state, local or other impediments to implementation of the products of the comprehensive planning effort, and how the workplan will address them;
- ii. How the proposed work will advance TOD implementation in the corridor and region;
- iii. Justification as to why Federal funds are needed for the proposed work; and
- iv. Extent to which the transit project corridor could benefit from TOD planning.
- v. Extent to which TOD planning will address climate change and challenges

facing environmental justice populations in the region.

b. Strength of the Work Plan, Schedule and Process

FTA will evaluate the strength of the work plan, schedule and process included in an application based on the following factors:

- i. Extent to which the schedule contains sufficient detail, identifies all steps needed to implement the work proposed, and is achievable;
- ii. The proportion of the project corridor covered by the work plan;
- iii. Extent of partnerships, including with non-public sector entities;
- iv. The partnerships' technical capability to develop, adopt and implement the comprehensive plans, based on FTA's assessment of the applicant's description of the policy formation, implementation, and financial roles of the partners, and the roles and responsibilities of proposed staff;
- v. Extent to which this TOD planning effort increases transit access for environmental justice populations and allows them to participate in this TOD planning effort;
- vi. Extent to which this TOD planning effort incorporates equity-focused community outreach and public engagement of underserved communities in the planning process;
- vii. Extent to which the comprehensive planning work will yield zoning policies that are supportive of more housing density near transit, easing the pressures that make housing unaffordable or insecure for underserved communities;
- viii. Extent to which the comprehensive planning work will reduce greenhouse gas emissions and the effects of climate change;
- ix. Whether the performance measures identified in the application relate to the goals of the comprehensive planning work.

c. Funding Commitments

FTA will assess the status of local matching funds for the planning work. Applications demonstrating that matching funds for the proposed comprehensive planning work are already committed will receive higher ratings from FTA on this factor. Proposed comprehensive planning projects for which matching funding sources have been identified, but are not yet committed, will be given lower ratings under this factor by FTA, as will proposed comprehensive planning projects for which in-kind contributions constitute the primary or sole source of matching funds.

2. Review and Selection Process

In addition to other FTA staff that may review the proposals, a technical evaluation committee will verify each proposal's eligibility and evaluate proposals based on the published evaluation criteria. Members of the technical evaluation committee and other FTA staff may request additional information from applicants, if necessary. Taking into consideration the findings of the technical evaluation committee, the FTA Administrator will determine the final selection of projects for program funding. After applying the above criteria, in support of the President's January 20, 2021, Executive Order 13900, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, the FTA Administrator will consider the extent to which applications may provide other air quality benefits as part of the application review. Applicants should identify any nonattainment or maintenance areas under the Clean Air Act in the proposed service area. Nonattainment or maintenance areas should be limited to the following applicable National Ambient Air Quality Standards criteria pollutants: carbon monoxide, ozone, and particulate matter 2.5 and 10. The U.S. Environmental Protection Agency's Green Book (available at <https://www.epa.gov/green-book>) is a publicly-available resource for nonattainment and maintenance area data. This consideration will further the goals of the Executive Order, including the goal to prioritize environmental justice (EJ).

In addition, FTA will consider benefits to EJ communities when reviewing applications received under this program. Applicants should identify any EJ populations located within the proposed service area and describe anticipated benefits to that population(s) should the applicant receive a grant under this program. A formal EJ analysis that is typically included in transportation planning or environmental reviews is not requested.

In support of Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, FTA also will consider the extent to which applications promote racial equity and the removal of barriers to opportunity through such activities as equity-focused community outreach and public engagement of underserved communities in the planning process, and adoption of an equity and inclusion program/plan or equity-focused policies related to TOD.

Among the factors, in determining the allocation of program funds FTA may consider geographic diversity, diversity in the size of the grant recipients receiving funding, or the applicant's receipt of other competitive awards. Respectively, FTA will evaluate the proposals to determine the extent that the proposed project will address affordable housing needs, provide equitable housing choices for environmental justice populations, and avoid displacement of low-income households.

3. Federal Awardee Performance and Integrity Information System (FAPIS)

Prior to making an award, FTA is required to review and consider any information about the applicant that is in the FAPIS accessible through SAM. An applicant may review and comment on information about itself that a Federal awarding agency previously entered. FTA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in the Office of Management and Budget's Uniform Requirements for Federal Awards (2 CFR 200.206).

F. Federal Award Administration Information

1. Federal Award Notices

(a) The FTA Administrator will announce the final project selections on the FTA website. Project recipients should contact their FTA Regional Offices for additional information regarding allocations for projects under the TOD Pilot Program.

i. Pre-Award Authority

FTA will issue specific guidance to recipients regarding pre-award authority at the time of selection. FTA does not provide pre-award authority for competitive funds until projects are selected and even then, there are Federal requirements that must be met before costs are incurred. Funds under this NOFO cannot be used to reimburse applicants for otherwise eligible expenses incurred prior to FTA award of a Grant Agreement until FTA has issued pre-award authority for selected projects, or unless FTA has issued a "Letter of No Prejudice" for the project before the expenses are incurred. For more information about FTA's policy on pre-award authority, please see the most

recent Apportionment Notice at: <https://www.transit.dot.gov>.

ii. Grant Requirements

If selected, awardees will apply for a grant through FTA's Transit Award Management System (TrAMS). Recipients of TOD Pilot Program funds are subject to the grant requirements of the Section 5303 Metropolitan Planning program, including those of FTA Circular 8100.1C and Circular 5010.1E. All competitive grants, regardless of award amount, will be subject to the Congressional Notification and release process. Technical assistance regarding these requirements is available from each FTA regional office.

2. Administrative and National Policy Requirements

i. Planning

FTA encourages applicants to notify the appropriate metropolitan planning organizations in areas likely to be served by the funds made available under this program. Selected projects must be incorporated into the unified planning work programs of metropolitan areas before they are eligible for FTA funding or pre-award authority.

ii. Standard Assurances

The applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, directives, FTA circulars, and other Federal administrative requirements in carrying out any project supported by the FTA grant. The applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances before receiving a grant if it does not have current certifications on file.

iii. Disadvantaged Business Enterprise

FTA requires that its recipients receiving planning, capital, and/or operating assistance that will award prime contracts exceeding \$250,000 in FTA funds in a Federal fiscal year comply with Department of Transportation Disadvantaged Business Enterprise (DBE) program regulations (49 CFR part 26). Applicants should expect to include any funds awarded,

excluding those to be used for vehicle procurements, in setting their overall DBE goal.

3. Reporting

Post-award reporting requirements include submission of Federal Financial Reports and Milestone Progress Reports in FTA's electronic grants management system on a quarterly basis. Applicant should include any goals, targets, and indicators referenced in their application to the project in the Executive Summary of the TrAMS application. Awardees must also submit copies of the substantial deliverables identified in the work plan to the FTA regional office at the corresponding milestones.

As part of completing the annual certifications and assurances required of FTA grant recipients, a successful applicant must report on the suspension or debarment status of itself and its principals. If the award recipient's active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of an award made pursuant to this Notice, the recipient must comply with the Recipient Integrity and Performance Matters reporting requirements described in Appendix XII to 2 CFR part 200."

G. Federal Awarding Agency Contacts

For program-specific questions, please contact April McLean-McCoy, Office of Planning and Environment, (202) 366-7429, email: April.McLeanMcCoy@dot.gov. A TDD is available at 1-800-877-8339 (TDD/FIRS). Any addenda that FTA releases on the application process will be posted at <https://www.transit.dot.gov/TODPilot>. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FTA directly, rather than through intermediaries or third parties. FTA staff may also conduct briefings on the FY 2021 competitive grants selection and award process upon request. Contact information for FTA's regional offices can be found on FTA's website at www.transit.dot.gov.

H. Other Program Information

This program is not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." FTA will consider applications for funding only from eligible recipients for eligible projects listed in Section C. Complete applications must be submitted through

GRANTS.GOV by 11:59 p.m. EDT on June 21, 2021.

For issues with GRANTS.GOV, please contact GRANTS.GOV by phone at 1-800-518-4726 or by email at support@grants.gov. Contact information for FTA's regional offices can be found on FTA's website at www.fta.dot.gov.

Nuria I. Fernandez,

Deputy Administrator.

[FR Doc. 2021-08662 Filed 4-23-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT-OST-2018-0206]

Air Ambulance and Patient Billing Advisory Committee Matters

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Notice of public meeting.

SUMMARY: The U.S. Department of Transportation (Department) announces a public meeting of the Air Ambulance and Patient Billing (AAPB) Advisory Committee on May 27-28, 2021. The AAPB Advisory Committee will discuss the reports and recommendations of the Subcommittee on Disclosure and Distinction of Charges and Coverage for Air Ambulance Services, Subcommittee on Prevention of Balance Billing, and Subcommittee on State and DOT Consumer Protection Authorities.

DATES: The AAPB Advisory Committee will hold a virtual meeting on May 27-28, 2021, from 10:00 a.m. to 5:30 p.m., Eastern Daylight Time.

ADDRESSES: The virtual meeting will be open to the public and held via the Zoom Webinar Platform. Virtual attendance information will be provided upon registration. A detailed agenda will be available on the AAPB Advisory Committee website at <https://www.transportation.gov/airconsumer/AAPB> at least one week before the meeting, along with copies of the meeting minutes after the meeting.

FOR FURTHER INFORMATION CONTACT: To register and attend this virtual meeting, please contact the Department by email at AAPB@dot.gov. Attendance is open to the public subject to any technical and/or capacity limitations. For further information, contact Robert Gorman, Senior Attorney, at (202) 366-9342 or by email at robert.gorman@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The FAA Reauthorization Act of 2018 requires the Secretary of Transportation,

in consultation with the Secretary of Health and Human Services, to establish an advisory committee to review options to improve the disclosure of charges and fees for air medical services, better inform consumers of insurance options for such services, and protect consumers from balance billing. On September 12, 2019, the Department announced the creation of the AAPB Advisory Committee.

The AAPB Advisory Committee held a public meeting on January 15-16, 2020. At that meeting, the AAPB Advisory Committee gathered information about the air ambulance industry, air ambulance costs and billing, and insurance and air ambulance payment systems. The AAPB Advisory Committee also discussed disclosure and separation of charges, cost shifting, and balance billing.

On February 4, 2020, the Department established three Subcommittees: (1) The Subcommittee on Disclosure and Distinction of Charges and Coverage for Air Ambulance Services; (2) the Subcommittee on Prevention of Balance Billing, and (3) the Subcommittee on State and DOT Consumer Protection Authorities. On January 11, 2021, the Subcommittees filed reports and draft recommendations for the full Committee's review. The reports are available for public review on the AAPB Advisory Committee's docket, DOT-OST-2018-0206.

II. Summary of the Agenda

During the May 27-28 meeting, AAPB Advisory the Committee will deliberate on the Subcommittees' reports and recommendations. A more detailed agenda will be made available at least one week before the meeting at <https://www.transportation.gov/airconsumer/AAPB>.

III. Public Participation

The meeting will be open to the public and attendance may be limited due to virtual meeting constraints. To register, please send an email to the Department as set forth in the **FOR FURTHER INFORMATION CONTACT** section. The Department is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language interpreter or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Members of the public may also present written comments at any time. The docket number referenced above (DOT-OST-2018-0206) has been established for committee documents,

including any written comments that may be filed. At the discretion of the Chair, after completion of the planned agenda, individual members of the public may provide comments through the chat feature of the webinar platform or orally, time permitting. Any oral comments presented must be limited to the objectives of the committee and will be limited to five (5) minutes per person. Individual members of the public who wish to present oral comments must notify the Department of Transportation contact noted above via email that they wish to attend and present oral comments no later than May 24, 2021.

Speakers are requested to submit a written copy of their prepared remarks for inclusion in the meeting records and for circulation to AAPB Advisory Committee members by May 24, 2021. All prepared remarks submitted on time will be accepted and considered as part of the meeting's record.

IV. Viewing Documents

You may view documents mentioned in this notice at <https://www.regulations.gov>. After entering the docket number (DOT-OST-2018-0206), click the link to "Open Docket Folder" and choose the document to review.

Issued in Washington, DC.

John E. Putnam,

Acting General Counsel.

[FR Doc. 2021-08536 Filed 4-23-21; 8:45 am]

BILLING CODE 4910-9X-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons whose property and interest in property have been unblocked and who have been removed from OFAC's Specially Designated Nationals and Blocked Persons List (SDN List).

DATES: See **SUPPLEMENTARY INFORMATION** section for effective dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Bradley T. Smith, Acting 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 the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (www.treasury.gov/ofac).

Notice of OFAC Action

On April 21, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are unblocked and they have been removed from the SDN List under the relevant sanctions authority listed below.

Entities

1. A.M. WAKED E HIJOS, S.A., Panama; RUC #26961-10-226532 (Panama) [SDNTK].
2. ADMINISTRACION MILLENIUM PLAZA, S.A., Panama; RUC #1050723-1-547544 (Panama) [SDNTK].
3. CORPORACION MARITIMA DE COLON, S.A., Panama; RUC #44053-63-293930 (Panama); alt. RUC #44503-63-293930 (Panama) [SDNTK].
4. FOOD COURT PLAZA MILENIO, S.A., Panama; RUC #1103474-1-560398 (Panama) [SDNTK].
5. FRANQUICIAS MULTIPLES S.A., Panama; RUC #1874692-1-717842 (Panama) [SDNTK].
6. HACIENDA PAULISTA, S.A., Panama; RUC #466985-1-433708 (Panama) [SDNTK].
7. HERMANOS WAKED, S.A., Panama; RUC #466694-1-433666 (Panama) [SDNTK].
8. HN Y N (HOT NEWS Y NEWS) PUBLICIDAD, S.A., Panama; RUC #715153-1-471751 (Panama) [SDNTK].
9. INVERSIONES DEL ATLANTICO, LTD., Panama; RUC #951371-1-526012 (Panama) [SDNTK].
10. INVERSIONES MP, S.A., Panama; RUC #1603791-1-666816 (Panama) [SDNTK].
11. LA GRAN BODEGA, S.A., Panama; RUC #580601-1-448114 (Panama) [SDNTK].
12. PANAMA BIG GAME FISHING, S.A., Panama; RUC #1538534-1-655100 (Panama) [SDNTK].
13. RESCATES MARINOS, S.A., Panama; RUC #1192450-1-580499 (Panama) [SDNTK].
14. TATUNG INTERNACIONAL, S.A., Panama; RUC #41534-72-284178 (Panama) [SDNTK].
15. URBANIZACION ALHAMBRA, S.A., Panama; RUC #998416-1-535687 (Panama) [SDNTK].

Dated: April 21, 2021.

Gregory T. Gatjanis,

Associate Director, Office of Global Targeting, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2021-08624 Filed 4-23-21; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more person who have been removed from the list of Specially Designated Nationals and Blocked Persons (SDN List). Their property and interests in property are no longer blocked, and U.S. persons are no longer generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

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 the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List (SDN List) and additional information concerning OFAC sanctions programs are available on OFAC's website (<https://www.treasury.gov/ofac>).

Notice of OFAC Actions

On April 1, 2021, the President signed Executive Order (E.O.) 14022, "Termination of Emergency With Respect to the International Criminal Court," which terminated the national emergency declared in E.O. 13928 of June 11, 2020, "Blocking Property of Certain Persons Associated With the International Criminal Court," 85 FR 36139 and revoked that order.

As such, the following individuals are no longer subject to the blocking provisions of E.O. 13928 as of the effective date of E.O. 14022 and are removed from the SDN List:

Individuals

1. BENSOUA, Fatou (a.k.a. BENSOUA, Fatou Bom); DOB 31 Jan 1961; POB Banjul, The Gambia; nationality The Gambia; Gender Female; Passport D0015886 (individual) [ICCP–EO13928].

2. MOCHOKO, Phakiso; DOB 04 Sep 1957; POB Sea Point, Maseru, Lesotho; nationality Lesotho; Gender Male; Passport DA001009 (individual) [ICCP–EO13928].

Dated: April 21, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2021–08623 Filed 4–23–21; 8:45 am]

BILLING CODE 4810–AL–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 U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT:

OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or Assistant Director for Regulatory Affairs, tel.: 202–622–4855.

SUPPLEMENTARY INFORMATION:**Electronic Availability**

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (<https://www.treasury.gov/ofac>).

Notice of OFAC Action(s)

On April 21, 2021, OFAC determined that the property and interests in

property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Entities

1. MYANMA TIMBER ENTERPRISE (a.k.a. MYANMAR TIMBER ENTERPRISE; f.k.a. STATE TIMBER BOARD; f.k.a. TIMBER CORPORATION), Gyogone Forest Compound, Bayint Naung Road, Insein Township, Rangoon, Burma; No. (72/74) Shawe Dagon Pagoda Road, Dagon Township, Rangoon, Burma; P.O. Box 206, Ahlone Street, Ahlone Township, Rangoon, Burma; Target Type State-Owned Enterprise [BURMA–EO14014]. Designated pursuant to section 1(a)(iv) of Executive Order 14014 of February 10, 2021, “Blocking Property With Respect to the Situation in Burma” (“the Order”) for being a political subdivision, agency, or instrumentality of the Government of Burma.

2. MYANMAR PEARL ENTERPRISE, Yazathingha Street, Zabuthri Township, Naypyitaw, Burma; No. 10, Strand Road, Kangyi Quarter, Myeik Township, Tanintharyi, Burma; 90 Kanbe St., Yankin Tsp., Rangoon, Burma; No. 4345 Bu Khwe, Naypyitaw, Burma; Target Type State-Owned Enterprise [BURMA–EO14014].

Designated pursuant to section 1(a)(iv) of the Order for being a political subdivision, agency, or instrumentality of the Government of Burma.

Dated: April 21, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2021–08599 Filed 4–23–21; 8:45 am]

BILLING CODE 4810–AL–P

UNIFIED CARRIER REGISTRATION PLAN**Sunshine Act Meetings; Unified Carrier Registration Plan Board Subcommittee Meeting**

TIME AND DATE: April 29, 2021, from Noon to 2:00 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call and via Zoom Meeting and Screenshare. Any interested person may call (i) 1–929–205–6099 (US Toll) or 1–669–900–6833 (US Toll) or (ii) 1–877–853–5247 (US Toll Free) or 1–888–788–0099 (US Toll Free), Meeting ID: 976 6979 8627, to listen and participate in this meeting. The website to participate via Zoom Meeting and Screenshare is <https://kellen.zoom.us/j/97669798627>.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Education and Training Subcommittee (the “Subcommittee”) will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

Proposed Agenda**I. Call to Order—Subcommittee Chair**

The Subcommittee Chair will welcome attendees, call the meeting to order, call roll for the Subcommittee, confirm whether a quorum is present, and facilitate self-introductions.

II. Verification of Publication of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify the publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by the subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Subcommittee Agenda and Setting of Ground Rules—Subcommittee Chair

For Discussion and Possible Subcommittee Action

The Subcommittee Agenda will be reviewed, and the Subcommittee will consider adoption.

Ground Rules

➤ Subcommittee action only to be taken in designated areas on agenda.

IV. Review and Approval of Minutes From the March 18, 2021 Meeting—Subcommittee Chair

For Discussion and Possible Subcommittee Action

Draft minutes from the March 18, 2021 Subcommittee meeting via teleconference will be reviewed. The Subcommittee will consider action to approve.

V. Audit Module Development Discussion With the Education and Training Subcommittee—UCR Operations Director

The Subcommittee will discuss and provide updates on development of the Audit Module.

VI. Other Items—Subcommittee Chair

The Subcommittee Chair will call for any other items Subcommittee members would like to discuss.

VII. Adjournment—Subcommittee Chair

The Subcommittee Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern time, April 22, 2021 at: <https://plan.ucr.gov>.

CONTACT PERSON FOR MORE INFORMATION:
Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of

Directors, (617) 305-3783, eleaman@board.ucr.gov.

Alex B. Leath,
Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2021-08733 Filed 4-22-21; 11:15 am]

BILLING CODE 4910-YL-P

Reader Aids

Federal Register

Vol. 86, No. 78

Monday, April 26, 2021

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	202-741-6000
Laws	741-6000
Presidential Documents	
Executive orders and proclamations	741-6000
The United States Government Manual	741-6000
Other Services	
Electronic and on-line services (voice)	741-6020
Privacy Act Compilation	741-6050

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: www.govinfo.gov.

Federal Register information and research tools, including Public Inspection List and electronic text are located at: www.federalregister.gov.

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: fedreg.info@nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, APRIL

17055-17270.....	1	21633-21916.....	23
17271-17492.....	2	21917-22104.....	26
17493-17674.....	5		
17675-17892.....	6		
17893-18170.....	7		
18171-18422.....	8		
18423-18882.....	9		
18883-19126.....	12		
19127-19566.....	13		
19567-19774.....	14		
19775-20022.....	15		
20023-20248.....	16		
20249-20434.....	19		
20435-20614.....	20		
20615-21158.....	21		
21159-21632.....	22		

CFR PARTS AFFECTED DURING APRIL

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR	985.....	20038
	986.....	19152
	1220.....	19788
Proclamations:		
10163.....	17493	
10164.....	17495	
10165.....	17675	
10166.....	17677	
10167.....	17679	
10168.....	17681	
10169.....	17683	
10170.....	17685	
10171.....	17689	
10172.....	17893	
10173.....	18167	
10174.....	18169	
10175.....	18171	
10176.....	19567	
10177.....	19775	
10177 (Correction).....	21915	
10178.....	20023	
10179.....	20025	
10180.....	20027	
10181.....	20615	
10182.....	20617	
10183.....	20619	
10184.....	21161	
10185.....	21633	
Executive Orders:		
14022.....	17895	
14023.....	19569	
14024.....	20249	
Administrative Orders:		
Notices:		
Notice of April 1,		
2021.....	17673	
Presidential		
Determinations: No.		
2021-05 of April 16,		
2021.....	21159	
5 CFR		
831.....	20435	
842.....	20435	
870.....	17271	
875.....	17271	
890.....	17271	
894.....	17271	
2641.....	17691	
6 CFR		
Proposed Rules:		
37.....	20320	
7 CFR		
271.....	18423	
273.....	18423	
930.....	20253	
1205.....	20255	
1752.....	17274	
Proposed Rules:		
319.....	20037	
932.....	18216	
945.....	21667	
	985.....	20038
	986.....	19152
	1220.....	19788
10 CFR		
Proposed Rules:		
37.....	18477	
429.....	20075	
430.....	18478, 18901, 20044,	
	20053, 20327	
431.....	20075	
12 CFR		
262.....	18173	
271.....	18423	
360.....	18180	
702.....	20258	
Ch. X.....	17699	
1003.....	17692	
1005.....	17693	
1006.....	21163	
1010.....	17694	
1022.....	17695	
1024.....	17897	
1026.....	17693, 17697, 17698	
1238.....	18431	
Proposed Rules:		
209.....	19152	
1006.....	20334	
1024.....	18840	
14 CFR		
29.....	20264	
39.....	17275, 17278, 17280,	
	17283, 17285, 17287, 17290,	
	17497, 17499, 17502, 17504,	
	17510, 17512, 17515, 17518,	
	17521, 17700, 17703, 17706,	
	17708, 17710, 17899, 17902,	
	17905, 18180, 18883, 18887,	
	19127, 19571, 19777, 20029,	
	20266, 20440, 20442, 20445,	
	20448, 20451, 20453, 20621,	
	21181, 21185, 21187, 21635,	
	21637, 21641, 21917, 21920,	
	21923, 21927	
71.....	18432, 18890, 19129,	
	19780, 20269, 20270, 21187,	
	21645	
97.....	17524, 17526, 20271,	
	20276, 21919, 21932	
302.....	17292	
399.....	17292	
415.....	20625	
417.....	20625	
431.....	20625	
435.....	20625	
Proposed Rules:		
39.....	17087, 17322, 17324,	
	17326, 17329, 17330, 17993,	
	17995, 17998, 18218, 18218,	
	18221, 18479, 18482, 18921,	
	19157, 19160, 20086, 20089,	

20091, 20094, 20097, 20336,
20338, 20341, 20459, 20461,
20465, 21228, 21231, 21233,
21238, 21240, 21965, 21967,
21969
7117333, 17553, 17754,
18484, 18485, 18487, 18488,
18490, 20100, 20468, 20469,
21243, 21669, 21672, 21673
7317555

15 CFR

421933
73218433
73618433
74418433, 18437

16 CFR

123117296
164018440
Proposed Rules:
164018491

17 CFR

119324
419324
4119324
19019324
24018595
24218595
24917528, 18595
27417528

18 CFR

3520627, 21935
40120628
44020628
Proposed Rules:
3521246, 21972
10117342

19 CFR

Ch. I21188, 21189
1217055
20818183, 19781
36117058

20 CFR

42620631
Proposed Rules:
65517343
65617343

21 CFR

117059
20717061
51017061
52017061
52217061
52417061
52817061
55817061
82117065
86220278
86620278
88020278
88420278
89220278
130820284
Proposed Rules:
17221675
57321984

22 CFR

6220286

21218444, 20632

24 CFR

Proposed Rules:
517346
9321984

25 CFR

Proposed Rules:
1519585
118719162

26 CFR

121646
Proposed Rules:
119585
30021246

27 CFR

Proposed Rules:
920102

29 CFR

490817066
Proposed Rules:
191018924

30 CFR

55019782
55319782
91721937
120620032
124120032

Proposed Rules:

94321246

31 CFR

50118895
Proposed Rules:
119790
101017557

33 CFR

10020035, 20632, 20633
11718445, 19574
16517066, 17068, 18447,
18449, 18896, 19784, 20633,
20636, 21647

Proposed Rules:

9617090
10019169, 21985
11017090
11717096, 18925, 18927,
18929, 20344
16517565, 17755, 18224,
19171, 19599, 21988

34 CFR

Ch. II21195
Ch. III19135
67721190

Proposed Rules:

Ch. II17757, 20348, 20471

36 CFR

23017302
24217713

37 CFR

Proposed Rules:
20121990
20321990
22121990

38 CFR

Proposed Rules:
317098

39 CFR

11320287
304018451
Proposed Rules:
12121675
303017347, 19173
305017100, 20351

40 CFR

5217071, 18457, 20289,
21207, 21648, 21941, 21942
6217543
8017073
8119576
18017545, 17907, 17910,
17914, 17917, 19145, 20290,
21944
25818185
151919149

Proposed Rules:

5217101, 17106, 17567,
17569, 17762, 19174, 19793,
20353, 20642, 20643, 20645,
21248, 21254
6019176
6319176
7021254
8117762, 18227, 20353
14117571
15218232
25818237
27117572

41 CFR

105-7021948

42 CFR

10021209
41421949
Proposed Rules:
5919812
41119954
41219086, 19480
41319954
41819700
48419700
48919954

43 CFR

5119786

Proposed Rules:

3019585

44 CFR

6417078, 19580

46 CFR

7621650
16121650
31021213
53021651

Proposed Rules:

7117090
11021440
11121440
11221440
11321440
11517090
17617090
52018240

47 CFR

Ch. I18459, 18898
017726
117920, 18124, 20294,

20456, 21216
217920, 20456
919582
2517311
2717920
5417079, 18124, 19532
6417726
7318898, 20294, 21217,
21662
7421217

Proposed Rules:

017575
118000
220111
1520111
2520111, 20647
2718000, 20111
5418932
6418934
7317110, 17348, 18934,
20648, 21258, 21681
10120111

48 CFR

50121663
50421665
50921665
57021665
300117312
300217312
300317312
300417312
300517312
300617312
300717312
300917312
301017312
301117312
301217312
301317312
301517312
301617312
301717312
301817312
301917312
302217312
302317312
302417312
302517312
302717312
302817312
303017312
303117312
303217312
303317312
303417312
303517312
303617312
303717312
304217312
304617312
304717312
305217312
305317312

Proposed Rules:

3220648
35220648
53220359
153219833
155219833

49 CFR

117292
517292
717292
10617292

389.....	17292	50 CFR	226.....	21082	223.....	19863, 20475
553.....	17292	17	300.....	20638	224.....	19863
601.....	17292	17	622	17080, 17318, 17751	622.....	20649
1201.....	17548	21950	648	17081, 17551, 21961	635.....	22006
1333.....	17735	20311	679	17320, 17752, 18476,	648.....	17764
Proposed Rules:		20035			679.....	19207
383.....	21259	100.....	Proposed Rules:			
384.....	21259	17713	17	18014, 19184, 19186,		
391.....	21259	217.....		19838, 21994, 21995		
		17458, 18476				
		223.....				
		21082				
		224.....				
		21082				

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.
Last List April 16, 2021

Public Laws Electronic Notification Service (PENS)

PENS is a free email notification service of newly enacted public laws. To subscribe, go to <https://>

listserv.gsa.gov/cgi-bin/wa.exe?SUBED1=PUBLAWS-L&A=1

Note: This service is strictly for email notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.