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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 843

RIN 3206–AO13

Federal Employees' Retirement System; Present Value Conversion Factors for Spouses of Deceased Separated Employees

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is adopting its proposed rule to revise the table of reduction factors for early commencing dates of survivor annuities for spouses of separated employees who die before the date on which they would be eligible for unreduced deferred annuities, and to revise the annuity factor for spouses of deceased employees who die in service when those spouses elect to receive the basic employee death benefit in 36 installments under the Federal Employees' Retirement System (FERS) Act of 1986. These rules are necessary to ensure that the tables conform to the economic and demographic assumptions adopted by the Board of Actuaries and published in the **Federal Register** on March 29, 2021, as required by the United States Code.

DATES: This rule becomes effective on October 1, 2021.

FOR FURTHER INFORMATION CONTACT: Karla Yeakle, (202) 606–0299.

SUPPLEMENTARY INFORMATION: On March 29, 2021, OPM published at 86 FR 16401, a notice in the **Federal Register** to revise the normal cost percentages under the Federal Employees' Retirement System (FERS) Act of 1986, Public Law 99–335, 100 Stat. 514, as amended, based on economic assumptions and demographic factors adopted by the Board of Actuaries of the Civil Service Retirement System. By statute under 5 U.S.C. 8461(i), the revisions to the actuarial assumptions require corresponding changes in factors used to produce actuarially equivalent benefits when required by the FERS Act. As a result, on June 30, 2021, at 86 FR 34637, OPM published a proposed rule in the **Federal Register** to revise the table of reduction factors in appendix A to subpart C of part 843 of title 5, Code of Federal Regulations, for early commencing dates of survivor annuities for spouses of separated employees who die before the date on which they would be eligible for unreduced deferred annuities, and to revise the annuity factor for spouses of deceased employees who die in service when those spouses elect to receive the basic employee death benefit in 36 installments under 5 CFR 843.309. OPM received one comment that simply disagreed with the proposed rule without citing any basis for the disagreement. Because this comment is not clear, OPM is unable to provide a substantive response to it.

Regulatory Impact Analysis

OPM has examined the impact of this rule as required by Executive Order 12866 and Executive Order 13563, which directs 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). A regulatory impact analysis must be prepared for major rules with economically significant effects of $100 million or more in any one year. This rule was not designated as a ''significant regulatory action,'' under Executive Order 12866.

Regulatory Flexibility Act

The Office of Personnel Management certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Federalism

We have examined this rule in accordance with Executive Order 13132, Federalism, and have determined that this rule will not have any negative impact on the rights, roles and responsibilities of State, local, or tribal governments.

Civil Justice Reform

This regulation meets the applicable standard set forth in Executive Order 12988.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This action pertains to agency management, personnel, and organization and does not substantially affect the rights or obligations of nonagency parties and, accordingly, is not a ''rule'' as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

This rule involves an OMB approved collection of information subject to the PRA Application for Death Benefits (FERS)/Documentation and Elections in Support of Application for Death Benefits when Deceased was an Employee at the Time of Death (FERS), 3206–0172. The public reporting burden for this collection is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The total burden hour estimate for this form is 16,751 hours. The systems of record notice for this collection is: OPM

SORN CENTRAL–1–Civil Service Retirement and Insurance Records.

List of Subjects in 5 CFR Part 843

Air traffic controllers, Disability benefits, Firefighters, Government employees, Law enforcement officers, Pensions, Retirement.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

For the reasons stated in the preamble, the Office of Personnel Management amends 5 CFR part 843 as follows:

PART 843—FEDERAL EMPLOYEES RETIREMENT SYSTEM—DEATH BENEFITS AND EMPLOYEE REFUNDS

■ 1. The authority citation for part 843 continues to read as follows:

Authority: 5 U.S.C. 8461; 843.205, 843.208, and 843.209 also issued under 5 U.S.C. 8424; 843.309 also issued under 5 U.S.C. 8442; 843.406 also issued under 5 U.S.C. 8441.

Subpart C—Current and Former Spouse Benefits

■ 2. In § 843.309, revise paragraph (b)(2) to read as follows:

§ 843.309 Basic employee death benefit.

* * * * *

(b) * * *

(2) For deaths occurring on or after October 1, 2021, 36 equal monthly installments of 2.94259 percent of the amount of the basic employee death benefit.

* * * * *

■ 3. Revise appendix A to subpart C of part 843 to read as follows:

Appendix A to Subpart C of Part 843—Present Value Conversion Factors for Earlier Commencing Date of Annuities of Current and Former Spouses of Deceased Separated Employees

With at least 10 but less than 20 years of creditable service—

Age of separated employee at birthday before death	Multiplier
26	.1096
27	.1162
28	.1232
29	.1305
30	.1382
31	.1464
32	.1550
33	.1643
34	.1742
35	.1845
36	.1958
37	.2074
38	.2198
39	.2327
40	.2459
41	.2609
42	.2770
43	.2936
44	.3119
45	.3308
46	.3518
47	.3735
48	.3969
49	.4220
50	.4490
51	.4781
52	.5094
53	.5430
54	.5792
55	.6178
56	.6601
57	.7059
58	.7555
59	.8092
60	.8674
61	.9308

With at least 20, but less than 30 years of creditable service—

Age of separated employee at birthday before death	Multiplier
36	.2254
37	.2389
38	.2532
39	.2682
40	.2836
41	.3010
42	.3195
43	.3388
44	.3599
45	.3818
46	.4059
47	.4311
48	.4581
49	.4871
50	.5182
51	.5518
52	.5878
53	.6265
54	.6682
55	.7128
56	.7615
57	.8142
58	.8712
59	.9329

With at least 30 years of creditable service—

Age of separated employee at birthday before death	Multiplier by separated employee's year of birth	
	After 1966	From 1950 through 1966
46	.4988	.5332
47	.5298	.5664
48	.5631	.6019
49	.5987	.6401
50	.6370	.6810
51	.6781	.7249
52	.7224	.7722
53	.7698	.8229
54	.8209	.8775
55	.8759	.9363
56	.9355	1.0000

[FR Doc. 2021–20637 Filed 9–23–21; 8:45 am]

BILLING CODE 6325–38–P

DEPARTMENT OF HOMELAND SECURITY

6 CFR Chapter I

49 CFR Chapter XII

[DHS Docket No. DHS–2021–0039]

Ratification of Security Directive

AGENCY: Office of Strategy, Policy, and Plans, Department of Homeland Security (DHS).

ACTION: Notification of ratification of directive.

SUMMARY: DHS is publishing official notice that the Transportation Security Oversight Board (TSOB) has ratified Transportation Security Administration (TSA) Security Directive Pipeline–2021–02, which is applicable to certain owners and operators of critical pipeline systems and facilities (Owner/Operators) and requires implementation of an array of cybersecurity measures to prevent disruption and degradation to their infrastructure.

DATES: The ratification was executed on August 17, 2021, and took effect on that date.

FOR FURTHER INFORMATION CONTACT: Thomas McDermott, Deputy Assistant Secretary, Cyber Policy, Office of Strategy, Policy, and Plans at 202–834–5803 or *thomas.mcDermott@HQ.DHS.GOV.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Ransomware Attack on the Colonial Pipeline Company and TSA Security Directive Pipeline–2021–01

On May 8, 2021, the Colonial Pipeline Company announced that it had halted its pipeline operations due to a ransomware attack. This attack temporarily disrupted critical supplies of gasoline and other refined petroleum products throughout the East Coast and demonstrated the significant threat such attacks pose to the country's infrastructure and economic well-being. In response, TSA issued Security Directive Pipeline–2021–01 on May 26, 2021, which required Owner/Operators to: (1) Report cybersecurity incidents to the Cybersecurity and Infrastructure Security Agency (CISA) within 12 hours; (2) appoint a cybersecurity coordinator to be available 24/7 to coordinate with TSA and CISA; and (3) conduct a self-assessment of cybersecurity practices, identify any gaps, and develop a plan and timeline for remediation.[1] As ratified by the TSOB on July 3, 2021, this first security directive became effective on May 28, 2021, and is set to expire on May 28, 2022.[2]

B. TSA Security Directive Pipeline–2021–02

Due to a continuing active threat to pipeline cybersecurity, TSA issued Security Directive Pipeline–2021–02 on July 19, 2021, which requires Owner/Operators to implement additional and immediately needed cybersecurity measures to prevent disruption and degradation to their infrastructure in response to an ongoing threat. Specifically, Security Directive Pipeline-2021–02 requires Owner/Operators to take the following additional actions:

- Implement specified mitigation measures to reduce the risk of compromise from a cyberattack, drawing on guidelines published by the National Institute of Standards and Technology (NIST) and recommendations from CISA as reflected in a series of recent alerts; [3]
- Develop a Cybersecurity Contingency/Response Plan to reduce the risk of operational disruption or functional degradation of information technology and operational technology systems in the event of a malicious cyber intrusion; and
- Test the effectiveness their cybersecurity practices through an annual cybersecurity architecture design review conducted by a third party.

TSA issued this Security Directive pursuant to its authority under 49 U.S.C. 114(*l*)(2), which authorizes TSA to issue emergency security directives without providing notice or an opportunity for public comment when the TSA Administrator ''determines that a . . . security directive must be issued immediately in order to protect transportation security . . . ''. Each of the measures have been carefully evaluated and determined critical to protect this critical sector in light of the current threat. The directive became effective on July 26, 2021, and expires on July 26, 2022.

II. TSOB Ratification

TSA has broad statutory responsibility and authority to safeguard the nation's transportation system, including pipelines.[4] The TSOB—a body consisting of the Secretary of Homeland Security, the Secretary of Transportation, the Attorney General, the Secretary of Defense, the Secretary of the Treasury, the Director of National Intelligence, or their designees, and a representative of the National Security Council—reviews certain regulations and security directives consistent with law.[5] Security directives issued pursuant to the procedures in 49 U.S.C. 114(*l*)(2) ''shall remain effective for a period not to exceed 90 days unless ratified or disapproved by the Board or rescinded by the Administrator.'' [6]

On August 4, 2021, the chairman of the TSOB convened an in-person a meeting of the Board for the purpose of reviewing the security directive. At the meeting, the TSOB discussed the threat to the cybersecurity of the pipeline industry, the actions required by Security Directive Pipeline-2021–02, and the need for TSA to issue the security directive pursuant to its emergency authority under 49 U.S.C. 114(*l*)(2) to prevent the disruption and degradation of the country's critical pipeline infrastructure. There was unanimous consensus that the Security Directive should be in place. Following this review, on August 17, 2021, the TSOB ratified Security Directive–2021–02 in its entirety.

John K. Tien,

Deputy Secretary of Homeland Security & Chairman of the Transportation Security Oversight Board.

[FR Doc. 2021–20738 Filed 9–23–21; 8:45 am]

BILLING CODE 9110–9M–P

[1] *See* DHS Press Release, DHS Announces New Cybersecurity Requirements for Critical Pipeline Owners and Operators (May 27, 2021), available at: *https://www.dhs.gov/news/2021/05/27/dhs-announces-new-cybersecurity-requirements-critical-pipeline-owners-and-operators* (accessed Aug. 27, 2021).

[2] *See* 86 FR 38209 (July 20, 2021).

[3] *See, e.g.,* Joint Cybersecurity Advisory—Alert (AA21–131A), *Darkside Ransomware: Best Practices for Preventing Disruption from Ransomware Attacks,* released by CISA and the Federal Bureau of Investigation (FBI) on May 11, 2021 (as revised); and Alert (AA21–201A), *Chinese Gas Pipeline Intrusion Campaign, 2011 to 2013),* released by CISA and the FBI on July 20, 2021 (as revised).

[4] *See, e.g.,* 49 U.S.C. 114(d), (f), (*l*), (m).

[5] *See, e.g.,* 49 U.S.C. 115; 49 U.S.C. 114(*l*)(2).

[6] 49 U.S.C. 114(*l*)(2)(B).

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 149

[Docket No. APHIS–2020–0065]

RIN 0579–AE59

Elimination of the Voluntary Trichinae Certification Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations to eliminate the Animal and Plant Health Inspection Service (APHIS) Voluntary Trichinae Certification Program and remove the regulations associated with the program. This action also notifies the public that APHIS will no longer maintain any activity associated with the program, such as training for qualified accredited veterinarians, on-farm audits, or any other administrative process associated with program maintenance and support. We are eliminating the program because it generates little producer participation. This action allows APHIS to direct APHIS resources to areas of greater need.

DATES: Effective October 25, 2021.

FOR FURTHER INFORMATION CONTACT: Dr. María Celia Antognoli, Swine Health Senior Staff Officer, Aquaculture, Swine, Equine and Poultry Health Center, Strategy and Policy, VS, APHIS, 2150 Centre Ave., Bldg. B, Fort Collins, CO 80526–8117; (970) 494–7304; *celia.antognoli@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Trichinella are parasitic nematodes (roundworms) that are found in many warm-blooded carnivores and omnivores, including swine. There are eight known species of *Trichinella* nematodes: *Trichinella britovi, Trichinella murrelli, Trichinella nativa, Trichinella nelsoni, Trichinella papuae, Trichinella pseudospiralis, Trichinella spiralis,* and *Trichinella zimbabwensis.* Trichinae is a generic term that refers to all species of *Trichinella.*

In 2008, the Animal and Plant Health Inspection Service (APHIS) established the Voluntary Trichinae Certification Program, the regulations for which were contained in 9 CFR part 149. Those regulations provided for the certification of pork production sites that follow certain prescribed management practices that reduce, eliminate, or avoid the risk of exposure of swine to *Trichinella* spp. Under the regulations, a producer's initial enrollment and continued participation in the Trichinae Certification Program required that the producer adhere to all of the good production practices set out in the regulations, as confirmed by periodic site audits, and comply with other recordkeeping and program requirements provided in part 149.

Producer participation in this voluntary program has decreased since the program began. Only two producers re-enrolled in the past 3 years. The lack of producer interest and involvement has become problematic for a number of reasons. Maintaining the program places demands on limited APHIS funding and human resources that could be better directed elsewhere. In addition, the existence of a program that producers have little interest in has had trade implications. Trading partners have questioned our ability to certify freedom of trichinae in exported products, given that the vast majority of the products are not produced under the auspices of the Trichinae Certification Program.

In a proposed rule [1] published in the **Federal Register** on March 3, 2021, (86 FR 12293–12294; Docket No. APHIS–2020–0065), we proposed to eliminate the Voluntary Trichinae Certification Program by removing part 149 from the regulations. We also notified the public that we would no longer maintain any activity associated with the program, such as training for qualified accredited veterinarians, on-farm audits, or any other administrative process associated with program maintenance and support. The proposed elimination of the program was intended to benefit the swine industry by reducing possible confusion about the trichinae-free status of exported products, while allowing APHIS to avoid incurring the costs associated with program administration and payments to auditors and to address its resources to areas of greater need.

We solicited comments concerning our proposal for 60 days ending May 3, 2021. We received 5 comments by that date. They were from individual commenters without institutional affiliations. All the commenters supported the proposed rule. Therefore, for the reasons given in the proposed rule, we are adopting the proposed rule as a final rule, without change.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities. The analysis is summarized below. Copies of the full analysis are available on the *Regulations.gov* website (see footnote 1 in this document for a link to *Regulations.gov*) or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

In this final rule, APHIS is eliminating the Voluntary Trichinae Certification Program and removing its associated regulations from title 9 of the Code of Federal Regulations.

Producer participation has decreased significantly since the voluntary program began. Only 2 producers with 23 audit sites re-enrolled in the past 3 years. Continuation of the program given the lack of producer participation is difficult to justify, especially as it may have trade implications. APHIS plays a crucial role in supporting the U.S. pork industry and its exports, which have increased substantially in recent years. Since 2007, U.S. pork exports have more than doubled in value (110 percent increase) and in quantity (109 percent increase). Trading partners, however, have questioned our ability to certify freedom of trichinae in exported products, given that the vast majority of the products are not produced under the auspices of the Voluntary Trichinae Certification Program.

The Small Business Administration (SBA) small business size standard for hog and pig farming is annual revenue of not more than $1 million. According to the 2017 Agricultural Census, 64,871 hog and pig farms sold over 235 million hogs and pigs, with total sales of $26.3 billion in 2017. Average annual sales per farm was 3,267 head valued at $404,907, well below the SBA small-entity standard.

Because the Voluntary Trichinae Certification Program did not progress beyond the pilot stage, the participating producers have not borne program costs.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with

[1] To view the proposed rule, supporting document, and the comments we received, go to *www.regulations.gov.* Enter APHIS–2020–0065 in the Search field.

State and local officials. (See 2 CFR chapter IV.)

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

Paperwork Reduction Act

This final rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and will reduce those currently approved by the Office of Management and Budget under control number 0579–0065.

List of Subjects in 9 CFR Part 149

Animal diseases, Laboratories, Meat and meat products, Meat inspection, Reporting and recordkeeping requirements, Swine.

PART 149—[REMOVED]

■ Accordingly, for the reasons stated in the preamble, and under the authority of 7 U.S.C. 8301 *et seq.,* the Animal and Plant Health Inspection Service is amending 9 CFR chapter I by removing part 149.

Done in Washington, DC, this 10th day of September 2021.

Jack Shere,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–20634 Filed 9–23–21; 8:45 am]

BILLING CODE 3410–34–P

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 107, 120, 142, and 146

RIN 3245–AH57

Civil Monetary Penalties Inflation Adjustments

AGENCY: U.S. Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration (SBA) is amending its regulations to adjust for inflation the amount of certain civil monetary penalties that are within the jurisdiction of the agency. These adjustments comply with the requirement in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, to make annual adjustments to the penalties.

DATES: This rule is effective September 24, 2021.

FOR FURTHER INFORMATION CONTACT: Arlene Embrey, 202–567–1164 or at *arlene.embrey@sba.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On November 2, 2015, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Inflation Adjustment Act), Public Law 114–74, 129 Stat. 584, was enacted. This act amended the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, 104 Stat. 890 (the 1990 Inflation Adjustment Act), to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect. The 2015 Inflation Adjustment Act required agencies to issue a final rule by August 1, 2016, to adjust the level of civil monetary penalties with an initial ''catch-up'' adjustment and to annually adjust these monetary penalties for inflation by January 15 of each subsequent year.

Based on the definition of a ''civil monetary penalty'' in the 1990 Inflation Adjustment Act, agencies are to make adjustments only to the civil penalties that (i) are for a specific monetary amount as provided by Federal law or have a maximum amount provided for by Federal law; (ii) are assessed or enforced by an agency; and (iii) are enforced or assessed in an administrative proceeding or a civil action in the Federal courts. Therefore, penalties that are stated as a percentage of an indeterminate amount or as a function of a violation (penalties that encompass actual damages incurred) are not to be adjusted.

SBA published in the **Federal Register** an interim final rule with its initial adjustments to the civil monetary penalties, including an initial ''catch-up'' adjustment, on May 19, 2016, (81 FR 31489) with an effective date of August 1, 2016. SBA published its first annual adjustments to the monetary penalties on February 9, 2017 (82 FR 9967), with an immediate effective date. SBA published its subsequent annual adjustments for 2018 on February 21, 2018 (83 FR 7361), for 2019 on April 1, 2019 (84 FR 12059), and for 2020 on March 10, 2020 (85 FR 13725), all with immediate effective dates. This rule will establish the adjusted penalty amounts for 2021 with an immediate effective date upon publication.

On December 23, 2020, the Office of Management and Budget (OMB) published its annual guidance memorandum for 2021 civil monetary penalties inflation adjustments (M–21–10, Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015). The memorandum provides the formula for calculating the annual adjustments based on the Consumer Price Index for all Urban Consumers (CPI–U) for the month of October preceding the adjustment, and specifically on the change between the October CPI–U preceding the date of adjustment and the prior year's CPI–U. Based on this methodology, the 2021 civil monetary penalty inflation adjustment factor is 1.01182 (October 2020 CPI–U (260.388)/October 2019 CPI–U (257.346). The annual adjustment amounts identified in this rule were obtained by applying this multiplier of 1.01182 to those penalty amounts that were published in SBA's 2020 adjustments to civil monetary penalties at 85 FR 13725 (March 10, 2020) and to the civil monetary penalty found at 13 CFR 120.1500(b)(2), first published March 16, 2020, at 85 FR 14783.

II. Civil Money Penalties Adjusted by This Rule

This rule adjusts civil monetary penalties authorized by the Small Business Act, the Small Business Investment Act of 1958 (SBIAct), the Program Fraud Civil Remedies Act, and the Byrd Amendment to the Federal Regulation of Lobbying Act. These penalties and the implementing regulations are discussed below.

1. 13 CFR 107.665—Civil Penalties.

SBA licenses, regulates, and provides financial assistance to financial entities called small business investment companies (SBICs). Pursuant to section 315 of the SBIAct, 15 U.S.C. 687g, SBA may impose a penalty on any SBIC for each day that it fails to comply with SBA's regulations or directives governing the filing of regular or special reports. The penalty for non-compliance is incorporated in § 107.665 of the SBIC program regulations.

This rule amends § 107.665 to adjust the current civil penalty from $271 to $274 per day of failure to file. The current civil penalty of $271 was multiplied by the multiplier of 1.01182 to reach a product of $274, rounded to the nearest dollar.

2. 13 CFR 120.465—Civil penalty for late submission of required reports.

According to the regulations at § 120.465, any SBA Supervised Lender, as defined in 13 CFR 120.10, that violates a regulation or written directive issued by the SBA Administrator regarding the filing of any regular or special report is subject to the civil penalty amount stated in § 120.465(b) for each day the company fails to file the report, unless the SBA Supervised Lender can show that there is reasonable cause for its failure to file. This penalty is authorized by section 23(j)(1) of the Small Business Act, 15 U.S.C. 650(j)(1).

This rule amends § 120.465(b) to adjust the current civil penalty from $6,740 to $6,820 per day of failure to file. The current civil penalty of $6,740 was multiplied by the multiplier of 1.01182 to reach a product of $6,820, rounded to the nearest dollar.

3. 13 CFR 120.1500—Types of Formal Enforcement Actions—SBA Lenders.

According to the regulations at § 120.1500(b), SBA may assess a civil monetary penalty against a 7(a) Lender. In determining whether to assess a civil monetary penalty and, if so, in what amount, SBA may consider: the gravity (*e.g.,* severity and frequency) of the violation; the history of previous violations; the financial resources and good faith of the 7(a) Lender; and any other matters as justice may require. This penalty is authorized by the Small Business Act, 15 U.S.C. 657t(e)(2)(B).

This rule amends § 120.1500(b)(2) to adjust the current civil penalty from $250,000 to $252,955. The current civil penalty of $250,000 was multiplied by the multiplier of 1.01182 to reach a product of $252,955.

4. 13 CFR 142.1—Overview of Regulations.

SBA has promulgated regulations at 13 CFR part 142 to implement the civil penalties authorized by the Program Fraud Civil Remedies Act of 1986 (PFCRA), 31 U.S.C. 3801–3812. Under the current regulation at 13 CFR 142.1(b), a person who submits, or causes to be submitted, a false claim or a false statement to SBA is subject to a civil penalty of not more than $11,665, for each statement or claim.

This rule amends § 142.1(b) to adjust the current civil penalty from $11,665 to $11,803. The adjusted civil penalty amount was calculated by multiplying the current civil penalty of $11,665 by the multiplier of 1.01182 to reach a product of $11,803, rounded to the nearest dollar.

5. 13 CFR 146.400—Penalties.

SBA's regulations at 13 CFR part 146 govern lobbying activities by recipients of federal financial assistance. These regulations implement the authority in 31 U.S.C. 1352 and impose penalties on any recipient that fails to comply with certain requirements in the part. Specifically, under § 146.400(a) and (b), penalties may be imposed on those who make prohibited expenditures or fail to file the required disclosure forms or to amend such forms, if necessary.

This rule amends § 146.400(a) and (b) to adjust the current civil penalty amounts to ''not less than $20,731 and not more than $207,314.'' The current civil penalty amounts of $20,489 and $204,892 were multiplied by the multiplier of 1.01182 to reach a product of $20,731 and $207,314, respectively, rounded to the nearest dollar.

This rule also amends § 146.400(e) to adjust the civil penalty that may be imposed for a first-time violation of § 146.400(a) and (b) to $20,731 and to adjust the civil penalty that may be imposed for second and subsequent offenses to ''not less than $20,731 and not more than $207,314.'' The current civil penalty amounts of $20,489 and $204,892 were multiplied by the multiplier of 1.01182 to reach a product of $20,731 and $207,314 respectively, rounded to the nearest dollar.

Compliance With Executive Orders 12866, 12988, 13132, and the Administrative Procedure Act (5 U.S.C. 553), the Congressional Review Act (5 U.S.C. 801–808), the Paperwork Reduction Act (44 U.S.C. Ch. 35) and the Regulatory Flexibility Act (5 U.S.C. 601–612).

Executive Order 12866

The Office of Management and Budget determined that this final rule is not a significant regulatory action under Executive Order 12866.

Executive Order 12988

This action meets applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

Executive Order 13132

For the purpose of Executive Order 13132, SBA determined that the rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, this final rule has no federalism implications warranting preparation of a federalism assessment.

The Administrative Procedure Act (APA)

The APA requires agencies generally to provide notice and an opportunity for public comment before adopting a rule unless the agency for good cause finds that notice and comment are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b). The APA also requires agencies to allow at least 30-days after publication for a final rule to become effective ''except as otherwise provided by the agency for good cause found and published with the rule.'' (5 U.S.C. 553(d). For the following reasons prior public notice, an opportunity for public comment, and a delayed effective date are not required for this rule. The 2015 Inflation Adjustment Act directs agencies to adjust their civil penalties annually notwithstanding section 553 of the APA. 28 U.S.C. 2461 note, sec. 4(b)(2). This exemption from the notice and comment, and delayed effective date requirements of the APA, in effect provides SBA with the good cause justification to promulgate this as a final rule that will become effective immediately on the date it is published in the **Federal Register**. Additionally, the 2015 Inflation Adjustment Act provides a non-discretionary cost-of-living formula for making the annual adjustment to the civil monetary penalties; SBA merely performs the ministerial task of calculating the amount of the adjustments. Therefore, even without the statutory exemption from the APA, notice and comment would be unnecessary.

The Congressional Review Act (CRA)

The Office of Management and Budget determined that this rule is not a major rule under 5 U.S.C. 804(2).

Paperwork Reduction Act

SBA has determined that this rule does not impose additional reporting or recordkeeping requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires agencies to consider the effect of their regulatory actions on small entities, including small non-profit businesses, and small local governments. Pursuant to the RFA, when an agency issues a rule, the agency must prepare an analysis that describes whether the impact of the rule will have a significant economic impact on a substantial number of such small entities. However, the RFA requires such analysis only where notice and comment rulemaking are required. As stated above, SBA has express statutory authority to issue this rule without

regard to the notice and comment requirement of the APA. Since notice and comment is not required before this rule is issued, SBA is not required to prepare a regulatory analysis.

List of Subjects

13 CFR Part 107

Investment companies, Loan programs-business, Reporting and recordkeeping requirements, Small businesses.

13 CFR Part 120

Loan programs-business, Reporting and recordkeeping requirements, Small businesses.

13 CFR Part 142

Administrative practice and procedure, Claims, Fraud, Penalties.

13 CFR Part 146

Government contracts, Grant programs, Loan programs, Lobbying, Penalties, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, SBA amends 13 CFR parts 107, 120, 142, and 146 as follows:

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

■ 1. The authority citation for part 107 continues to read as follows:

Authority: 15 U.S.C. 681, 683, 687(c), 687b, 687d, 687g, 687m.

§ 107.665 [Amended]

■ 2. In § 107.665, remove ''$271'' and add in its place ''$274''.

PART 120—BUSINESS LOANS

■ 3. The authority citation for part 120 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6), (b)(7), (b)(14), (h), and note, 636(a), (h), and (m), 636m, 650, 687(f), 696(3), 697, 697a, and 697e; Public Law 111–5, 123 Stat. 115; Public Law 111–240, 124 Stat. 2504; Public Law 116–260, 134 Stat. 1182.

§ 120.465 [Amended]

■ 4. In § 120.465, amend paragraph (b) by removing ''$6,740'' and adding in its place ''$6,820''.

§ 120.1500 [Amended]

■ 5. In § 120.1500, amend paragraph (b)(2) by removing ''$250,000'' and adding in its place ''$252,955''.

PART 142—PROGRAM FRAUD CIVIL REMEDIES ACT REGULATIONS

■ 6. The authority citation for part 142 continues to read as follows:

Authority: 15 U.S.C. 634(b); 31 U.S.C. 3803(g)(2).

§ 142.1 [Amended]

■ 7. In § 142.1, amend paragraph (b) by removing ''$11,665'' and adding in its place ''$11,803''.

PART 146—NEW RESTRICTIONS ON LOBBYING

■ 8. The authority citation for part 146 is revised to read as follows:

Authority: 31 U.S.C. 1352 and 15 U.S.C. 634(b)(6).

§ 146.400 [Amended]

■ 9. Amend § 146.400 by removing ''$20,489'' wherever it appears and adding in its place ''$20,731'' and by removing ''$204,892'' wherever it appears and adding in its place ''$207,314''.

Isabella Casillas Guzman,

Administrator.

[FR Doc. 2021–20602 Filed 9–23–21; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR Part 300

[Docket No.: 210916–0191]

RIN 0610–AA82

Permitting Additional Eligible Tribal Entities

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: Through this final rule, the Economic Development Administration (EDA), U.S. Department of Commerce, expands the definition of Tribal entities eligible to receive grants under the Public Works and Economic Development Act of 1965 (PWEDA) to include for-profit Tribal corporations so long as they are wholly owned by, and established exclusively for the benefit of, a Tribe.

DATES: This rule is effective September 24, 2021.

FOR FURTHER INFORMATION CONTACT: Mara Quintero Campbell, Senior Advisor, email: *MCampbell@eda.gov,* telephone: (202) 603–9960, or Jeffrey Roberson, Chief Counsel, email: *JRoberson@eda.gov,* telephone: (202) 482–1315, Economic Development Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Suite 72023, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

History of EDA's Definition of Eligible Tribal Entities

When Congress created EDA in 1965, it recognized the unique economic needs of American Indian Nations (AINs or Tribes) and carved out a special provision within PWEDA that authorized Indian Tribes to be eligible for a 100% grant rate, across all of EDA's PWEDA programs. 42 U.S.C. 3144(c)(1). No other category of eligible entity is provided such broad flexibility with regard to grant rate under PWEDA.

PWEDA defines ''Indian Tribe'' as any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or Regional Corporation (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. 42 U.S.C. 3122(7).

EDA has long recognized that AINs have diverse organizational, governance, and operating structures. In deference to the special government-to-government relationship that exists between the U.S. Government and AINs and recognizing their sovereign interest in determining their own organizational arrangements, EDA has historically interpreted the term ''Indian Tribe'' broadly to include a range of Tribally controlled entities in addition to the AIN's primary governing body. EDA's regulations, codified at 13 CFR 300.3, therefore provide that the term ''Indian Tribe'' includes the governing body of an Indian Tribe, non-profit Indian corporation (restricted to Indians), Indian authority, or other non-profit Indian tribal organization or entity; provided that the Indian tribal organization or entity is wholly owned by, and established for the benefit of, the Indian Tribe or Alaska Native Village.

For over 45 years, EDA's regulations have limited the types of organizations included within the term ''Indian Tribe'' to non-profit Tribal organizations. The word non-profit first appeared in EDA's regulations in 1973 to condition the term ''corporation.'' In 1999, EDA further modified the definition and added a second use of ''non-profit'' to

serve as an overarching descriptor to the entire list of eligible entities.[1]

There is no background preamble language or other documentation that EDA has found that explains EDA's reasoning at that time for including ''non-profit'' as a limitation in these two instances. As a result of the use of the term ''non-profit'' in the regulations, however, for-profit Tribal entities have been found ineligible for EDA Tribal funds.

Need for Revised Definition

While EDA has a long history of supporting AINs, the agency has also seen a stagnation in funding to Tribes even while there is broad recognition that these communities are among the most economically distressed in the country. To address this gap, EDA has identified several internal and external actions it can take to strengthen its work with AINs. One action is to extend EDA Tribal eligibility to include additional entities beyond those already included in the definition, specifically for-profit entities that are wholly owned by and established for the benefit of the Tribe, which, as noted above, is currently prohibited by EDA regulation.

Over the past decade, EDA has seen an increase in applications from for-profit Tribal entities. These applications were often submitted by Tribal corporations chartered under Section 17 of the Indian Reorganization Act (25 U.S.C. 477) (also referred to as ''Section 17 corporations''), limited liability corporations organized under state or Tribal law, or other similar structures. This increase tracks both the evolution of these entities and their expanding economic development role within Tribes.

Under Federal policies of self-determination, Tribes play a similar role as state and local governments and are generally responsible for providing basic services within the Tribe (*e.g.,* roads, water, electricity, and telecommunications).[2] To generate revenue to provide these services, Tribes can create corporations to participate in the private marketplace through tourism, manufacturing, and services sectors.[3]

Tribal corporations are distinct from ordinary ''for-profit'' entities. Tribal corporations may be organized under Federal law and granted the same legal protections and advantages as the Tribe itself. Depending on their structure and place of operation, Tribally owned for-profit entities may also enjoy the Tribe's sovereign immunity from lawsuits, exemption from certain Federal and state taxes, or exemption from otherwise-applicable state laws. Most importantly from EDA's perspective, many of these entities are furthering the long-term economic development of AINs.

Such corporate entities can be owned by the Tribe or they may have non-Indian business partners. Under this update to EDA's regulations, EDA will only authorize for-profit entities that are wholly owned and managed by the Tribe to be eligible for EDA Tribal funding, thereby ensuring the EDA investment directly and principally benefits the Tribe. As is currently the case, EDA will verify the status largely through a review of articles of incorporation, business charters, and other formation documents.

Results of Tribal Consultations on EDA's Proposal To Update Regulation

EDA conducted extensive Tribal consultations under Executive Order 13175 (Nov. 6, 2000) regarding the change to the regulations provided in this final rule. On April 6, 2021, EDA sent a letter requesting consultation with Tribal Leaders to the Tribal Leaders of existing EDA grantees, national and regional Tribal Organizations, and entities and persons on the White House Tribal Affairs email listserv. This notice was also posted on EDA's website. EDA leadership held two virtual meetings with Tribal representatives on April 16 and 19, 2021. In addition, EDA accepted comments on the proposal by email and voicemail through April 28, 2021.

AINs participating in the consultation were broadly supportive of the change. Several AINs commented that allowing Tribally owned for-profit organizations to be eligible for EDA grants would increase Tribal access to economic development opportunities and support long-term prosperity. One letter noted:

> Expanding the EDA tribal eligibility to include wholly-owned for-profit tribal corporations, arms of the tribe, limited liability companies, organizations, and other tribal entities would go a long way toward increasing tribal access to economic development opportunities for our communities. For many tribes, such entities are tasked with the specific purpose of creating economic development for tribal communities. Without a tax base, tribally-owned corporations, economic development organizations, and other entities must generate critical tribal revenue to provide important governmental services to our members.

Many other AINs made similar comments in support of the change provided in this final rule. Several AINs also noted that Tribally owned businesses are often major employers for Tribal communities and that extending EDA eligibility to these organizations would support job growth.

Some AINs supported the change, encouraging EDA to extend eligibility to all forms of Tribally owned corporations, whether chartered under Tribal or state law. Other commenters urged EDA to take care to ensure that the benefits of for-profit activity are in fact flowing back to a Tribe and its members before extending eligibility. Commenters also suggested that EDA provide clear guidance on how it would make eligibility determinations.

Under the new definition of ''Indian Tribe,'' a for-profit entity may be eligible for EDA assistance provided that it is wholly owned by a Tribe and organized for the benefit of the Tribe. Eligibility is not limited to any particular type of entity. Indian corporations, Section 17 corporations, state-chartered corporations, and Limited Liability Corporations (among others) are all potentially eligible. EDA intends to verify both that the for-profit entity is wholly owned by a Tribe and that the entity is organized for the benefit of that Tribe before extending eligibility. EDA anticipates that these determinations will largely be made on the basis of corporate organizational documents (*e.g.,* charters, by-laws), but will also look to other sources, as needed, to verify eligibility. Because EDA does not currently have experience with examining the eligibility of Tribal for-profit entities, EDA will initially consider eligibility on a case-by-case basis. EDA will communicate openly with affected Tribes to ensure that its eligibility determinations take account of all relevant considerations.

Some AINs expressed concerns regarding the change to the regulations provided in this final rule. Some commenters cautioned that, if EDA extended eligibility to for-profit entities, smaller and less well-resourced Tribes would be disadvantaged in competition for EDA funding. EDA appreciates this

[1] Since its first inclusion in 1973, the definition of Indian Tribe has undergone a number of other changes, primarily combining what was previously two separate definitions of Alaska Native and other Tribes into one all-encompassing definition reflected in the 1999 update.

[2] Harvard Project on American Indian Economic Development (HPAIED) COVID Letter to Treasury, April 10, 2020. *https://ash.harvard.edu/files/ash/files/hpaied_covid_letter_to_treasury_04-10-20_vsignedvfinv02.pdf?utm_medium=Email&utm_campaign=HPAIED+COVID+Recommendations&utm_source=Press.*

[3] Tribal Business Structure Handbook. Office of Indian Energy and Economic Development, Department of Interior, I–1.

concern and will take steps when reviewing applications to ensure that applications from smaller tribes receive proper attention. Because economic development need is always an important consideration in funding decisions, EDA does not believe that larger tribes with associated for-profit entities will necessarily have an advantage over smaller tribes in the competitive process. Nonetheless, EDA will monitor the distribution of funding and make adjustments to its application review process, as necessary, to ensure that funding is distributed equitably.

Other commenters expressed particular concern that the change provided in this final rule would make Alaska Native Corporations (ANCs) eligible for EDA funding. The eligibility of ANCs for EDA funding is governed by the language of PWEDA, however, and is therefore not within the scope of this action and not affected by this final rule. Based on the Supreme Court's recent decision in *Yellen* v. *Confederated Tribes of the Chehalis Reservation,* 121 S. Ct. 2434 (2021), EDA has determined that ANCs fall within PWEDA's definition of ''Indian Tribe.''

Regulation Change

To enable for-profits that are wholly owned by, and established for the benefit of, the Indian Tribe to be eligible for EDA Tribal funding, this final rule changes EDA's regulation by deleting the first instance of ''non-profit'' where it appears in the second sentence of the definition at 13 CFR 300.3, so that ''non-profit'' no longer modifies the type of ''Indian corporation (restricted to Indians)'' that is eligible. This final rule also adds '', corporation'' in the proviso to the second sentence to ensure that any such corporation must be wholly owned by, and established for the benefit of, the Tribe.

As noted above, this change has no effect on the eligibility of ANCs, which are separately identified in PWEDA's definition of ''Indian Tribe.''

Classification

Administrative Procedure Act and Regulatory Flexibility Act

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action because EDA formally consulted AINs on this change in accordance with Executive Order 13125, and AINs are the only affected entities. Additional public comment would therefore serve no purpose and is unnecessary. There is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness. Expanding eligibility of Native American communities is urgent given the current availability of funds for such communities under the American Rescue Plan Act (ARPA) of 2021 (Pub. L. 117–2). Expanding eligibility within Native American communities as accomplished by this rule is critically necessary to ensure the benefits of ARPA effectively reach those communities and that they are able to equally take part in the economic recovery from the pandemic.

Because prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Executive Orders 12866 and 13563

The Office of Management and Budget (OMB) has determined that this rule is not significant for purposes of Executive Order 12866.

Congressional Review Act

This final rule is not major under the Congressional Review Act (5 U.S.C. 801 *et seq.*).

Executive Order 13132

This final rule does not contain policies that have federalism implications.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA'') requires that a Federal agency consider the impact of paperwork and other information collection burdens imposed on the public and, under the provisions of PRA section 3507(d), obtain approval from OMB for each collection of information it conducts, sponsors, or requires through regulations. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the PRA unless that collection displays a currently valid OMB Control Number. This final rule does not require the collection of any information.

List of Subjects in 13 CFR Part 300

Organization and functions (Government agencies), Reporting and recordkeeping requirements.

For the reasons discussed above, EDA is amending title 13, chapter III of the Code of Federal Regulations as follows:

PART 300—GENERAL INFORMATION

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 3121; 42 U.S.C. 3122; 42 U.S.C. 3211; 15 U.S.C. 3701; Department of Commerce Organization Order 10–4.

■ 2. Amend § 300.3 by revising the definition of *Indian Tribe* to read as follows:

§ 300.3 Definitions.

* * * * *

Indian Tribe means an entity on the list of recognized tribes published pursuant to the Federally Recognized Indian Tribe List Act of 1994, as amended (Pub. L. 103–454) (25 U.S.C. 479a *et seq.*), and any Alaska Native Village or Regional Corporation (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*). This term includes the governing body of an Indian Tribe, Indian corporation (restricted to Indians), Indian authority, or other non-profit Indian tribal organization or entity; provided that the Indian tribal organization, corporation, or entity is wholly owned by, and established for the benefit of, the Indian Tribe or Alaska Native Village.

* * * * *

Dated: September 20, 2021.

Alejandra Y. Castillo,

Assistant Secretary of Commerce for Economic Development.

[FR Doc. 2021–20633 Filed 9–23–21; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0536; Airspace Docket No. 21–ASO–20]

RIN 2120–AA66

Establishment of Class D Airspace, and Amendment of Class E Airspace; Gulf Shores, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class D airspace, and amends Class E airspace extending upward from 700 feet above the surface for Jack Edwards National Airport, Gulf Shores, AL, as a new air traffic control tower will service the airport. This action also updates the airport's name and geographic coordinates under the existing Class E

airspace. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

DATES: Effective 0901 UTC, December 2, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; Telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class D airspace and amends Class E airspace for Jack Edwards National Airport, Gulf Shores, AL.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 37939, July 19, 2021) for Docket No. FAA–2021–0536 to establish Class D airspace and amend Class E airspace extending upward from 700 feet above the surface for Jack Edwards National Airport, Gulf Shores, AL, as a new air traffic control tower will service the airport. This action also proposed updating the airport's name and geographic coordinates under the existing Class E airspace.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D and Class E airspace designations are published in Paragraphs 5000, and 6005, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic routes, and reporting points.

The Rule

The FAA is amending 14 CFR part 71 by establishing Class D airspace for Jack Edwards National Airport, Gulf Shores, AL, as a new air traffic control tower will service the airport. Also, an airspace evaluation resulted in increasing the radius of the existing Class E airspace extending upward from 700 feet above the surface to 6.8 miles from 6.5 miles. In addition, the FAA is updating the name and geographic coordinates of the airport to coincide with the FAA's aeronautical database. Finally, the city name is removed from the airspace header under the existing Class E airspace to comply with the 7400.2M. These changes are necessary for continued safety and management of IFR operations in the area.

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. 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 minimal. Since this is a routine matter that only affects air traffic procedures an air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASO AL D Gulf Shores, AL [New]

Jack Edwards National Airport, AL
(Lat. 30°17′23″ W″ N, long. 87°40′18″ W)

That airspace extending upward from the surface to and including 2,000 feet MSL, within a 4.3-mile radius of Jack Edwards National Airport, excluding that airspace within Restricted Area R–2908. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time

will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ASO AL E5 Gulf Shores, AL [Amended]

Jack Edwards National Airport, AL
(Lat. 30°17′23″ W″ N, long. 87°40′18″ W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Jack Edwards National Airport, excluding that airspace within Restricted Area R–2908.

Issued in College Park, Georgia, on September 17, 2021.

Matthew N. Cathcart,

(A) Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2021–20480 Filed 9–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0086; Airspace Docket No. 21–AGL–4]

RIN 2120–AA66

Revocation of V–271 and Amendment of V–285 in the Vicinity of Manistee, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes VHF Omnidirectional Range (VOR) Federal airway V–271 and amends VOR Federal airway V–285 in the vicinity of Manistee, MI. This action is necessary due to the planned decommissioning of the VOR portion of the Manistee, MI, VOR/Distance Measuring Equipment (VOR/DME), which provides navigational guidance for these airways. The Manistee VOR is being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Effective date 0901 UTC, December 2, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the airway structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2021–0086, in the **Federal Register** (86 FR 14293; March 15, 2021), revoking V–271 and amending V–285. The proposed revocation and amendment actions were due to the planned decommissioning of the VOR portion of the Manistee, MI, VOR/DME navigational aid. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

VOR Federal airways are published in paragraph 6010(a) of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The airways listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends 14 CFR part 71 by revoking V–271 and amending V–285. The planned decommissioning of the VOR portion of the Manistee, MI, VOR/DME has made this action necessary.

The VOR Federal airway amendment actions are described below.

V–271: V–271 extends between the Manistee, MI, VOR/DME and the Escanaba, MI, VOR/DME. The airway is revoked in its entirety.

V–285: V–285 extends between the Brickyard, IN, VOR/Tactical Air Navigation (VORTAC) and the Traverse City, MI, VOR/DME. The portion of the airway between the White Cloud, MI, VOR/DME and the Traverse City, MI, VOR/DME is removed. The unaffected portions of the existing airway remain as charted.

All navigational aid radials in the VOR Federal airway description listed below are unchanged and stated in True degrees.

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action of revoking V–271 and amending V–285, due to the planned decommissioning of the VOR portion of the Manistee, MI, VOR/DME navigational aid, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–271 [Removed]

* * * * *

V–285 [Amended]

From Brickyard, IN; Kokomo, IN; Goshen, IN; INT Goshen 038° and Kalamazoo, MI, 191° radials; Kalamazoo; INT Kalamazoo 014° and Victory, MI, 167° radials; Victory; to White Cloud, MI.

* * * * *

Issued in Washington, DC, on September 20, 2021.

Michael R. Beckles,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–20730 Filed 9–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 705

[Docket No. 210902–0177]

RIN 0694–AI22

Increasing Transparency of 232 Investigations by Requiring a Public Submission for an Application for an Investigation

AGENCY: Bureau of Industry and Security, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: This final rule revises the regulations governing a request or application for an investigation under Section 232 of the Trade Expansion Act of 1962, as amended (''Section 232''). The changes in this final rule will increase the transparency of Section 232 investigations by requiring the submission of a public version of an application for an investigation from an interested party. The changes made in this final rule still allow an interested party to submit classified national security information and/or business confidential information when submitting an application for an investigation.

DATES: This final rule is effective September 24, 2021.

FOR FURTHER INFORMATION CONTACT: For questions regarding this final rule, contact Erika Maynard at 202–482–5572 or via email *Erika.Maynard@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

This final rule revises the requirements in §§ 705.5 (Request or application for an investigation) and 705.6 (Confidential information) of the National Security Industrial Base Regulations (''NSIBR'') (15 CFR parts 700 through 709) to increase the transparency of Section 232 investigations by requiring an application for an investigation by an interested party be submitted publicly. Section 705.5 specifies the procedures for submitting a request or application for an investigation under Section 232. Section 705.6 specifies the requirements for the submission of confidential information (classified national security information or business confidential information) to the Bureau of Industry and Security (BIS) at any stage of a Section 232 investigation and as part of an application for an investigation from an interested party. In order to enhance transparency and aid public understanding of applications for Section 232 investigations submitted by interested parties, as well as, when warranted, allowing public comments on such applications (for example, when a **Federal Register** notice is published soliciting comments on an investigation), the Department of Commerce has determined that interested parties applying for a Section 232 investigation that include business confidential information or classified national security information in their submission must simultaneously submit a public version of their application to BIS.

In order to implement this change in the Section 232 investigation process, this final rule makes the following changes to part 705 of the NSIBR:

In § 705.5, this final rule revises paragraph (a) by adding a sentence to require that an application for an investigation from an interested party containing business confidential information include a public version of the entire application in writing accompanying their submission. This final rule also adds a sentence to paragraph (a) to specify that the application, if it includes business confidential information submitted in confidence pursuant to § 705.6, must contain a public summary of the business confidential information providing sufficient detail to permit a reasonable understanding of the substance of the information, and, if summarization is not possible, the application must make that claim and accompany it by a full explanation of its basis. The revisions to paragraph (a) also include guidance on how to summarize

the information in sufficient detail to meet these additional requirements. This final rule adds a new cross reference to § 705.6 to alert the public that in order to submit business confidential information that is not for public release, the applicant must follow the procedures in § 705.6, including by making a separate submission to the Department of Commerce for the public and confidential versions. Lastly, this final rule also adds a new note to paragraph (a), explaining that United States Government agencies shall be excluded from the requirement to include public versions of submissions. This rule also codifies the existing practice that an electronic copy of the application be submitted with the printed application.

In § 705.6 (Confidential information), this final rule adds three new paragraphs: (a)(1) (*Classified national security information*), (2) (*Business confidential information*) and (3) (*United States Government communication*). The revised paragraph (a) specifies the requirements for submissions and treatment of these three types of confidential information, including how submissions by the public should be marked and submitted when they include confidential information.

The classified national security information described under paragraph (a)(1) of § 705.6 will not be made publicly available and therefore does not require a public version. As a conforming change, this final rule revises existing text previously found in paragraph (a) of § 705.6, which is now being moved to paragraph (a)(1) of § 705.6, regarding the identification and marking standards for national security information. Inadvertently, this text was not previously updated to reflect identification and marking standards set forth in 32 CFR part 2001, even though BIS has been complying with the requirements in 32 CFR part 2001 and requiring submitters to comply with those requirements, as applicable, since at least 2010. These revisions explicitly align paragraph (a)(1) of § 705.6 with the requirements set forth in 32 CFR part 2001. These changes will also improve public understanding of these provisions and clarify the requirements for submitting classified national security information pursuant to § 705.6. If an applicant or other party submits business confidential information as described in paragraph (a)(2) of § 705.6, it will now be required to submit a public version of that information based on the changes this rule makes to §§ 705.5 and 705.6. This final rule also adds a sentence at the end of paragraph (a)(2) of § 705.6 to specify that the public summary required under § 705.5 must be clearly marked ''PUBLIC'' as part of the submission described under paragraph (a)(1) of § 705.6. The classified national security information described under paragraph (a)(1) of § 705.6 and the United States Government communications described under paragraph (a)(3) of § 705.6 will not be made publicly available and therefore do not require a public version. Lastly, this final rule also adds a new paragraph (a)(3) to clarify the treatment of communication from the United States Government involving Section 232 investigations, including requests for the initiation of investigations received from U.S. Government agencies. This paragraph clarifies for the public that communication from agencies of the United States Government will generally not be made available to the public.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA) provides that an agency generally cannot conduct or sponsor a collection of information, and no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, unless that collection has obtained Office of Management and Budget (OMB) approval and displays a currently valid OMB Control Number.

This final regulation involves one collection currently approved by OMB with the following control number ''Request for Investigation under section 232 of the Trade Expansion Act'' (control number 0694–0120).

This rule is not expected to increase the burden hours for any of the collections associated with this rule as minimal changes are anticipated. Any comments regarding this collection of information, including suggestions for reducing the burden, may be submitted online at *https://www.reginfo.gov/public/do/PRAMain.* Find the particular information collection by using the search function and entering either the title of the collection or the OMB Control Number.

3. This rule does not contain policies with federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (APA) (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and a delay in effective date are inapplicable because this regulation involves a military or foreign affairs function of the United States. (*See* 5 U.S.C. 553(a)(1)). The Section 232 investigation process is important for identifying areas where the United States' defense industrial base is undermined to the detriment of national security. Improving efficiency and transparency of this process is important for those regulatory provisions to achieve their stated purpose.

In addition, the Department finds that there is good cause under 5 U.S.C. 553(b)(B) to waive the provisions of the APA requiring prior notice and the opportunity for public comment and under 5 U.S.C. 553(d)(3) to waive the delay in effective date because such delays would be contrary to the public interest. The changes in this rule will increase transparency of Section 232 investigations by requiring a public submission for an application for an investigation from an interested party. These changes will improve public transparency of the Section 232 investigation process, while imposing only a minimal burden on those submitting an application for an investigation to the Department. Based on BIS's past experience, including in the recent Section 232 investigations into imports of uranium, titanium sponge, and mobile cranes, most of the applicants each published their own public versions of their applications for an investigation with business confidential information redacted/removed (roughly contemporaneously with their submission of their applications to the Department of Commerce). Therefore, complying with the requirement to include a public version should not be burdensome for the clear majority of applicants because they have already taken the initiative to share a public version. For any other applicant who does not prepare public versions of their submissions as a matter of course, the new requirements is minimal; the information required to generate the public version is already

contained within the confidential version, and applicants need only redact/remove confidential information that meets the criteria in 15 CFR 705.6 and that the applicants wish to not disclose.

Because a notice of proposed rulemaking and an opportunity for prior public comment are not required for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

List of Subjects in 15 CFR Part 705

Administrative practice and procedure, Business and industry, Classified information, Confidential business information, Imports, Investigations, National security.

For the reasons set forth in the preamble, part 705 of subchapter A of 15 CFR chapter VII is amended as follows:

PART 705—[AMENDED]

■ 1. The authority citation for part 705 continues to read as follows:

Authority: Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862) and Reorg. Plan No. 3 of 1979 (44 FR 69273, December 3, 1979).

■ 2. Section 705.5 is amended by revising paragraph (a) to read as follows:

§ 705.5 Request or application for an investigation.

(a) A request or application for an investigation shall be in writing. The original, 1 copy and an electronic version of the report in the form of a Portable Document Format (PDF) file shall be filed with the Director, Office of Technology Evaluation, Room H–1093, U.S. Department of Commerce, Washington, DC 20230, with the PDF version being submitted to *DIBPrograms@bis.doc.gov.* An application for an investigation from an interested party that includes information submitted in confidence in accordance with the procedures of § 705.6 must also include a public version in written and electronic form containing all non-confidential information and public summaries of business confidential information as provided below. For persons seeking to submit business confidential information (trade secrets, commercial or financial information, or any other information considered sensitive or privileged), the public version of the application must contain a summary of the business confidential information in sufficient detail to permit a reasonable understanding of the substance of the information. Generally, numerical data will be considered adequately summarized if grouped or presented in terms of indices or figures within 10 percent of the actual figure. If an individual portion of the numerical data is voluminous (*e.g.,* 5 pages of numerical data), at least one percent of the numerical data, representative of that portion, must be summarized. If the submitter claims that summarization is not possible, the claim must be accompanied by a full explanation of the reason(s). In order to submit business confidential information that is not for public release or classified national security information as a separate submission to the U.S. Department of Commerce, applicants must follow the procedures specified in § 705.6.

Note 1 to paragraph (a): Requests for an investigation from United States Government agencies need not include a public version.

* * * * *

■ 3. Section 705.6 is amended by revising paragraph (a) to read as follows:

§ 705.6 Confidential information.

(a) This paragraph (a) specifies the requirements for submission of classified national security information, business confidential information, and the treatment of United States Government communications during an investigation under Section 232 of the Trade Expansion Act of 1962, as amended (a ''Section 232 investigation''), or as part of a request or application for an investigation.

(1) *Classified national security information.* Any information or material, which the applicant or any other party desires to submit in confidence at any stage of the investigation or as part of an application for an investigation, that is classified national security information (''classified information'') within the meaning of Executive Order 13526 shall be marked and submitted to the Bureau of Industry and Security (BIS) in accordance with the guidelines set forth in 32 CFR part 2001 regarding the handling of classified information. Before sending classified information, the applicant or any other party wishing to submit classified information must contact BIS for any additional handling instructions or submission requirements that may be applicable by contacting the Director, Office of Technology Evaluation, Room H–1093, U.S. Department of Commerce, Washington, DC 20230. Any information or material submitted that is identified as classified information must be accompanied at the time of submission by a statement indicating the degree of classification, the authority for the classification, and the identity of the classifying entity. Classified national security information described in this paragraph (a)(1) does not require a public version.

(2) *Business confidential information.* Any information or material submitted electronically, which the applicant or any other party desires to submit in confidence at any stage of the investigation or as part of an application for an investigation, that is business confidential information (trade secrets, commercial or financial information, or any other information considered sensitive or privileged) should be contained within a file beginning its name with the characters ''BC''. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page, and any pages not containing confidential information should not be so marked. By submitting information or material identified as business confidential information, the applicant or other party represents that the information is exempted from public disclosure, either by the Freedom of Information Act (5 U.S.C. 552 *et seq.*) or by some other specific statutory exemption. Any request for business confidential treatment must be accompanied at the time of filing by a statement justifying non-disclosure and referring to the specific legal authority claimed. The public summary version required under § 705.5 must be clearly marked ''PUBLIC''. When submitted electronically, the file name of the non-confidential version should begin with the character ''P''. The ''P'' should be followed by the name of the person or entity submitting the information or material. All filers should name their files using the name of the person or entity submitting the comments.

(3) *United States Government communications.* Communications from agencies of the United States Government, including but not limited to requests for investigation submitted pursuant to § 705.5, will generally not be made available to the public.

* * * * *

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2021–20526 Filed 9–23–21; 8:45 am]

BILLING CODE 3510–33–P

SUSQUEHANNA RIVER BASIN COMMISSION

18 CFR Part 806

Review and Approval of Projects

AGENCY: Susquehanna River Basin Commission.

ACTION: Final rule.

SUMMARY: This document contains rules that amend the regulations of the Susquehanna River Basin Commission (Commission) to update the requirements and standards for review of projects, amend the rules dealing with groundwater withdrawals, and revise the regulatory triggers related to grandfathered sources.

DATES: This rule is effective on October 1, 2021.

ADDRESSES: Susquehanna River Basin Commission, 4423 N Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, Esq., General Counsel and Secretary, telephone: 717–238–0423, ext. 1312; fax: 717–238–2436; email: *joyler@srbc.net.* Also, for further information, including a comment and response document, visit the Commission's website at *http://www.srbc.net.*

SUPPLEMENTARY INFORMATION: Notice of proposed rulemaking was published in the **Federal Register** on March 26, 2021; *New York Register* on April 14, 2021; *Pennsylvania Bulletin* on April 10, 2021; and *Maryland Register* on April 9, 2021. The Commission held two informational webinars explaining the proposed rulemaking on April 6 and April 14, 2021. The Commission convened a public hearing held by telephone on May 6, 2021. A written comment period was held open through May 17, 2021. Concurrent with the proposed rule, the Commission also released three draft groundwater related policies for public review and comment.

Three comments were received during the comment period. One commenter appreciated the Commission's proposal to eliminate some of the triggers for the loss of grandfathering under § 806.4(a)(2). The commenter offered amended language for § 806.4(a)(2)(ii) and (iii) for the Commission's consideration that would change the Commission's intent and would limit any review of a grandfathered source increasing its quantity to only the increased withdrawal amount and not to the entire withdrawal. This would be a substantial change of the Commission's current practice for the loss of grandfathering triggered by an increase in quantity from a grandfathered source. The Commission declines to make this change. The preamble to the proposed rule makes the Commission's intent for the regulations clear, and the regulations reflect that intent. This rulemaking is intended to change the Commission's overall policy regarding the number and scope of the triggers for losing grandfathering; however, it is not intended to provide a permanent exemption from eventual regulation of grandfathered sources or withdrawal quantities.

A second commenter commended the Commission for acting upon the need for regulatory clarification, simplification, and recalibration of project review based on the scale and quantity (potential impact) of the project. The commenter specifically appreciated the proposed changes regarding the consideration of small and medium capacity sources; the elimination of potential triggers for loss of grandfathered source status; the addition of the Alternative Hydrogeologic Evaluation (AHE) process; and the further development of the minor modification process. In addition, the commenter suggested that the Commission create a redefined docket appeal process under 18 CFR 808.2 and 808.3. This final aspect of the comment is outside the scope of the proposed rulemaking that was noticed and subjected to public comment. Therefore, the Commission cannot make any changes to these sections as a part of the final rule.

A third commenter expressed concerns about the addition of § 806.4(a)(3)(viii) and (ix) that would allow the diversion of drinking water or wastewater into or out of the basin without Commission approval for municipalities on the basin divide if the diversion occurs by or through a publicly or privately owned public water supplier or wastewater treatment works. The commenter opined that this change is not justified or supported by sufficient rationale. The Commission disagrees and declines to make the change requested. The regulation of into-basin diversions is focused on water quality coming into the Basin and the protection of the Basin's water resources. Drinking water quality and wastewater quality are regulated solely by partner agencies and the Commission does not have water quality standards, in an effort to not duplicate partner agency regulatory authorities. The final regulation simply exempts, from Commission review, the movement across Basin boundaries of treated public water or wastewater that has been managed for water quality concerns by partner agencies. The final regulation does not pose any new threats or exacerbate existing threats to the quality of the Basin's water resources. Withdrawals that supply out-of-basin diversions by communities straddling the Basin divide will still be subject to the Commission's review and application of its standards. Those standards, as for all withdrawals, are at 18 CFR 806.23 and are equivalent to, if not broader, than those in § 806.24. Thus, the concerns raised in the comment are addressed by the Commission's review standards to the withdrawal that supports the diversion.

List of Subjects in 18 CFR Part 806

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission amends 18 CFR part 806 as follows:

PART 806—REVIEW AND APPROVAL OF PROJECTS

■ 1. The authority citation for part 806 continues to read as follows:

Authority: Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. 91–575, 84 Stat. 1509 *et seq.*

■ 2. In § 806.3:
■ a. Add in alphabetical order a definition for ''Captured stormwater'';
■ b. Remove the definition of ''Hydrocarbon water storage facility''; and
■ c. Add in alphabetical order definitions for ''Medium capacity source'' and ''Small capacity source''.

The additions read as follows:

§ 806.3 Definitions.

* * * * *

Captured stormwater. Precipitation or stormwater collected on the drilling pad site, including well cellar water, waters from secondary containment, and water collected from post construction stormwater management features.

* * * * *

Medium capacity source. A ground or surface water source with a withdrawal of more than 20,000 but less than 100,000 gallons per day over a consecutive 30 day-average.

* * * * *

Small capacity source. A ground or surface water source with a withdrawal of 20,000 gallons or less per day over a consecutive 30-day average.

* * * * *

■ 3. Revise § 806.4 to read as follows:

§ 806.4 Projects requiring review and approval.

(a) Except for activities relating to site evaluation, to aquifer testing under

§ 806.12 or to those activities authorized under § 806.34, no person shall undertake any of the following projects without prior review and approval by the Commission. The project sponsor shall submit an application in accordance with subpart B of this part and shall be subject to the applicable standards in subpart C of this part.

(1) *Consumptive use of water.* Any consumptive use project described in this paragraph (a)(1) shall require an application to be submitted in accordance with § 806.13, and shall be subject to the standards set forth in § 806.22, and, to the extent that it involves a withdrawal from groundwater or surface water except a small capacity source, shall also be subject to the standards set forth in § 806.23 as the Commission deems necessary. Except to the extent that they involve the diversion of the waters of the basin, public water supplies shall be exempt from the requirements of this section regarding consumptive use; provided, however, that nothing in this section shall be construed to exempt individual consumptive users connected to any such public water supply from the requirements of this section. Provided the commission determines that low flow augmentation projects sponsored by the commission's member states provide sufficient mitigation for agricultural water use to meet the standards set forth in § 806.22, and except as otherwise provided in this paragraph (a)(1), agricultural water use projects shall not be subject to the requirements of this paragraph (a)(1). Notwithstanding the foregoing, an agricultural water use project involving a diversion of the waters of the basin shall be subject to such requirements unless the property, or contiguous parcels of property, upon which the agricultural water use project occurs is located at least partially within the basin.

(i) Any project initiated on or after January 23, 1971, involving a consumptive water use of an average of 20,000 gallons per day (gpd) or more in any consecutive 30-day period.

(ii) With respect to projects previously approved by the Commission for consumptive use, any project that will involve an increase in a consumptive use above that amount which was previously approved.

(iii) With respect to projects with pre-compact consumptive use:

(A) Registered in accordance with subpart E of this part that increases its consumptive use by any amount over the quantity determined under § 806.44;

(B) Increasing its consumptive use to an average of 20,000 gpd or more in any consecutive 30-day period; or

(C) That failed to register its consumptive use in accordance with subpart E of this part.

(iv) Any project, regardless of when initiated, involving a consumptive use of an average of 20,000 gpd or more in any consecutive 30-day period, and undergoing a change of ownership, unless such project satisfies the requirements of paragraph (b) of this section or the existing Commission approval for such project is transferred pursuant to § 806.6.

(2) *Withdrawals.* Any project, including all of its sources, described in this paragraph (a)(2) shall require an application to be submitted in accordance with § 806.13, and shall be subject to the standards set forth in §§ 806.21 and 806.23. Hydroelectric projects, except to the extent that such projects involve a withdrawal, shall be exempt from the requirements of this section regarding withdrawals; provided, however, that nothing in this paragraph (a)(2) shall be construed as exempting hydroelectric projects from review and approval under any other category of project requiring review and approval as set forth in this section, § 806.5, or 18 CFR part 801.

(i) Any project initiated on or after July 13, 1978 for groundwater or November 11, 1995 for surface water withdrawing a consecutive 30-day average of 100,000 gpd or more from a groundwater or surface water source, or any project initiated after January 1, 2007 withdrawing a consecutive 30-day average of 100,000 gpd or more from a combination of sources.

(ii) Any new source added to projects with previously approved withdrawals by the Commission.

(iii) Any withdrawal increased above that amount which was previously approved by the Commission.

(iv) With respect to projects with grandfathered withdrawals:

(A) Registered in accordance with subpart E of this part that increases its withdrawal by any amount over the quantity determined under § 806.44;

(B) Increasing its withdrawal individually or in combination from all sources to an average of 100,000 gpd or more in any consecutive 30-day period; or

(C) That failed to register its withdrawals in accordance with subpart E of this part.

(v) Any project, regardless of when initiated, involving a withdrawal of a consecutive 30-day average of 100,000 gpd or more, from either groundwater or surface water sources, or in combination from both, and undergoing a change of ownership, unless such project satisfies the requirements of paragraph (b) of this section or the existing Commission approval for such project is transferred pursuant to § 806.6.

(3) *Diversions.* Except with respect to agricultural water use projects not subject to the requirements of paragraph (a)(1) of this section, the projects described in paragraphs (a)(3)(i) through (iv) of this section shall require an application to be submitted in accordance with § 806.13, and shall be subject to the standards set forth in § 806.24. The project sponsors of out-of-basin diversions shall also comply with all applicable requirements of this part relating to consumptive uses and withdrawals. The projects identified in paragraphs (a)(3)(v) and (vi) of this section shall be subject to regulation pursuant to § 806.22(f).

(i) Any project initiated on or after January 23, 1971, involving the diversion of water into the basin by any amount, or involving a diversion of water out of the basin of an average of 20,000 gallons of water per day or more in any consecutive 30-day period.

(ii) With respect to diversions previously approved by the Commission, any project that will increase a diversion above the amount previously approved.

(iii) With respect to diversions initiated prior to January 23, 1971, any project that will increase a diversion into the basin by any amount, or increase the diversion of water out of the basin by any amount.

(iv) Any project, regardless of when initiated, involving the diversion of water into the basin by any amount or involving a diversion of water out of the basin by an average of 20,000 gallons of water per day or more in any consecutive 30-day period, and undergoing a change of ownership, unless such project satisfies the requirements of paragraph (b) of this section or the Commission approval for such project is transferred pursuant to § 806.6.

(v) The interbasin diversion of any flowback or production fluids, tophole water and captured stormwater from hydrocarbon development projects from one drilling pad site to another drilling pad site for use in hydrofracture stimulation, provided it is handled, transported and stored in compliance with all standards and requirements of the applicable member jurisdiction, shall not be subject to separate review and approval as a diversion under this paragraph if the generating or receiving pad site is subject to an Approval by Rule issued pursuant to § 806.22(f) and

provided all monitoring and reporting requirements applicable to such approval are met.

(vi) The diversion of flowback or production fluids, tophole water and captured stormwater from a hydrocarbon development project for which an Approval by Rule has been issued pursuant to § 806.22(f), to an out-of-basin treatment or disposal facility authorized under separate governmental approval to accept flowback or production fluids, shall not be subject to separate review and approval as a diversion under this paragraph, provided all monitoring and reporting requirements applicable to the Approval by Rule are met and it is handled, transported and stored in compliance with all standards and requirements of the applicable member jurisdiction.

(vii) The diversion of any flowback or production fluids, tophole water and captured stormwater from hydrocarbon development projects located outside the basin to an in-basin treatment or disposal facility authorized under separate government approval to accept flowback or production fluids, shall not be subject to separate review and approval as a diversion under this paragraph (a)(3), provided the fluids are handled, transported and stored in compliance with all standards and requirements of the applicable member jurisdiction.

(viii) The diversion of drinking water and/or municipal wastewater out of the basin to a municipality on or straddling the basin divide if provided by or through a publicly or privately owned entity and regulated by the appropriate agency of the member jurisdiction shall not be subject to review and approval as a diversion under this paragraph (a)(3) of this section or as a consumptive use under paragraph (a)(1) of this section.

(ix) The diversion of drinking water and/or municipal wastewater into the basin to a municipality if provided by or through a publicly or privately owned entity and regulated by the appropriate agency of the member jurisdiction shall not be subject to review and approval as a diversion under this paragraph (a)(3).

(4) *Crossing state boundaries.* Any project on or crossing the boundary between two member states.

(5) *Significant effect.* Any project in a member state having a significant effect on water resources in another member state.

(6) *Comprehensive plan.* Any project which has been or is required to be included by the Commission in its comprehensive plan, or will have a significant effect upon the comprehensive plan.

(7) *Determination.* Any other project so determined by the commissioners or Executive Director pursuant to § 806.5 or 18 CFR part 801. Such project sponsors shall be notified in writing by the Executive Director.

(8) *Natural gas.* Any unconventional natural gas development project in the basin involving a withdrawal, diversion or consumptive use, regardless of the quantity.

(9) *General permit.* Any project subject to coverage under a general permit issued under § 806.17.

(b) Any project that did not require Commission approval prior to January 1, 2007, and undergoing a change of ownership, shall be exempt from the requirements of paragraph (a)(1)(iv), (a)(2)(v), or (a)(3)(iv) of this section if it is a:

(1) Transfer of a project to the transferor's spouse or one or more lineal descendents, or any spouse of such lineal descendents, or to a corporation owned or controlled by the transferor, or the transferor's spouse or lineal descendents, or any spouse of such lineal descendents, for so long as the combined ownership interest of the transferor, the transferor's spouse and/or the transferor's lineal descendent(s) and their spouses, continues to be 51 percent or greater; or

(2) Transfer of land used primarily for the raising of food, fiber or forage crops, trees, flowers, shrubs, turf products, livestock, or poultry, or for aquaculture, to the extent that, and for so long as, the project's water use continues to be for such agricultural water use purposes.

■ 4. Amend § 806.6 by revising paragraphs (a)(5) and (b) and by adding paragraph (d) to read as follows:

§ 806.6 Transfer of approvals.

(a) * * *

(5) If the existing project has an unapproved withdrawal, consumptive use and/or diversion listed in paragraph (b) of this section, the transfer shall be conditioned to require the submission of a new application for review and approval of the unapproved withdrawal, consumptive use and/or diversion consistent with §§ 806.4 and 806.14 and paragraph (d) of this section.

* * * * *

(b) Previously unapproved activities associated with a project subject to transfer under paragraph (a) of this section include:

(1) The project has an associated pre-compact consumptive water use that has not had mitigation approved by the Commission.

(2) The project has an associated diversion that was initiated prior to January 23, 1971.

(3) Projects registered under subpart E of this part.

* * * * *

(d) Any unapproved activities associated with a transferred project shall be subject to the following:

(1) The transfer approval shall be conditioned to include monitoring requirements under § 806.30 for all previously unapproved sources and activities.

(2) The transfer approval may include any other conditions consistent with this part deemed necessary by the Executive Director.

(3) The approved transfer will act as the unapproved activity's temporary approval for a period of five years, at which point, the project sponsor shall submit an application for review and approval consistent with subpart B of this part.

(4) The Executive Director may require hydrogeologic evaluation under § 806.12 and/or formal review and approval of any of the previously unapproved sources sooner if those sources show a substantial likelihood of environmental harm, interference with other water users or water availability issues.

■ 5. Revise § 806.12 to read as follows:

§ 806.12 Hydrogeologic evaluation.

Evaluation of groundwater withdrawal projects requires a hydrogeologic evaluation, which may be an aquifer test in accordance with an approved plan or an alternative hydrogeologic evaluation in conformance with this section.

(a) Prior to submission of an application pursuant to § 806.13, a project sponsor seeking approval for a new groundwater withdrawal, a renewal of an expiring groundwater withdrawal, or an increase of a groundwater withdrawal shall perform an aquifer test.

(b) Unless an alternative hydrogeologic evaluation method is approved, the project sponsor shall prepare an aquifer test plan for prior review and approval by Commission staff before testing is undertaken. Such plan shall include a groundwater availability analysis to determine the availability of water during a 1-in-10-year recurrence interval.

(c) Unless otherwise specified, approval of a test plan is valid for two years from the date of approval.

(d) Approval of a test plan shall not be construed to limit the authority of the Commission to require additional testing or monitoring.

(e) The project sponsor may be required, at its expense, to provide

temporary water supply if an aquifer test results in interference with an existing water use.

(f) Review of submittals under this section may be terminated by the Commission in accordance with the procedures set forth in § 806.16.

(g) This section does not apply to withdrawals related to mine dewatering, water resources remediation or AMD facilities, provided the activity is governed by another regulatory agency.

(h) Sources undergoing renewal that can provide an interpretative hydrogeologic report that documents the results of a Commission approved aquifer test or documentation of an approved prior waiver by the Commission may meet the requirements of this section for that previously approved groundwater source.

(i) In lieu of completing a Commission-approved aquifer test, the project sponsor may submit an Alternative Hydrogeologic Evaluation (AHE) that provides supporting information equivalent to that which would be obtained from completing an approved aquifer test under paragraph (a) of this section. This supporting information includes, but is not limited to, prior aquifer testing data, the withdrawal setting and location, existing site specific operational data, and prior Commission approved waivers of aquifer testing requirements. Commission staff may approve an AHE for a project or require completion of a Commission approved aquifer test in accordance with paragraph (a) of this section.

(j) This section does not apply to withdrawals from a small capacity source, unless otherwise determined by the Executive Director.

■ 6. Amend § 806.14 by:

■ a. Revising paragraphs (a)(2) and (3), (b)(1) and (2), and (c)(2), (3), and (5);

■ b. Adding paragraphs (c)(10) and (11); and

■ c. Revising paragraph (d).

The revisions and additions read as follows:

§ 806.14 Contents of application.

(a) * * *

(2) Project location, including latitude and longitude coordinates in decimal degrees accurate to within 10 meters, the project location displayed on a map, and evidence of legal access to the property upon which the project is proposed.

(3) Project description, including: purpose, proposed quantity to be withdrawn or consumed, if applicable, and description of all sources, consumptive uses and diversions related to the project.

* * * * *

(b) * * *

(1) *Surface water.* (i) Water use and availability.

(ii) Project setting, including surface water characteristics, identification of wetlands, and site development considerations.

(iii) Description and design of intake structure.

(iv) Anticipated impact of the proposed project on local flood risk, recreational uses, fish and wildlife and natural environment features.

(v) For new projects and major modifications to increase a withdrawal, alternatives analysis for a withdrawal proposed in settings with a drainage area of 50 miles square or less, or in a water with exceptional water quality, or as required by the Commission.

(2) *Groundwater.* (i) With the exception other projects which are addressed in paragraph (b)(6) of this section, the project sponsor shall demonstrate that requirements of § 806.12 have been met by providing one of the following:

(A) An interpretive report that includes the results of a Commission approved aquifer test and an updated groundwater availability estimate if changed from the aquifer test plan,

(B) An approved AHE,

(C) A prior determination by the Commission staff under § 806.12(h) that the intent and requirements of § 806.12 have been met along with an updated groundwater availability estimate.

(ii) Water use and availability.

(iii) Project setting, including nearby surface water features.

(iv) Groundwater elevation monitoring plan for all production wells.

(v) Alternatives analysis as required by the Commission.

* * * * *

(c) * * *

(2) Project location, including latitude and longitude coordinates in decimal degrees accurate to within 10 meters, the project location displayed on map, and evidence of legal access to the property upon which the project is located.

(3) Project description, to include, but not be limited to: Purpose, proposed quantity to be withdrawn or consumed if applicable, description of all sources, consumptive uses and diversions related to the project and any proposed project modifications.

* * * * *

(5) An as-built and approved metering plan that conforms to § 806.30.

* * * * *

(10) Changes to the facility design.

(11) Any proposed changes to the previously authorized purpose.

(d) Additional information is required for the following applications for renewal of expiring approved projects.

(1) *Surface water.* (i) Description and as-built of intake structure.

(ii) For renewals seeking to increase a withdrawal, alternatives analysis for a withdrawal proposed in settings with a drainage area of 50 miles square or less, or in a waterway with exceptional water quality, or as required by the Commission.

(2) *Groundwater.* (i) The project sponsor shall demonstrate that requirements of § 806.12 have been met by providing one of the following:

(A) Provide an interpretive report that includes the results of a Commission approved aquifer test and an updated GW availability estimate if changed from the aquifer test plan;

(B) An approved AHE; or

(C) A prior determination by the Commission staff under § 806.12(h) that the intent and requirements of § 806.12 have been met.

(ii) An interpretative report providing analysis and comparison of current and historic water withdrawal and groundwater elevation data with previously completed materials to demonstrate satisfaction of § 806.12, which may include a hydrogeologic report from previous aquifer testing, an approved AHE or prior determination of waiver of aquifer testing.

(iii) Current groundwater availability analysis assessing the availability of water during a 1-in-10 year drought recurrence interval under the existing conditions within the recharge area and predicted for term of renewal (*i.e.,* other users, discharges, and land development within the groundwater recharge area).

(iv) Groundwater elevation monitoring plan for all production wells.

(v) Alternatives analysis as required by the Commission.

(3) *Consumptive use.* (i) Consumptive use calculations.

(ii) Mitigation plan, including method of consumptive use mitigation.

(4) *Into basin diversion.* (i) Provide the necessary information to demonstrate that the project will continue to meet the standards in § 806.24(c).

(ii) Identification of the source and current water quality characteristics of the water to be diverted.

(5) *Out of basin diversion.* (i) Provide the necessary information to demonstrate that the project will continue to meet the standards in § 806.24(b).

(6) *Other projects.* Other projects, including without limitation, mine dewatering, water resources remediation projects, and AMD facilities that qualify as a withdrawal.

(i) In lieu of a hydrogeologic evaluation, a copy of approved report(s) prepared for any other purpose or as required by other governmental regulatory agencies that provides a demonstration of the hydrogeologic and/or hydrologic effects and limits of said effects due to operation of the project and effects on local water availability.

(ii) Any data or reports that demonstrate effects of the project are consistent with those reports provided in paragraph (d)(6)(i) of this section.

(iii) Demonstration of continued need for expiring approved water source and quantity.

* * * * *

■ 7. Revise § 806.15 to read as follows:

§ 806.15 Notice of application.

(a) Except with respect to paragraphs (e), (f), and (g) of this section, any project sponsor submitting an application to the Commission shall provide notice thereof to the appropriate agency of the member State, each municipality in which the project is located, and the county and the appropriate county agencies in which the project is located. The project sponsor shall also publish notice of submission of the application at least once in a newspaper of general circulation serving the area in which the project is located. The project sponsor shall also meet any of the notice requirements set forth in paragraphs (b) through (d) of this section, if applicable. All notices required under this section shall be provided or published no later than 20 days after submission of the application to the Commission and shall be in a form and manner as prescribed by the Commission.

(b) For withdrawal applications submitted pursuant to § 806.4(a)(2) for new projects, major modifications, and renewals requesting an increase, the project sponsor shall also provide the notice required under paragraph (a) of this section to each property owner listed on the tax assessment rolls of the county in which such property is located and identified as follows:

(1) For groundwater withdrawal applications, the owner of any property that is located within a one-quarter mile radius of the proposed withdrawal location.

(2) For surface water withdrawal applications, the owner of any property that is riparian or littoral to the body of water from which the proposed withdrawal will be taken and is within a one-half mile radius of the proposed withdrawal location.

(3) For groundwater withdrawal applications, the Commission or Executive Director may allow notification of property owners through alternate methods where the property of such property owner is served by a public water supply.

(c) For projects involving a diversion of water out of the basin, the project sponsor shall also publish a notice of the submission of its application at least once in a newspaper of general circulation serving the area outside the basin where the project proposing to use the diverted water is located. For projects involving a diversion of water into the basin, the project sponsor shall also publish a notice of the submission of its application at least once in a newspaper of general circulation serving the area outside the basin where the withdrawal of water proposed for diversion is located.

(d) The project sponsor shall provide the Commission with a copy of the United States Postal Service return receipt or the verified return receipt from a comparable delivery service for the notifications to agencies of member States, municipalities, counties and appropriate county agencies required under this section. The project sponsor shall also provide certification on a form provided by the Commission that it has published the newspaper notice(s) required by this section and made the landowner notifications as required under paragraph (b) of this section, if applicable. The project sponsor shall maintain all proofs of publication and records of notices sent under this section for the duration of the approval related to such notices.

(e) For Notices of Intent (NOI) seeking coverage under a general permit, the project sponsor shall provide notice of the NOI to the appropriate agency of the member State and each municipality and county and appropriate county agencies in which the project is located and any additional notice identified in the general permit.

(f) For applications for minor modifications and approvals by rule under § 806.22(e), the project sponsor shall provide notice of the application to the appropriate agency of the member State and each municipality and county and appropriate county agencies in the which the project is located.

(g) For NOIs seeking an approval pursuant to § 806.22(f), the project sponsor shall provide notice of the application to the appropriate agency of the member State, each municipality, county and appropriate county agencies, and the owner of the property on or in which the drilling pad site is located. For requests for approval submitted under § 806.22(f)(13), the project sponsor shall provide notice of the application to the appropriate agency of the member State, each municipality, county and appropriate county agencies in which the public water supply is located.

■ 8. Amend § 806.18 by revising paragraph (c) to read as follows:

§ 806.18 Approval modifications.

* * * * *

(c) *Minor modifications.* The following are minor modifications:

(1) Correction of typographical or other errors;

(2) Changes to monitoring or metering conditions;

(3) Addition, amendment or removal of sources of water for consumptive use or project descriptions;

(4) Changes to the authorized water uses;

(5) Changes to conditions setting a schedule for developing, implementing, and/or reporting on monitoring, data collection and analyses;

(6) Changes to the design and minor changes to the location of intakes;

(7) Increases to total system limits that were established based on the projected demand of the project; and

(8) Modifications of extraction well network used for groundwater remediation systems.

(9) Adjustments to a term of an approval to align the approval with a member jurisdiction approval or another docket approval by the Commission.

(10) Changes to the method of consumptive use mitigation to payment of the mitigation fee, providing for discontinuance, use of storage or an adequate conservation release in accordance with a previous Commission determination.

(11) Addition of stormwater as a source of consumptive use, including an increase to the total consumptive use related to the stormwater use.

(12) Extension of the date of commencement of a withdrawal, diversion or consumptive use established under § 806.31(b).

* * * * *

■ 9. Amend § 806.22 by revising paragraphs (e)(6) and (8) and (f)(4) and (11) through (13), and removing and reserving paragraph (f)(14).

The revisions read as follows:

§ 806.22 Standards for consumptive use of water.

* * * * *

(e) * * *

(6) *Mitigation.* The project sponsor shall comply with mitigation in accordance with paragraph (b)(1)(iii) or (b)(2) or (3) of this section.

* * * * *

(8) *Decision.* The Executive Director may grant, deny, suspend, revoke, modify or condition an approval to operate under this approval by rule, or renew an existing approval by rule previously granted hereunder, and will notify the project sponsor of such determination, including the quantity of consumptive use approved. Use of small capacity sources or sources used only for supply of potable water may be appropriately included as a part of this approval by rule in the discretion of the Executive Director.

* * * * *

(f) * * *

(4) The project sponsor shall comply with metering, daily use monitoring and quarterly reporting as specified in § 806.30, or as otherwise required by the approval by rule. The project sponsor shall submit a post-hydrofracture report in a form and manner as prescribed by the Commission.

* * * * *

(11) In addition to water sources approved for use by the project sponsor pursuant to § 806.4 or this section, for unconventional natural gas development or hydrocarbon development, whichever is applicable, a project sponsor issued an approval by rule pursuant to paragraph (f)(9) of this section may utilize any of the following water sources at the drilling pad site, subject to such monitoring and reporting requirements as the Commission may prescribe:

(i) Tophole water encountered during the drilling process, provided it is used only for drilling or hydrofracture stimulation.

(ii) Captured stormwater, provided it is used only for drilling or hydrofracture stimulation.

(iii) Drilling fluids, formation fluids, flowback or production fluids obtained from a drilling pad site, production well site or hydrocarbon water storage facility, provided it is used only for hydrofracture stimulation, and is handled, transported and stored in compliance with all standards and requirements of the applicable member jurisdiction.

(12) A project sponsor issued an approval by rule pursuant to paragraph (f)(9) of this section may utilize a source of water, except a public water supply, approved by the Commission pursuant to § 806.4(a) and issued to persons other than the project sponsor, provided any such source is approved for use in unconventional natural gas development, or hydrocarbon development, whichever is applicable, the project sponsor has an agreement for its use and the project sponsor registers such source with the Commission on a form and in the manner prescribed by the Commission. Use of the registered source shall not commence until the Commission acknowledges in writing that the registration is proper and complete.

(13) A project sponsor issued an approval by rule pursuant to paragraph (f)(9) of this section may also utilize other sources of water, including but not limited to, water withdrawals or wastewater discharge not otherwise associated with an approval issued by the Commission pursuant to § 806.4(a), public water supplies, or another approval by rule issued pursuant to paragraph (f)(9) of this section, provided such sources are first approved by the Executive Director. Any request for approval shall be submitted on a form and in the manner prescribed by the Commission, shall satisfy the notice requirements set forth in § 806.15, and shall be subject to review pursuant to the standards set forth in subpart C of this part.

* * * * *

■ 10. Amend § 806.23 by revising the paragraph (b) subject heading and paragraph (b)(4) and adding paragraphs (b)(6) and (7) to read as follows:

§ 806.23 Standards for water withdrawals.

* * * * *

(b) *Limitations on and considerations for withdrawals.*

* * * * *

(4) The Commission may require the project sponsor to undertake the following, to ensure its ability to meet its present or reasonably foreseeable water needs from available groundwater or surface water without limitation:

(i) Investigate additional sources, interconnections or storage options to meet the demand of the project.

(ii) Submit a water resource development plan that shall include, without limitation, sufficient data to address any supply deficiencies, identify alternative water supply options, including interconnections, and support existing and proposed future withdrawals.

* * * * *

(6) Notwithstanding this paragraph, existing withdrawals that successfully complete the process in § 806.12(h) and (i) shall satisfy the standards in paragraph (b)(2) of this section. Further, evaluation of the withdrawal shall include reasonably foreseeable need and the need for total system limits, compliance with § 806.21, and any changes to the project or project location and setting.

(i) Approval of withdrawal limits on existing sources will not be set above the amount supported by the existing historical and current operating data or otherwise supported by the evaluation under § 806.12, and may be set at a different rate if supported by the evaluation required in this paragraph.

(ii) Any approvals shall include metering and measurement of parameters consistent with § 806.30, and may include conditions requiring monitoring of surface water features or other withdrawal sources.

(iii) If any reported metering or monitoring data or other information show a significant adverse impact to any consideration in paragraph (b)(2) of this section, the Commission may take actions necessary to eliminate the significant adverse impact, including but not limited to requiring the project to undertake more data collection and analysis, aquifer testing and/or conditioning the docket approval.

(7) Notwithstanding this paragraph, small capacity sources shall be subject to any withdrawal limit, including total system limit, set by the Commission and shall include metering and measurement of parameters consistent with § 806.30.

■ 11. Amend § 806.34 by revising paragraph (c)(2) to read as follows:

§ 806.34 Emergencies.

* * * * *

(c) * * *

(2) With the concurrence of the chairperson of the Commission and the commissioner from the affected member state, issue an emergency certificate for a term not to extend beyond the next regular business meeting of the Commission where the extension of the certificate may be included in the notice for the next regularly scheduled public hearing for that business meeting.

* * * * *

Dated: September 20, 2021.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

[FR Doc. 2021–20594 Filed 9–23–21; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9956]

RIN 1545–BP91; RIN 1545–BP70

Guidance on the Treatment of Qualified Improvement Property Under Sections 250(b) and 951A(d) and Guidance Related to the Foreign Tax Credit

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations under sections 250 and 951A addressing the calculation of qualified business asset investment (''QBAI'') for qualified improvement property (''QIP'') under the alternative depreciation system (''ADS''). This document also contains final regulations with transition rules relating to the impact on loss accounts of net operating loss (NOL) carrybacks allowed by reason of the Coronavirus Aid, Relief, and Economic Security Act (the ''CARES Act''). The final regulations affect United States shareholders of controlled foreign corporations, domestic corporations eligible for the section 250 deduction, and taxpayers that claim credits or deductions for foreign income taxes.

DATES:

Effective date: These regulations are effective on September 24, 2021.

Applicability dates: For dates of applicability, see §§ 1.250–1(b), 1.904(f)–12(j)(7), and 1.951A–7(a).

FOR FURTHER INFORMATION CONTACT: Concerning §§ 1.250(b)–1(b)(2) and 1.250(b)–2(e)(2), Lorraine Rodriguez at (202) 317–6726; concerning § 1.904(f)–12, Jeffrey L. Parry at (202) 317–4916; concerning § 1.951A–3(e)(2), Jorge M. Oben at (202) 317–6934 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

I. Treatment of QIP Under Sections 250 and 951A

On January 15, 2021, the Department of the Treasury (''Treasury Department'') and the IRS published proposed regulations (REG–111950–20) under sections 250, 951A, 1297, and 1298 in the **Federal Register** (86 FR 4582, as corrected at 86 FR 12886) (the ''2021 proposed regulations''). The provisions in the 2021 proposed regulations under sections 250 and 951A, which were added to the Code in the Tax Cuts and Jobs Act, Public Law 115–97, 131 Stat. 2234 (2017), addressed the treatment of QIP under the ADS for purposes of calculating QBAI.

The Treasury Department and the IRS received no written comments with respect to the proposed rules under sections 250 and 951A. A public hearing on the 2021 proposed regulations was not held because there were no requests to speak.

This rulemaking finalizes the portion of the 2021 proposed regulations under sections 250 and 951A, but does not finalize the portions of the 2021 proposed regulations under sections 1297 and 1298 (determining whether a foreign corporation is treated as a passive foreign investment company and the treatment of income and assets of a qualifying insurance corporation that is engaged in the active conduct of an insurance business). The Treasury Department and the IRS intend to finalize those portions of the 2021 proposed regulations separately.

II. Treatment of Net Operating Losses Incurred in Post-2017 Taxable Years That Are Carried Back to Pre-2018 Taxable Years

On November 12, 2020, the Treasury Department and the IRS published proposed regulations (REG–101657–20) in the **Federal Register** (85 FR 72078) (the ''2020 FTC proposed regulations''), which included revisions to the transition rules for post-2017 NOL carrybacks to pre-2018 taxable years.

The Treasury Department and the IRS received no written comments with respect to the proposed revisions to the transition rules that address post-2017 NOL carrybacks to pre-2018 taxable years. A public hearing on the 2020 FTC proposed regulations was held on April 7, 2021.

This rulemaking finalizes the portion of the 2020 FTC proposed regulations that addresses the transition rules for post-2017 NOL carrybacks to pre-2018 taxable years. This rulemaking does not finalize any other portions of the 2020 FTC proposed regulations. The Treasury Department and the IRS intend to finalize those portions of the 2020 FTC proposed regulations separately.

Summary of Comments and Explanation of Revisions

The Treasury Department and the IRS received no written comments with respect to the proposed rules under sections 250 and 951A or the transition rules that address post-2017 NOL carrybacks to pre-2018 taxable years. Therefore, those portions of the proposed regulations are being finalized without substantive change.

Special Analyses

I. Regulatory Planning and Review—Economic Analysis

These regulations are not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (April 11, 2018) between the Treasury Department and the Office of Management and Budget regarding review of tax regulations.

II. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) generally requires that a federal agency obtain the approval of the OMB before collecting information from the public, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit.

There are no information collection requirements associated with these final regulations.

III. Regulatory Flexibility Act

It is hereby certified that these final regulations will not have a significant economic impact on a substantial number of small entities within the meaning of section 601(6) of the Regulatory Flexibility Act (5 U.S.C. chapter 6).

A. Regulations Regarding the Treatment of QIP Under Sections 250 and 951A

The economic impact of the regulations regarding the treatment of QIP under sections 250 and 951A is not likely to be significant because these regulations merely clarify that the technical amendment to section 168 enacted in section 2307(a) of the CARES Act applies to determine the adjusted basis of property under section 951A(d)(3) as if it had originally been part of section 13204 of the Act. The clarification resolves an ambiguity and adopts the interpretation that does not require duplicative recordkeeping for the basis in this property. Therefore, this rule should reduce recordkeeping and compliance burdens that might otherwise apply. In addition, the regulations do not impose a collection of information burden on any person, including small entities. Accordingly, it is hereby certified that the regulations regarding the treatment of QIP under sections 250 and 951A will not have a significant economic impact on a substantial number of small entities.

B. Foreign Tax Credit Transition Rules Addressing Post-2017 NOL Carrybacks to Pre-2018 Taxable Years

The foreign tax credit transition rules addressing post-2017 NOL carrybacks to pre-2018 taxable years provide guidance needed to comply with statutory changes and affect individuals and corporations claiming foreign tax credits. Adequate data are not available at this time to certify that a substantial number of small entities would be unaffected. However, the Treasury Department and the IRS have determined that the regulations will not have a significant economic impact on domestic small business entities. Based on information from the Statistics of Income 2017 Corporate File, foreign tax credits as a percentage of three different tax-related measures of annual receipts (see Table for variables) by corporations are substantially less than the 3 to 5 percent threshold for significant economic impact.

Size (by business receipts)	Under $500,000 (%)	$500,000 under $1,000,000 (%)	$1,000,000 under $5,000,000 (%)	$5,000,000 under $10,000,000 (%)	$10,000,000 under $50,000,000 (%)	$50,000,000 under $100,000,000 (%)	$100,000,000 under $250,000,000 (%)	$250,000,000 or more (%)
FTC/Total Receipts	0.12	0.00	0.00	0.00	0.01	0.01	0.02	0.28
FTC/(Total Receipts-Total Deductions)	0.61	0.03	0.09	0.05	0.35	0.71	1.38	9.89
FTC/Business Receipts	0.84	0.00	0.00	0.00	0.01	0.01	0.02	0.05

Source: Statistics of Income (2017) Form 1120.

In addition, these final regulations do not impose a collection of information burden on any person, including small entities. Accordingly, it is hereby certified that the foreign tax credit transition rules addressing post-2017 NOL carrybacks to pre-2018 taxable years will not have a significant economic impact on a substantial number of small entities.

Pursuant to section 7805(f) of the Internal Revenue Code, the notices of proposed rulemaking preceding these final regulations were submitted to the Chief Counsel for Advocacy of the Small Business Administration for comments on their impact on small business, and no comments were received.

IV. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a state, local, or tribal government, in the aggregate, or by the private sector, of $100 million in 1995 dollars, updated annually for inflation. These regulations do not include any Federal mandate that may result in expenditures by state, local, or tribal governments, or by the private sector in excess of that threshold.

V. Executive Order 13132: Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on state and local governments, and is not required by statute, or preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. These regulations do not have federalism implications and do not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Drafting Information

The principal authors of these regulations are Jorge M. Oben, Jeffrey L. Parry, and Larry R. Pounders of the Office of Associate Chief Counsel (International). However, other personnel from the Treasury Department and the IRS participated in their development.

Statement of Availability of IRS Documents

IRS Revenue Procedures, Revenue Rulings, Notices, and other guidance cited in this document are published in the Internal Revenue Bulletin and are available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402, or by visiting the IRS website at *https://www.irs.gov.*

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805.

■ **Par. 2.** Section 1.250–1 is amended by revising the first sentence of paragraph (b) and adding a sentence at the end of the paragraph to read as follows:

§ 1.250–1 Introduction.

* * * * *

(b) * * * Except as otherwise provided in this paragraph (b), §§ 1.250(a)–1 and 1.250(b)–1 through 1.250(b)–6 apply to taxable years beginning on or after January 1, 2021. * * * The last sentence in § 1.250(b)–2(e)(2) applies to taxable years beginning after December 31, 2017.

■ **Par. 3.** Section 1.250(b)–2 is amended by adding a sentence at the end of paragraph (e)(2) to read as follows:

§ 1.250 (b)–2 Qualified business asset investment (QBAI).

* * * * *

(e) * * *

(2) * * * For purposes of applying section 250(b)(2)(B) and this paragraph (e), the technical amendment to section 168(g) (to provide a recovery period of 20 years for qualified improvement property for purposes of the alternative depreciation system) enacted in section 2307(a) of the Coronavirus Aid, Relief, and Economic Security Act, Public Law 116–136 (2020) is treated as enacted on December 22, 2017.

* * * * *

§ 1.904–2 [Amended]

■ **Par. 4.** Section 1.904–2(j)(1)(iii)(D) is amended by removing the language ''§ 1.904(f)–12(j)(5)'' and adding in its place the language ''§ 1.904(f)–12(j)(6)''.

■ **Par. 5.** Section 1.904(f)–12 is amended by:

■ 1. Removing paragraph (j)(6);

■ 2. Redesignating paragraph (j)(5) as paragraph (j)(6); and

■ 3. Adding new paragraphs (j)(5) and (j)(7);

The additions read as follows:

§ 1.904(f)–12 Transition rules.

* * * * *

(j) * * *

(5) *Treatment of net operating losses incurred in post-2017 taxable years that are carried back to pre-2018 taxable years*—(i) *In general.* Except as provided in paragraph (j)(5)(ii) of this section, a net operating loss incurred in a taxable year beginning after December 31, 2017 (a ''post-2017 taxable year''), which is carried back, pursuant to section 172, to a taxable year beginning before January 1, 2018 (a ''pre-2018 carryback year''), will be carried back under the rules of § 1.904(g)–3(b). For purposes of applying the rules of § 1.904(g)–3(b), income in a pre-2018 separate category in the taxable year to which the net operating loss is carried back is treated as if it included only income that would be assigned to the post-2017 general category. Therefore, any separate limitation loss created by reason of a passive category component of a net operating loss from a post-2017 taxable year that is carried back to offset general category income in a pre-2018 carryback year will be recaptured in post-2017 taxable years as general category income, and not as a combination of general, foreign branch, and section 951A category income.

(ii) *Foreign source losses in the post-2017 separate categories for foreign branch category income and section 951A category income.* Net operating losses attributable to a foreign source loss in the post-2017 separate categories for foreign branch category income and section 951A category income are treated as first offsetting general category income in a pre-2018 carryback year to the extent available to be offset by the net operating loss carryback. If the sum of foreign source losses in the taxpayer's separate categories for foreign branch category income and section 951A category income in the year the net operating loss is incurred exceeds the amount of general category income that is available to be offset in the carryback year, then the amount of foreign source loss in each of the foreign branch and section 951A categories that is treated as offsetting general category income under this paragraph (j)(5)(ii), is determined on a proportionate basis. General category income in the pre-2018 carryback year is first offset by foreign source loss in the taxpayer's post-2017 separate category for general category income in the year the net operating loss is incurred before any foreign source loss in that year in the separate categories for foreign branch category income and section 951A category income is carried back to reduce general category income. To the extent a foreign source loss in a post-2017 separate category for foreign branch category income or section 951A category income offsets general category income in a pre-2018 taxable year under the rules of this paragraph (j)(5)(ii), no separate limitation loss account is created.

* * * * *

(7) *Applicability date.* Except as otherwise provided in this paragraph (j)(7), this paragraph (j) applies to taxable years ending on or after December 31, 2017. Paragraph (j)(5) of this section applies to carrybacks of net operating losses incurred in taxable years beginning on or after January 1, 2018.

■ **Par. 6.** Section 1.951A–3 is amended by adding a sentence at the end of paragraph (e)(2) to read as follows:

§ 1.951A–3 Qualified business asset investment.

* * * * *

(e) * * *

(2) * * * For purposes of applying section 951A(d)(3) and this paragraph (e), the technical amendment to section 168(g) (to provide a recovery period of 20 years for qualified improvement property for purposes of the alternative depreciation system) enacted in section 2307(a) of the Coronavirus Aid, Relief, and Economic Security Act, Public Law 116–136 (2020) is treated as enacted on December 22, 2017.

* * * * *

Douglas W. O'Donnell,

Deputy Commissioner for Services and Enforcement.

Approved: September 10, 2021.

Mark J. Mazur,

Acting Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2021–20615 Filed 9–21–21; 4:15 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Parts 531, 578, 579 and 580

RIN 1235–AA21

Tip Regulations Under the Fair Labor Standards Act (FLSA); Partial Withdrawal

AGENCY: Department of Labor, Wage and Hour Division.

ACTION: Final rule.

SUMMARY: In December 2020, the Department promulgated a final rule (2020 Tip final rule) to amend its tip regulations to address the Consolidated Appropriations Act of 2018 (CAA) amendments to section 3(m) of the Fair Labor Standards Act (FLSA), among other things. In this final rule, the Department withdraws two portions of the 2020 Tip final rule that have not yet gone into effect addressing civil money penalties (CMPs) and finalizes proposed changes to those portions of the 2020 Tip final rule. The Department also modifies regulatory provisions adopted by the 2020 Tip final rule addressing managers and supervisors.

DATES: As of November 23, 2021 Wage & Hour is withdrawing the revisions to §§ 578.3, 578.4, 579.1, 579.2, 580.2, 580.3, 580.12, and 580.18, published December 30, 2020, at 85 FR 86756, delayed until April 30, 2021, on February 26, 2021, at 86 FR 11632, and delayed until December 31, 2021, on April 29, 2021 at 86 FR 22597.

This final rule is effective November 23, 2021.

FOR FURTHER INFORMATION CONTACT: Amy DeBisschop, Director of the Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW, Washington, DC 20210, telephone: (202) 693–0406 (this is not a toll-free number). Copies of this final rule may be obtained in alternative formats (Large Print, Braille, Audio Tape, or Disc), upon request, by calling (202) 693–0675 (this is not a toll-free number). TTY/TDD callers may dial toll-free (877) 889–5627 to obtain information or request materials in alternative formats.

Questions of interpretation or enforcement of the agency's existing regulations may be directed to the nearest WHD district office. Locate the nearest office by calling the WHD's toll-free help line at (866) 4US–WAGE ((866) 487–9243) between 8 a.m. and 5 p.m. in your local time zone, or log onto WHD's website at *https://www.dol.gov//whd/contact/local-offices* for a nationwide listing of WHD district and area offices.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

Section 3(m) of the FLSA allows an employer that satisfies certain requirements to count a limited amount of the tips received by its ''tipped employees'' as a credit toward the employer's Federal minimum wage obligation (known as a ''tip credit''). *See* 29 U.S.C. 203(m)(2)(A). In 2018, Congress passed the Consolidated Appropriations Act (CAA), Public Law 115–141, Div. S., Tit. XII, sec. 1201, 132 Stat. 348, 1148–49 (2018), which amended section 3(m). The CAA added a new statutory provision at section 3(m)(2)(B) which expressly prohibits employers from keeping employees' tips

''for any purposes'' regardless of whether the employer claims a tip credit. This includes prohibiting ''managers or supervisors'' from keeping employees' tips. The CAA also amended section 16(e)(2) of the FLSA to give the Department discretion to impose civil money penalties (CMPs) of up to $1,100 when employers unlawfully keep employees' tips. On December 30, 2020, the Department issued a final rule (2020 Tip final rule) that updated the Department's tip regulations to implement the CAA amendments. The 2020 Tip final rule also made other changes to the Department's regulations, including revising the definition of ''willful'' in the Department's CMP regulations.

On March 25, 2021, the Department published a notice of proposed rulemaking (CMP NPRM) in the **Federal Register**, 86 FR 15817, proposing to withdraw and repropose two portions of the 2020 Tip final rule and seeking comment on whether to revise another portion of the 2020 Tip final rule. The Department proposed to withdraw and repropose: (1) The portion of the 2020 Tip final rule incorporating the CAA's new provisions authorizing the assessment of CMPs for violations of section 3(m)(2)(B) of the Act; and (2) the portion of its CMP regulations addressing willful violations. The Department subsequently finalized a delay of the effective date of these portions of the rule until December 31, 2021 to allow the Department to review these and one other portion of the 2020 Tips final rule. In the CMP NPRM, the Department also sought comment on whether to revise certain aspects of the 2020 Tip final rule that apply to ''managers or supervisors'' who perform tipped work and went into effect on April 30, 2021. Section 578.1, as revised by the 2020 Tip final rule, at *85 FR 86756*, and the effective date of which the Department also delayed, will go into effect on December 31, 2021.

After considering the comments, the Department has decided to adopt the NPRM's proposed changes to the portion of the 2020 Tip final rule incorporating the CAA's new provisions authorizing the assessment of CMPs for violations of section 3(m)(2)(B) of the Act, and the portion of its CMP regulations addressing willful violations. The Department has also decided to modify portions of the 2020 Tip final rule addressing managers and supervisors who perform tipped work.

The final rule modifies the CMP provisions for violations of 3(m)(2)(B) included in the 2020 Tip final rule by withdrawing regulatory language in 29 CFR 578.3, 578.4, 579.1, 580.2, 580.3, and 580.12 that limited assessment of CMPs for section 3(m)(2)(B) violations to only repeated or willful violations.[1] This modification upholds the Department's statutorily-granted discretion with regard to section 3(m)(2)(B) CMPs and aligns the Department's regulations with the statutory text. At the same time, the final rule adopts the same rules, procedures, and amount considerations for CMPs for violation of 3(m)(2)(B) as the Department applies for other FLSA CMPs, and therefore preserves consistent enforcement procedures that are familiar to the Department and the public.

The final rule also modifies the amendments made by the 2020 Tip final rule to the portion of the Department's CMP regulations at 29 CFR 578.3(c)(2) and (3) and 29 CFR 579.2 addressing when a violation of section 6 or 7 of the FLSA is willful. Specifically, the rule modifies these regulations by clarifying that multiple circumstances, not just the circumstance identified in §§ 578.3(c)(2) and (3), can be sufficient to show that a violation is willful because it is knowing or is done with reckless disregard for whether the conduct violates the FLSA and by reinserting language addressing the meaning of reckless disregard. These revisions further align the Department's regulations with applicable precedent and how the Department litigates willfulness and provide improved guidance on circumstances where employers' conduct may be willful.

In addition, the Department has decided to modify § 531.54(c)(3) and (d), which currently provide that an employer may not ''include'' managers and supervisors in tip pools or sharing arrangements. The final rule clarifies that while managers and supervisors may not receive tips from mandatory tip pools or tip sharing arrangements, managers or supervisors are not prohibited from contributing tips to eligible employees in mandatory tip pools or sharing arrangements. The Department is also modifying language in § 531.52, as amended by the 2020 Tip final rule, which currently explains that it is not a violation of section 3(m)(2)(B) when a manager or supervisor keeps tips that the manager or supervisor receives directly from customers based on the service that the manager or supervisor directly provides. The modified language clarifies that a manager or supervisor may keep tips only when the tip is based on a service the manager or supervisor directly and ''solely'' provides. Thus, under the Department's tip regulations as revised by this final rule, when a manager or supervisor directly receives tips for services the manager or supervisor directly and solely provides, an employer may allow the manager or supervisor to keep those tips, and may also require the manager or supervisor to share some portion of the tips with other eligible employees. The final regulations reflect the reality that some managers or supervisors perform work for which they receive tips, while ensuring that managers and supervisors do not keep any portion of other employees' tips in violation of section 3(m)(2)(B).

II. Background

A. Tips and Tip Pooling

Section 6(a) of the FLSA generally requires covered employers to pay employees at least the federal minimum wage, which is currently $7.25 per hour. 29 U.S.C. 206(a). Section 3(m)(2)(A) allows an employer to satisfy a portion of its minimum wage obligation to any ''tipped employee'' by taking a partial credit toward the minimum wage based on tips the employee receives. 29 U.S.C. 203(m)(2)(A). An employer may take a tip credit only if, among other requirements, the tipped employee retains all the tips he or she receives. *Id.* An employer taking a tip credit is, however, allowed to require tipped employees to participate in a mandatory, ''traditional'' tip pool[2] in which tipped employees share tips with other employees who ''customarily and regularly receive tips.'' 29 U.S.C. 203(m)(2)(A). The employee must retain sufficient tips to make up the difference between the cash wage paid and the minimum wage. *Id.*

In 2011, the Department issued regulations interpreting what is now section 3(m)(2)(A) to prohibit all covered employers—regardless of whether the employer takes a tip credit—from using employees' tips other than as a credit against its minimum wage obligation to the employee, or in furtherance of valid traditional tip pools. *See* 76 FR 18832, 29 CFR 531.52 (2011); 29 CFR 531.54

[1] The Department also finalizes as proposed the revision to § 580.18(b)(3), which corrected a technical error.

[2] The Department uses the term ''tip pool'' to describe any scenario in which a tip provided by a customer is shared, in whole or in part, between employees. The Department recognizes, however, that in some workplaces or under state laws, the term ''tip pooling'' may refer to a narrower set of practices, and that employers and workers may use other terms—for example ''tip out,'' ''tip sharing,'' or ''tip jar''—to describe certain practices regarding transferring tips between employees. *See* 84 FR 53961.

(2011); 29 CFR 531.59 (2011). These regulations were consistent with the Department's longstanding position on tipped employees, and the Department stated that, although the statutory language did not expressly address the use of an employee's tips when an employer does not take a tip credit and pays a direct cash wage equal to or greater than the minimum wage, the regulations filled a gap in the statutory scheme.[3] *See* 76 FR 18841–42.

On March 23, 2018, Congress enacted the CAA, which amended section 3(m) of the FLSA to expressly prohibit employers from keeping employees' tips ''for any purposes,'' ''regardless of whether or not the employer takes a tip credit.'' *See* Public Law 115–141, Div. S., Tit. XII, sec. 1201; 29 U.S.C. 203(m)(2)(B). Section 3(m)(2)(B) also prohibits employers from ''allowing managers or supervisors to keep any portion of employees' tips.'' *Id.* In addition, the CAA suspended the portions of the Department's 2011 regulations that restricted tip pooling when employers do not take a tip credit, by providing that those regulations ''shall have no further force or effect until any future action taken by [the Department of Labor].'' *See* Public Law 115–141, Div. S, Tit. XII, sec. 1201(c).

The CAA also amended the penalty provisions in section 16 of the FLSA to incorporate the new statutory prohibition on employers keeping tips. Among other things, the CAA amended section 16(e)(2) to authorize the assessment of a civil money penalty (CMP) for violations of section 3(m)(2)(B): ''Any person who violates section 3(m)(2)(B) shall be subject to a civil penalty not to exceed $1,100[4] for each such violation, as the Secretary determines appropriate, in addition to being liable to the employee or employees affected for all tips unlawfully kept, and an additional equal amount as liquidated damages[.]''

Shortly after Congress passed the CAA, the Department issued a Field Assistance Bulletin (FAB) concerning the Wage and Hour Division's (WHD) enforcement of the amendments to section 3(m). *See* FAB No. 2018–3 (Apr. 6, 2018). The Department explained that the CAA had effectively suspended the regulatory restrictions that prohibited an employer that does not take a tip credit from requiring tip pooling, and that ''given these developments, employers who pay the full FLSA minimum wage are no longer prohibited from allowing employees who are not customarily and regularly tipped—such as cooks and dishwashers—to participate in tip pools.'' *Id.* As a result, the Department explained, such employers may implement mandatory, ''nontraditional'' tip pools in which employees who do not customarily and regularly receive tips, such as cooks and dishwashers, may participate. The FAB also explained that the amendments prohibit employers, including managers or supervisors, from keeping tips received by their employees, regardless of whether the employer takes a tip credit under 29 U.S.C. 203(m). In addition, the FAB provided that, as ''an enforcement policy, WHD will use the duties test at 29 CFR 541.100(a)(2)–(4) to determine whether an employee is a manager or supervisor,'' and thus cannot ''keep'' another employee's tips under section 3(m)(2)(B). *Id.* Finally, the FAB stated that the Department will follow its ''normal procedures'' for FLSA CMPs when enforcing the new tips CMP, and will assess tips CMPs only when it determines that a violation of section 3(m)(2)(B) is repeated or willful. *Id.*

B. ''Willful'' Requirement for CMPs for FLSA Minimum Wage and Overtime Violations

Section 16(e)(2) of the FLSA provides for the assessment of CMPs for violations of the minimum wage (section 6), overtime pay (section 7), and, with the enactment of the CAA, tip provisions (section 3(m)(2)(B)) of the FLSA. Section 16(e)(2) authorizes the Department to assess CMPs for minimum wage and overtime pay violations only when the violations are ''repeated[ ] or willful[ ].'' *See* 29 U.S.C. 216(e)(2). The Department's regulations at 29 CFR 578.3(c) and 579.2 address what violations are willful under the Act. These regulations are intended to implement the Supreme Court's decision in *McLaughlin* v. *Richland Shoe Co.,* 486 U.S. 128, 133 (1988), that a willful violation occurs when the employer knew or showed reckless disregard for whether its conduct was prohibited by the FLSA. For many years, these regulations identified two specific circumstances in which a violation ''shall be deemed'' willful. 29 CFR 578.3(c)(2) and (3), 579.2. Specifically, the Department's regulations at sections 578.3(c)(2) and 579.2 provided that ''an employer's conduct shall be deemed knowing,'' among other situations, if the employer received prior advice from WHD that its conduct was unlawful. Additionally, sections 578.3(c)(3) and 579.2 stated that ''an employer's conduct shall be deemed to be in reckless disregard of the requirements of the Act,'' among other situations, if the employer failed to inquire further into the lawfulness of its conduct when it should have. The Department's regulations further provided that WHD shall take into account ''[a]ll of the facts and circumstances surrounding the violation'' when determining whether a violation is willful. 29 CFR 578.3(c)(1), 579.2.

In *Baystate Alt. Staffing, Inc.* v. *Herman,* 163 F.3d 668, 680–81 (1st Cir. 1998), the U.S. Court of Appeals for the First Circuit identified an ''incongruity'' between the regulatory provisions deeming two specific circumstances to be willful, and ''the *Richland Shoe* standard on which the regulation is based'' which takes into account all of the facts and circumstances. The court urged the Department ''to reconsider'' § 578.3(c)(2) and (3) ''to ensure that they comport with'' *Richland Shoe. Id.* at 681 n.16. In 2016, the U.S. Court of Appeals for the D.C. Circuit also addressed these regulations and noted that the Department had not altered them despite being urged to do so by the court in *Baystate. See Rhea Lana, Inc.* v. *Dep't of Labor,* 824 F.3d 1023, 1030–31 (D.C. Cir. 2016).

C. 2020 Tip Final Rule

On October 8, 2019, the Department issued an NPRM proposing to revise the Department's tip regulations to incorporate the CAA amendments, among other things. *See* 84 FR 53956. Because the Department was revising its CMP regulations to incorporate the new CMP provision for section 3(m)(2)(B) violations, the Department also proposed to address the ''willful'' provisions of the Department's existing FLSA CMP regulations in light of the decisions of the courts of appeals in *Baystate* and *Rhea Lana. See id.* at 53964. The Department published the Tip final rule on December 30, 2020. *See* 85 FR 86756. The 2020 Tip final rule was initially scheduled to go into effect on March 1, 2021; however, the Department delayed the 2020 Tip final rule's effective date to April 30, 2021, in order to give the Department additional time to consider issues of law, policy,

[3] In December 2017, the Department published an NPRM proposing to rescind the portions of its 2011 tip regulations that imposed restrictions on employers that do not take a tip credit against their minimum wage obligations, in part because of litigation involving these regulatory provisions. *See* 82 FR 57395. The Department withdrew this NPRM in October 2019 after the CAA amendments to the FLSA directly impacted the subject of the rulemaking. *See* 84 FR 53960. For a more detailed history of this rulemaking, see 86 FR 15817.

[4] The Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134, sec. 31001(s)) and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114–74, sec. 701), requires that inflationary adjustments be made annually in these civil money penalties according to a specified formula.

and fact that warranted additional review. *See* 86 FR 11632. The Department subsequently further delayed the effective date, until December 31, 2021, of three portions of the 2020 Tip final rule, including the two portions addressing CMPs. *See* 86 FR 22597.[5]

Most of the provisions of the 2020 Tip final rule went into effect on April 30, 2021. The 2020 Tip final rule amended the Department's tip pooling regulations at 29 CFR 531.52, 531.54, and 531.59 to implement newly added section 3(m)(2)(B), which prohibits employers—regardless of whether they take a tip credit—from keeping employees' tips for any purposes, and prohibits managers and supervisors from keeping employees' tips. The 2020 Tip final rule explained that section 3(m)(2)(B) proscribes all manner of keeping tips, and is so broad as to prohibit an employer from exerting control over employees' tips other than to (1) distribute tips to the employee who received them, (2) require employees to share tips with other eligible employees, or, (3) where the employer facilitates tip pooling by collecting and redistributing employees' tips, to distribute tips to employees in a tip pool. The 2020 Tip final rule further provided that any employer that collects tips to facilitate a mandatory tip pool must fully redistribute the tips, no less often than when it pays wages, to avoid ''keep[ing]'' the tips in violation of section 3(m)(2)(B).

The 2020 Tip final rule also addressed who is a manager or supervisor, and therefore may not keep employees' tips under section 3(m)(2)(B). The rule defined a ''manager or supervisor,'' as an individual who meets the duties test at § 541.100(a)(2)–(4) or § 541.101. As a result, a manager or supervisor for purposes of section 3(m)(2)(B) is any employee (1) whose primary duty is managing the enterprise or a customarily recognized department or subdivision of the enterprise; (2) who customarily and regularly directs the work of at least two or more other full-time employees or their equivalent; and (3) who has the authority to hire or fire other employees, or whose suggestions and recommendations as to the hiring or firing are given particular weight. The definition also includes as managers or supervisors any individuals who own at least a bona fide 20 percent equity interest in the enterprise in which they are employed and who are actively engaged in its management.

The final rule revised § 531.54 to state that FLSA section 3(m)(2)(B) ''prohibits employers from requiring employees to share tips with managers and supervisors,'' and to state that employers ''may not include supervisors and managers'' in a tip pool. The rule at § 531.52(b) specified, however, that such a manager or supervisor may keep tips that he or she receives directly from customers based on the service that he or she directly provides.

Consistent with the CAA amendments, the 2020 Tip final rule also removed the provisions of the Department's 2011 regulations that imposed restrictions on employers that do not take a tip credit. In addition, the 2020 Tip final rule amended § 531.54 to explicitly state that an employer that pays tipped employees the full minimum wage and does not take a tip credit may require tipped employees to share tips with dishwashers, cooks, or other employees who are not employed in an occupation in which employees customarily and regularly receive tips, as long as that arrangement does not include any employer, supervisor, or manager. The 2020 Tip final rule also incorporated a new recordkeeping requirement for employers that administer such ''nontraditional'' tip pools.

These portions of the 2020 Tip final rule—addressing the CAA's changes to tips and tip pooling in section 3(m) and related recordkeeping requirements, including the provisions on managers and supervisors—went into effect on April 30, 2021. 86 FR 22597.

The 2020 Tip final rule also made changes to the Department's CMP regulations at 29 CFR parts 578, 579, and 580. The Department delayed the effective date of these changes, and the revised provisions have not gone into effect. *See* 86 FR 22597. The 2020 Tip final rule updated the Department's FLSA CMP regulations to add references to the new CMP for violations of 3(m)(2)(B). The 2020 Tip final rule also specified that the Department may assess CMPs only for ''repeated or willful'' violations of section 3(m)(2)(B), although the statute does not include this limitation. The 2020 Tip final rule also amended the Department's CMP regulations at §§ 578.3(c)(2) and 579.2 regarding when a violation is knowing, and thus willful, to address the appellate court decisions that have, for example, ''urge[d]'' the Department to reconsider those regulations to ensure their consistency with the Supreme Court's interpretation of the meaning of ''willful'' in the FLSA. *See* 85 FR 86757. In addition, the 2020 Tip final rule deleted § 578.3(c)(3) and the corresponding language in § 579.2 regarding when a violation is in reckless disregard of the FLSA. *See id.* at 86774.

D. Legal Challenge to the 2020 Tip Final Rule

On January 19, 2021, before the 2020 Tip final rule went into effect, Attorneys General from eight states and the District of Columbia (''AG Coalition'') filed a complaint in the United States District Court for the Eastern District of Pennsylvania, in which they argued that the Department violated the Administrative Procedure Act in promulgating the 2020 Tip final rule.[6] The complaint argues that the 2020 Tip final rule made several changes to the Department's regulations that are contrary to the FLSA and the CAA, including the 2020 Tip final rule's imposition of a willfulness requirement for CMPs for section 3(m)(2)(B) violations, and the rule's revisions to its CMP regulations on willful violations. It further argues that the 2020 Tip final rule's revisions to the Department's CMP regulations on willful violations contradict the longstanding Supreme Court precedent on willfulness. The complaint also asserts that the 2020 Tip final rule's provisions on managers and supervisors improperly prevent certain lower-paid managers and supervisors from receiving tips.

E. The Department's Proposal

On March 25, 2021, the Department issued an NPRM proposing to withdraw and repropose the two portions of the 2020 Tip final rule addressing CMPs and seeking comment on whether to revise another portion of the 2020 Tip final rule. *See* 86 FR 15817. Because of its concerns that the 2020 Tip final rule inappropriately circumscribed the Department's discretion to assess CMPs for violations of 3(m)(2)(B), the Department proposed to withdraw that portion of the rule and adopt regulatory language so that the Department is not limited in its assessment of CMPs to only repeated and willful violations of section 3(m)(2)(B). At the same time, the Department reproposed language that would, similar to the language in the 2020 Tip final rule, adopt the same rules, procedures, and amount considerations for CMPs for violation of 3(m)(2)(B), as the Department applies for other FLSA CMPs. The Department also proposed to withdraw the portion of its CMP regulations addressing

[5] The third portion of the 2020 Tip final rule, delayed until December 31, 2021, addresses when an employee is performing both tipped and non-tipped work (dual jobs) under the FLSA. The Department has issued a separate notice of proposed rulemaking on this issue. *See* 86 FR 32818.

[6] *See* Compl., *Commonwealth of Pennsylvania et al.* v. *Scalia et al.,* No. 2:21–cv–00258 (E.D. Pa.).

willful violations, and reproposed those portions with modifications to further align the regulations with Supreme Court and appellate court decisions and provide improved guidance on circumstances where employers' conduct may be willful. Finally, the Department requested comment on whether to revise the 2020 Tip final rule's language regarding managers or supervisors, which went into effect on April 30, 2021, to better address the fact that some managers and supervisors perform tipped work.[7]

The 60-day comment period for the NPRM ended on May 24, 2021. The Department received 33 unique comments from various constituencies including small business owners, worker advocacy groups, employer and industry associations, non-profit organizations, law firms, attorneys general, and other interested members of the public. All timely received comments may be viewed on the *regulations.gov* website, docket ID WHD–2019–0004. The Department has considered the timely submitted comments addressing the proposed changes and discusses significant comments below.

The Department also received a small number of comments on issues that are beyond the scope of this rulemaking. These include, for example, comments suggesting that the amount of the federal minimum wage should be increased, and comments requesting that the Department revise the regulatory definition of ''managers or supervisors'' that cannot keep employees' tips to include a salary component. The Department does not address those issues in this final rule.

III. Final Regulatory Revisions

A. Civil Money Penalties for Violations of Section 3(m)(2)(B)

The CAA amended FLSA section 16(e), which establishes CMPs for certain violations of the Act, to add new penalty language for employers who violate section 3(m)(2)(B) by ''keep[ing]'' employees' tips. 29 U.S.C. 216(e)(2). This provision states that: ''Any person who violates section 3(m)(2)(B) shall be subject to a civil penalty not to exceed $1,100[8] for each such violation, as the Secretary determines appropriate, in addition to being liable to the employee or employees affected for all tips unlawfully kept . . . .'' Unlike the statutory provisions in section 16(e)(2) setting forth CMPs for minimum wage and overtime violations, the statute does not limit the assessment of CMPs to repeated or willful violations of section 3(m)(2)(B). Instead, the penalty language subjects persons who violate 3(m)(2)(B) to civil penalties ''as the Secretary determines appropriate.''

Although the 2020 Tip final rule acknowledged the Department's discretion to assess CMPs for any violation of section 3(m)(2)(B), the 2020 Tip final rule limited this discretion by restricting CMPs to only repeated or willful violations of section 3(m)(2)(B). In the CMP NPRM, the Department proposed to withdraw the 2020 Tip final rule CMP provisions for violations of 3(m)(2)(B) and adopt regulatory language in 29 CFR 578.3, 578.4, 579.1, 580.2, 580.3, and 580.12 that retains the full discretion granted to the Secretary to assess CMPs for any violation of section 3(m)(2)(B). The Department also proposed to adopt the same rules, procedures, and amount considerations for CMP assessments applicable to violation of section 3(m)(2)(B) as the Department applies to other FLSA CMP assessments.[9] These procedures are found in §§ 578.3, 578.4, 579.1, 580.2, 580.3, and 580.12.

Many commenters, such as the National Partnership for Women & Families and the Employee Rights Center, supported the proposal, stating that it ''aligns with the plain language of the FLSA and Congress's legislative intent.'' Several commenters that supported the proposal noted that it preserved the full discretion the statute grants to the Department to assess CMPs for violations of section 3(m)(2)(B). The AG Coalition noted that by including regulatory language in the proposal that differentiates between violations of section 3(m)(2)(B) and repeated or willful minimum wage and overtime violations, the ''Department retains its discretion to levy CMPs against employers that violate the FLSA, as intended by Congress and limited only by the statute.'' Texas RioGrande Legal Aid stated that the discretion permitted by the proposal would mean that ''DOL investigators will have more tools at their disposal to help workers'' and argued that the Department should not ''hamper its own investigations'' by restricting such discretion.

Other commenters opposed the proposal. The National Restaurant Association (NRA) stated that the Department should instead retain the 2020 Tip final rule requirement that the Department would only assess CMPs for repeated and willful violations of section 3(m)(2)(B), noting that the Department had previously explained that this limitation was ''consistent with how the Department enforces other FLSA wage violations.'' The NRA also argued that making such a differentiation between violations of sections 6 and 7 and violations of section 3(m)(2)(B) will ''destroy the public trust.'' The Department disagrees. The statute itself distinguishes between violations of sections 6 and 7 and violations of section 3(m)(2)(B) with regard to the assessment of CMPs. Thus, removing the 2020 Tip final rule's repeated or willful requirement for section 3(m)(2)(B) CMPs is consistent with the FLSA itself. Moreover, the Department's enforcement of different sections of the FLSA currently varies depending on whether the statutory text limits CMPs to repeated or willful violations or not. The child labor provisions of the FLSA—like the statutory text for violations of section 3(m)(2)(B)—do not limit CMPs to repeated or willful violations. *Compare* 29 U.S.C. 216(e)(1)(A)(i) (''Any person who violates the provisions of sections 212 or 213(c) of this title, relating to child labor . . . shall be subject to a civil penalty . . . for each employee who was the subject of such a violation'') *with* 29 U.S.C. 216(e)(1)(A)(ii) (CMPs for violations that caused the death or serious injury of a child employee ''may be doubled where the violation is a repeated or willful violation''). The Department's final rule will bring the assessment of section 3(m)(2)(B) CMPs into harmony with the statutory text, as is currently the case with the child labor CMP provisions. Furthermore, this final rule adopts the same rules, procedures, and amount considerations for determining section 3(m)(2)(B) CMPs that the Department uses to determine CMPs for other FLSA wage violations. Therefore, the final rule will preserve consistent enforcement procedures familiar to the Department and the public.

The National Federation of Independent Businesses (NFIB) also opposed the proposal. Recognizing that the statute ''vests wide discretion in the Secretary of Labor,'' NFIB asked the Department to keep the ''repeated or

[7] The Department also asked questions about how it might improve the recordkeeping requirements in the 2020 Tip final rule in a future rulemaking.

[8] The CMP amount in the 2020 Tip final rule was adjusted to $1,162 for inflation, as required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134, sec. 31001(s)) and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114–74, sec. 701).

[9] In the 2020 Tip final rule, the Department similarly adopted the same rules, procedures, and considerations applicable to CMP assessments for violations of section 3(m)(2)(B) as the Department applies to other FLSA CMP assessments. As explained above, the Department proposed to withdraw those provisions, which have not gone into effect.

willful'' requirement from the 2020 Tip final rule for small businesses that violate section 3(m)(2)(B). The Department declines to adopt this recommendation, because it would not be consistent with its enforcement in other areas to impose the requirement that CMPs be assessed against small businesses only when the violations committed are repeated and willful. However, NFIB also requested that the Department preserve the requirement that it consider the seriousness of the violation and the size of the employer's business when assessing CMPs for section 3(m)(2)(B). The Department's final rule does preserve that requirement, because, as explained above, it adopts the same longstanding rules and procedures that the Department applies for other FLSA CMPs for the assessment of section 3(m)(2)(B) CMPs. This includes the obligation, required by 29 U.S.C. 216(e)(3), to consider the size of the employer's business when determining the amount of any civil money penalty.

After review of the comments, the Department agrees that it was inappropriate to limit the statutorily-granted discretion by regulation and that instead the regulations should reflect the statutory text. Therefore, the Department finalizes the revisions to 29 CFR 578.3, 578.4, 579.1, 580.2, 580.3, and 580.12 that eliminate the references limiting CMP assessments for violations of section 3(m)(2)(B) to repeated and willful violations as proposed. The Department also finalizes as proposed the other revisions to §§ 578.3, 578.4, 579.1, 580.2, 580.3, and 580.12 which amend those provisions to adopt the same rules, procedures, and amount considerations for tip CMP assessments as the Department applies for other FLSA CMP assessments, which will promote the goals of consistency and familiarity that the Department emphasized in the 2020 Tip final rule.

The Department also finalizes as proposed the revision to § 580.18(b)(3), which eliminates the reference in that regulation to willful violations of section 3(m)(2)(B), which was a technical error in the 2020 Tip final rule, since the CAA Amendments did not provide for criminal penalties for violations of section 3(m)(2)(B).

B. Civil Money Penalties for Willful Violations of the Fair Labor Standards Act

1. Summary of Proposed Changes to Portions of CMP Regulations Addressing When a Violation of Section 6 or Section 7 of the FLSA Is Willful

In addition to revising its regulations to preserve the Department's full discretion to assess CMPs for violations of section 3(m)(2)(B), the Department proposed to further modify §§ 578.3(c) and 579.2 of its CMP regulations, which address when a violation of the FLSA is ''willful,'' and thus subject to a CMP under section 16(e). 86 FR 15822. Specifically, the Department proposed to withdraw and repropose with a modification the language at §§ 578.3(c)(2) and 579.2 addressing when an employer's violation is knowing, and further proposed to reinsert language at §§ 578.3(c)(3) and 579.2 to provide guidance regarding the meaning of reckless disregard.

As previously explained,[10] the Department's definition of a ''willful'' violation in §§ 578.3(c) and 579.2 is based on *McLaughlin* v. *Richland Shoe Co.,* 486 U.S. 128, 133 (1988), which held that a violation is willful if the employer ''knew or showed reckless disregard'' for whether its conduct was prohibited by the FLSA. The Department incorporated this holding into § 578.3(c)(1) of its CMP regulations when they were first promulgated in 1992, and § 578.3(c)(1) further states that ''[a]ll of the facts and circumstances surrounding the violation shall be taken into account in determining whether a violation was willful.'' 29 CFR 578.3(c)(1); 57 FR 49130 (1992). The 2020 Tip final rule made no changes to this language in § 578.3(c)(1), and the Department did not propose any in the CMP NPRM. *See* 86 FR 15822.

The Department's 1992 CMP regulations identified two specific circumstances in which a violation ''shall be deemed'' knowing and in reckless disregard, respectively, and thus willful: Prior advice from WHD to the employer that its conduct was unlawful, and the employer's failure to adequately inquire further into the lawfulness of its conduct when it should have. 57 FR 49130; 29 CFR 578.3(c)(2)–(3). As the Department noted in the NPRM for the 2020 Tip final rule, two appellate courts identified an inconsistency between the 1992 regulations' language, on the one hand, that conduct ''shall be deemed knowing'' if the employer was previously advised by WHD that the conduct was unlawful, and its language, on the other hand, derived from *Richland Shoe,* that WHD shall take into account ''[a]ll of the facts and circumstances surrounding the violation'' when determining willfulness. *See* 84 FR 53964–65 (discussing *Rhea Lana, Inc.* v. *Dep't of Labor,* 824 F.3d 1023, 1030–32 (D.C. Cir. 2016), and *Baystate Alt. Staffing, Inc.* v. *Herman,* 163 F.3d 668, 680–81 (1st Cir. 1998)). The Department also explained in the NPRM for the 2020 Tip final rule that it does evaluate all of the facts and circumstances surrounding a violation when litigating willfulness, notwithstanding the regulatory language that appeared to be to the contrary. *See* 84 FR 53965. Accordingly, the NPRM for the 2020 Tip final rule proposed to revise §§ 578.3(c)(2)–(3) and 579.2 to state that an employer's receipt of advice from WHD that its conduct is unlawful and its failure to inquire further regarding the legality of its conduct are each ''a relevant fact and circumstance'' in determining willfulness. *See* 84 FR 53978.

After considering comments received, the 2020 Tip final rule revised § 578.3(c)(2) and the corresponding language in § 579.2 to state that, in considering all of the facts and circumstances, an employer's receipt of advice from WHD that its conduct was unlawful ''can be sufficient'' to show that the violation is knowing but is ''not automatically dispositive.'' *See* 85 FR 86774. In addition, the 2020 Tip final rule deleted § 578.3(c)(3) and the corresponding language in § 579.2 addressing the meaning of reckless disregard. The 2020 Tip final rule explained that, unlike § 578.3(c)(2), § 578.3(c)(3) does not just identify a fact and address how that fact impacts a willfulness finding; instead, it addresses a scenario—in which an employer should have inquired further into the lawfulness of its conduct but did not do so adequately—that is ''tantamount to reckless disregard.'' *See* 85 FR 86774 (citing *Davila* v. *Menendez,* 717 F.3d 1179, 1185 (11th Cir. 2013)). According to the 2020 Tip final rule, revising § 578.3(c)(3) in the same manner as § 578.3(c)(2) thus ''did not seem helpful.'' *Id.*

In the CMP NPRM, the Department stated that it believed a modification to § 578.3(c)(2) and the corresponding language in section § 579.2 regarding knowing violations was necessary to clarify that other circumstances, not just the circumstance identified in these regulations, can be sufficient to show that a violation is knowing. Accordingly, the Department proposed to withdraw and repropose § 578.3(c)(2)

[10] *See supra* Section II.B.

and the corresponding language in § 579.2 to state that ''the employer's receipt of advice from a responsible [WHD] official . . . to the effect that the conduct in question is not lawful, among other situations, can be sufficient to show that the employer's conduct is knowing, but is not automatically dispositive.'' 86 FR 15823. The Department also explained in the CMP NPRM that, although the preamble to the 2020 Tip final rule stated that an employer's failure to make adequate further inquiry into the lawfulness of its conduct when it should have done so is ''tantamount to reckless disregard,'' the rule's deletion of § 578.3(c)(3) and the corresponding language in § 579.2 could be read as suggesting the opposite. *See id.* Accordingly, the Department proposed to reinsert language in §§ 578.3(c)(3) and 579.2 addressing reckless disregard—specifically, that ''reckless disregard of the requirements of the Act means, among other situations, that the employer should have inquired further into whether its conduct was in compliance with the Act and failed to make adequate further inquiry.'' 86 FR 15823.

2. Comments Regarding Proposed Willfulness Changes

Multiple commenters supported the willfulness changes proposed in the CMP NPRM. The AG Coalition stated that the proposed revisions to §§ 578.3(c)(2) and (3) and 579.2 would address their concerns with the 2020 Tip final rule's amendments to these provisions, which ''[left] the regulated community without guidance in determining when reckless conduct is willful'' (among other concerns). The AG Coalition supported the Department's proposal to ''clarif[y] that there may be other situations'' where a violation can be found knowing, in addition to when an employer has received advice from WHD that its conduct is unlawful. The AG Coalition also supported the Department's proposal to reinstate regulatory text regarding the meaning of reckless disregard in §§ 578.3(c)(3) and 579.2, including the Department's proposal that reckless disregard may be established in situations other than where ''the employer should have inquired further but did not do so adequately.'' [11] The Center for Workplace Compliance (CWC) stated that it was ''pleased to support'' the Department's proposal to retain language in §§ 578.3(c)(2) and 579.2 stating that an employer's receipt of advice from WHD that its conduct was unlawful is ''not automatically dispositive'' of willfulness. According to CWC, this language ''recognizes that employers should not be automatically subject to [CMPs] where legitimate questions exist concerning . . . coverage.''

Commenters representing employees generally supported the proposed willfulness changes in part. Commenters such as Restaurant Opportunities Centers United (ROC United), the North Carolina Justice Center (NCJC), and the National Employment Lawyers Association (NELA) supported the Department's affirmation in the CMP NPRM that the two scenarios identified in its regulations—an employer's receipt of advice from WHD that its conduct was unlawful and an employer's failure to adequately inquire into the lawfulness of its conduct when it should have done so—''can be sufficient'' to establish willfulness. *See also* Texas RioGrande Legal Aid (TRLA) (''TRLA appreciate[s] the DOL's improvement between the prior notice of proposed rulemaking and this reproposal.''). These commenters noted that they understood the Department's concern that the 1992 versions of §§ 578.3(c)(2) and (3) and 579.2 ''may be in tension'' with *Richland Shoe* and with § 578.3(c)(1)'s requirement that all facts and circumstances be considered.[12] However, to give the scenarios identified in the regulations ''the proper weight,'' commenters representing employees recommended that the Department ''establish a rebuttable presumption that a violation is knowing when an employer received notice from WHD that its conduct was unlawful, and that a violation is in reckless disregard of the law if the employer failed to make adequate inquiry into whether its conduct was compliant.'' *See, e.g.,* ROC United; NCJC; NELA; NELP; TRLA.

The NRA and NFIB urged the Department to retain the 2020 Tip final rule's revisions to §§ 578.3(c)(2) and (3) and 579.2. The NRA stated that it supported the 2020 Tip final rule's willfulness changes ''for the reasons that the Department already outlined'' in the 2020 Tip final rule before the Department's ''sudden'' change of opinion in the CMP NPRM. The NFIB supported the 2020 Tip final rule's willfulness changes over those proposed in the CMP NPRM as well, characterizing the 2020 revisions as ''reasonable and practical.'' In the alternative, NFIB requested that the Department retain the 2020 Tip final rule's willfulness changes for ''small and independent businesses.''

3. Discussion of Comments and Rationale for Finalizing Proposed Changes to Portions of CMP Regulations Addressing When a Violation Is Willful

After considering all the comments, the Department is finalizing the revisions to §§ 578.3(c)(2) and (c)(3) and 579.2 as proposed.

The Department continues to believe that revisions to its 1992 regulations regarding when a violation of the FLSA is willful are necessary for the reasons identified in the 2020 Tip final rule: To resolve the tensions identified by appellate courts within § 578.3(c) and between § 578.3(c) and *Richland Shoe* and to align these provisions more closely with how the Department actually litigates. Accordingly, as proposed in the CMP NPRM, the Department is retaining the language in § 578.3(c)(2) and the corresponding language in § 579.2 that an employer's receipt of advice from WHD that its conduct is unlawful is ''not automatically dispositive'' of a knowing violation. By clarifying that an employer's receipt of advice from WHD that its conduct is unlawful is not automatically dispositive, the Department also addresses the concern raised by CWC that such evidence should not ''automatically subject'' an employer to CMPs where the employer has a legitimate disagreement with WHD concerning the FLSA's coverage.

At the same time, this rule's revisions to §§ 578.3(c)(2) and 579.2 affirm that an employer's receipt of advice from WHD that its conduct is unlawful ''can be sufficient'' to show that a violation is knowing and thus willful. In accordance with § 578.3(c)(1), all facts and circumstances surrounding the violation must be taken into account when determining willfulness. However, an employer's receipt of advice from WHD that its conduct is unlawful is a significant, and may be a determining, factor regarding that employer's willfulness.

By finalizing the proposed changes to § 578.2(c)(2) and the corresponding language in § 579.2, this rule also makes explicit, consistent with considering all of the facts and circumstances, that

[11] The AG Coalition also stated that ''section 578.3(c)(2) could be strengthened by re-inserting the 'shall be deemed' language while maintaining consistency with *Richland Shoe,* though the proposed revision is much improved from the 2020 Tip Rule.''

[12] In contrast, NELP stated that ''the longstanding regulatory language'' in §§ 578.3(c)(2) and (3) and 579.2 stating that violations ''shall be deemed'' willful in certain scenarios is ''not in tension with language elsewhere in FLSA regulations and in precedent requiring that 'all of the facts and circumstances' be considered in determining whether a violation was willful.''

evidence other than an employer's receipt of advice from WHD that its conduct was unlawful can be sufficient to show that a violation was knowing. As noted above, the AG Coalition urged the Department to finalize this proposed change. This rule thus makes clear that other circumstances, not just the circumstance identified in § 578.3(c)(2), can be sufficient to show that a violation is knowing.

This rule also restores regulatory text regarding the meaning of willfulness by reinserting language regarding reckless disregard in §§ 578.3(c)(3) and 579.2. The Department agrees with the AG Coalition and advocacy groups representing employees who argued that simply deleting § 578.3(c)(3) and the corresponding language in § 579.2 may have led to confusion and uncertainty. The revised language in §§ 578.3(c)(3) and 579.2 regarding reckless disregard aligns the Department's regulations with appellate court precedent, pursuant to which an employer's failure to adequately inquire into whether it violated the FLSA when it should have done so is considered tantamount to reckless disregard. *See Davila* v. *Menendez,* 717 F.3d 1179, 1184 (11th Cir. 2013). The revisions to § 578.3(c)(3) and the corresponding language in § 579.2 also make clear that reckless disregard can be proven by evidence other than that the employer should have inquired further but did not do so adequately. When determining reckless disregard, the Department must still consider all of the relevant facts and circumstances. *See* § 578.3(c)(1). Accordingly, under revised §§ 578.3(c)(3) and 579.2, an employer is in reckless disregard of the FLSA when, among other situations, the Department determines based on all of the facts and circumstances that the employer should have inquired into whether its conduct was lawful but failed to do so adequately.

The Department appreciates the concern of commenters representing employees that the circumstances identified in §§ 578.3(c)(2) and (3) be accorded appropriate weight in the willfulness analysis. However, the Department declines to incorporate into its regulations a rebuttable presumption that a violation of the FLSA is willful in these scenarios. Any rebuttable presumption would need to be carefully calibrated to ensure that it is consistent with § 578.3(c)(1)'s requirement, derived from *Richland Shoe,* that all facts and circumstances be considered in determining willfulness.[13] Incorporating a rebuttable presumption into these provisions would also create administrative difficulties, as it would require a change in how WHD assesses CMPs and how the Department litigates CMP proceedings.

Moreover, the Department does not agree that incorporating a rebuttable presumption of willfulness into its CMP regulations would accord greater weight to the scenarios identified in §§ 578.3(c)(2) and (3) than is accorded by its revisions to these provisions. As discussed above, under the proposed revisions—which this rule finalizes—an employer's receipt of advice from WHD that its conduct was unlawful ''can be sufficient'' to establish a knowing violation; thus, the revisions accord significant, and possibly determinative, weight to this fact in the willfulness analysis. Additionally, as noted above, an employer is in reckless disregard of the FLSA when, based on all of the facts and circumstances, it should have inquired into the lawfulness of its conduct but failed to do so adequately. Since any rebuttable presumption would need to be carefully calibrated to avoid conflicting with the requirement that all facts and circumstances be considered and would necessitate a change in how the Department administers CMPs and litigates willfulness, and given that incorporating a rebuttable presumption into the regulations would not necessarily accord greater weight to the scenarios in §§ 578.3(c)(2) and (3) and 579.2, the Department declines to incorporate a rebuttable presumption of willfulness into its CMP regulations.

Finally, the Department declines to retain the 2020 Tip final rule's willfulness revisions, as urged by the NRA and NFIB. Upon review of the comments and for the reasons discussed above, the Department believes that the proposed revisions to §§ 578.3(c)(2) and (3) and 579.2 make needed modifications to its CMP regulations.[14] The Department also declines NFIB's suggestion to preserve the 2020 Tip final rule's willfulness revisions for smaller employers. Consistent with the text of section 16(e)(2) of the FLSA, which provides that ''any person who repeatedly or willfully violates'' section 6 or 7 of the FLSA ''shall be subject to a civil penalty,'' 29 U.S.C. 216(e)(2), the Department has always maintained a uniform standard of willfulness applicable to all persons who violate the FLSA. *See* 57 FR 49128. Adopting different standards of willfulness for different sizes of employers would present administrative difficulties for WHD.

Accordingly, the final rule adopts the revisions to §§ 578.3(c)(2) and (c)(3) and 579.2 as proposed.

C. Managers and Supervisors Under 3(m)(2)(B)

Section 3(m)(2)(B) prohibits employers, regardless of whether they take a tip credit, from keeping tips received by employees, ''including allowing managers or supervisors to keep any portion of employees' tips.'' 29 U.S.C. 203(m)(2)(B). Section 531.52(b)(2), as amended by the 2020 Tip final rule, reiterates the prohibition in section 3(m)(2)(B) that ''[a]n employer may not allow managers and supervisors to keep any portion of an employee's tips, regardless of whether the employer takes a tip credit.'' 29 CFR 531.52(b)(2). However, § 531.52(b)(2) clarifies that an employer does not violate 3(m)(2)(B) when a manager or supervisor keeps tips that ''he or she receives directly from customers based on the service that he or she directly provides.'' The Department explained in the 2020 Tip final rule that section 3(m)(2)(B) does not bar managers and supervisors from keeping their own tips but only prohibits managers and supervisors from keeping ''tips received by employees other than themselves.'' *See* 85 FR 86764. Thus, for example, a salon manager may ''keep tips left by customers whose hair she personally styles,'' without violating the statute. *Id.*

In the CMP NPRM, the Department observed that some managers and supervisors may directly engage in a significant amount of tipped work for which they earn tips, and requested comments on whether it could make additional adjustments to the regulations to better address these employees without running afoul of section 3(m)(2)(B)'s prohibition of these individuals ''keeping'' other employees' tips. The Department asked whether language in the current regulation is sufficient to allow managers and supervisors to retain the tips they earn from customer service work. The Department also requested comment on whether it should modify the regulation to clarify that managers and supervisors can contribute tips to mandatory tip

[13] Additionally, courts have made clear that the burden of proving that an employer acted willfully ultimately falls in the employee. *See, e.g., Davila,* 717 F.3d at 1184–85.

[14] The Department notes that it disagrees with the NRA's assertion that the proposed willfulness changes represent a ''sudden'' change in position from the 2020 Tip final rule. Although the proposed revisions make important and needed modifications to §§ 578.3(c)(2) and (3) and 579.2, these revisions clearly build upon rather than depart from the fundamental reasoning behind and objectives of the 2020 Tip final rule's willfulness revisions: To better align the Department's CMP regulations with appellate court precedent and with how the Department actually litigates willfulness.

pools. In addition, the Department asked general questions about managers and supervisors and tipped work, including: (1) How commonly managers and supervisors perform tipped work; (2) whether, prior to the CAA, managers and supervisors who perform tipped work typically participated in tip pools or tip sharing arrangements; and (3) whether it is common for tips provided for work performed by a manager or supervisor to be commingled with other employees' tips.

1. Managers and Supervisors May Keep Tips They Directly Receive for Service They Directly and Solely Provide

Commenters—representing both employers and employees—generally noted that it is not unusual for managers and supervisors in service industries to perform tipped work. *See* Werman Salas; NRA. NRA stated that, in the restaurant industry, managers and supervisors ''take orders,'' and ''serve food . . . on [a] daily basis throughout the country.'' NRA also explained that, in ''some circumstances,'' a ''manager might be the only individual serving tables because it is a slow day or because it is an event outside the restaurant location and only supervisors are managing it.'' One brewery employer noted that its bar manager has three jobs codes—manager, bartender, and brewery assistant—and that ''there are many times'' when the manager ''must change roles and work under a bartender job code for 4 hours of a 6 hour shift.'' The commenter further noted that even in large restaurants, ''[i]f a bartender doesn't show up for work,'' the manager may be ''forced to stop managing and become the bartender for a night.'' Commenters also indicated that managers and supervisors are performing more tipped work as a result of the COVID–19 pandemic. The Employment Rights Center commented that, as a result of the pandemic, a manager might, for example, be more likely to ''serve an unexpected in-person table, while a server is staffing a takeout counter or preparing to-go orders.'' ROC United stated that managers and supervisors at full-service restaurants ''have performed tipped work on a daily and hourly basis over the last year.''

Nearly all commenters supported regulatory language allowing managers and supervisors who receive their own tips for services they directly provide to keep those tips. *See, e.g.,* Economic Policy Institute (EPI); Employee Rights Center; Public Justice Center; Kentucky Equal Justice Center; National Employment Lawyers Association; National Employment Law Project; NFIB; National Partnership for Women and Families; National Women's Law Center; ROC United; and Worker Justice Center of New York. NFIB stated that this policy, ''reasonably recognizes situations in which a manager or supervisor provides leadership services with respect to other employees, but also furnishes services to customers on the same basis as those employees, as happens frequently, for example, in the restaurant business.'' One individual commenter, however, argued that managers and supervisors should not be able to keep the tips that they receive for their direct service, as this would incentivize managers or supervisors to ''use less staff, so they 'have to' lend a hand.''

Commenters also described instances in which tips provided for work performed by a manager or supervisor may be commingled with tips provided to other tipped employees. Werman Salas commented that commingling frequently occurs in two scenarios: When a manager or supervisor ''performs tipped work alongside other tipped employees and there is a common tip jar,'' or when the manager or supervisor assists with tipped work, but ''is not solely responsible for the service that results in the gratuity being given by the customer.'' For example a manager or supervisor might run food to a table, but the ''server is otherwise responsible for the balance of the guest experience.'' *Id.*

The Department requested comments on whether it was possible to modify the regulations so that a manager or supervisor could retain tips in commingling scenarios without allowing the manager or supervisor to keep other employees' tips in violation of 3(m)(2)(B). Commenters who responded to this question generally stated that such an approach was not feasible because it will often be impossible to determine the amount of the tip ''earned'' by the manager or supervisor. *See* Werman Salas; NWLC. For example, NWLC stated that when a customer leaves a single tip for a service experience in which both a manager or supervisor and a non-managerial tipped employee participate, it is not possible to attribute a portion of the tip to the manager or supervisor. Rather than revise the language in § 531.52(b)(2) to allow a manager or supervisor to keep commingled tips, these commenters proposed revising the regulation to ''state the opposite'' and provide that a manager or supervisor may keep a tip he or she directly receives for service he or she directly provides only if the tip is not commingled with and is segregable from other employees' tips. Werman Salas Law Firm; *see also* NWLC. NRA, on the other hand, agreed generally that ''tips to managers and supervisors should not be 'commingled' with tips provided to tipped employees,'' but suggested that managers and supervisors could pool tips among themselves. According to the NRA, ''no tipped employee shares tips with a supervisor or manager'' in these scenarios.

Having carefully considered the comments, the Department has decided to slightly modify the statement in § 531.52(b)(2) that a manager or supervisor may keep tips that ''he or she receives directly from customers based on the service that he or she directly provides.'' In this final rule, the Department amends the regulatory language to clarify that a manager or supervisor may keep tips only for services the manager or supervisor directly and ''solely'' provides. Particularly given comments highlighting the prevalence of tipped work among managers and supervisors in the service industry, it is important that the Department's regulations continue to reflect the fact that section 3(m)(2)(B) does not prohibit managers and supervisors who are tipped employees from keeping tips that are theirs alone. Moreover, as one individual commenter noted, if managers and supervisor cannot keep such tips, it is unclear who would be entitled to them.

However, by clarifying that a manager or supervisor may keep tips only for services the manager or supervisor directly and ''solely'' provides, the modified regulatory text will prevent managers and supervisors from keeping tips when it is not possible to attribute the tip solely to the manager or supervisor. The modified regulatory text thus helps to ensure that managers and supervisors do not keep ''any portion'' of other employees' tips, *see* 29 U.S.C. 203(m)(2)(B). With respect to commenters' suggestion that the Department specify that such tips must be segregable from or not commingled with other employees' tips, the Department believes that the clarified language of § 531.52(b)(2) makes clear that a manager or supervisor may keep only those tips that the manager or supervisor receives directly for a service that the manager or supervisor directly and solely provides. Thus, a manager who serves her own tables may keep her own tips, for example. However, when a manager simply runs food to a table for which a server is otherwise responsible, she may not keep any portion of the tip the customer leaves for the server since that tip was not earned solely by the manager or supervisor.

The Department also declines to amend the regulations to allow mandatory tip pools comprised only of managers and supervisors, as proposed by NRA. The statute does not permit such arrangements: Managers and supervisors are employees under the FLSA, *see* 29 U.S.C. 203(e)(1), and 3(m)(2)(B) prohibits employers from allowing managers or supervisors to keep other ''employees' tips.'' [15] This includes other managers and supervisors' tips. Moreover, to permit scenarios in which a higher-ranking manager or supervisor—for example, the general manager of a restaurant—could keep tips from a lower-ranking manager or supervisor—for example, a shift supervisor who also tends bar—would undermine the CAA's mandate of preventing employers and their agents from keeping employees' tips.

2. Managers and Supervisors May Contribute Tips To, But Not Receive Tips From, Tip Pools

In this final rule, the Department also amends §§ 531.54(c)(3) and 531.54(d) to clarify that an employer may not allow a manager or supervisor to receive tips from employer-mandated tip pools or tip sharing arrangements, but may require a manager and supervisor to contribute tips to such an arrangement. As discussed above, section 3(m)(2)(B) prohibits managers and supervisors from keeping any portion of other employees' tips. *See also* § 531.52(b)(2). Sections 531.54(c)(3) and (d), as amended by the 2020 Tip final rule, implement this prohibition by barring employers from ''includ[ing]'' such managers and supervisors in mandatory tip pools. The preamble accompanying the 2020 Tip final rule interpreted § 531.54(c)(3) and (d) to prohibit employers from requiring managers and supervisors to contribute, as well as from allowing them to receive, tips from mandatory tip pooling or sharing arrangements. 85 FR 86764. As a result of the Department's interpretation in the 2020 Tip final rule, a restaurant employer, for example, can require non-managerial servers to give a portion of their tips to the bussers, but is prohibited from requiring a manager who also serves tables to similarly contribute. Or a salon employer may require non-supervisory stylists to share a portion of tips with the shampoo assistant, but cannot require a stylist who is also a supervisor to do the same. In the CMP NPRM, the Department therefore sought comment on whether it should adjust its regulations to allow managers and supervisors, like other employees who receive tips, to contribute tips to eligible employees in mandatory tip pools or tip sharing arrangements, so long as: (1) They do not *receive* any tips from a pool; or (2) alternatively, so long as they receive out of the tip pool no more than what they contributed.

Commenters overwhelmingly supported a change to allow employers to require managers and supervisors, like other employees who receive tips, to contribute to tip pooling or sharing arrangements. *See, e.g.,* EPI; Employee Rights Center; Public Justice Center; ROC United; North Carolina Justice Center; Workplace Justice Project; National Employment Lawyers Association; National Employment Law Project; Kentucky Equal Justice Center; National Partnership for Women and Families; National Women's Law Center; Worker Justice Center of New York; NRA.[16] NRA noted that mandatory tip sharing arrangements in which managers or supervisors who have ''responsibility for serving tables'' share a portion of their tips with bartenders, bussers, or other employees who help them, are common in the restaurant industry. Commenters also stated that allowing managers and supervisors who earn tips to contribute them to eligible employees in mandatory tip pools would benefit non-managerial employees. *See* Werman Salas; NRA. In addition, the Center for Workplace Compliance commented that modifying the regulations to allow managers and supervisors to contribute to mandatory tip pools would benefit employers by giving them ''a little more flexibility to adopt tip pooling practices that work best in their industry.'' NRA also stated that the statute does not prohibit employers from requiring managers and supervisors to share their own tips.

To the extent that commenters addressed the possibility of allowing managers and supervisors who contribute tips to a tip pool to receive tips from the arrangement up to the amount they contributed, commenters opposed this alternative. *See* Werman Salas; NRA. Werman Salas asserted that a policy allowing managers or supervisors to receive some tips from a tip pool, but no more than what the manager or supervisor contributes, ''would be difficult or impossible to apply.'' In contrast, allowing employers to require managers and supervisors to contribute a portion of their tips to mandatory tip pooling or sharing arrangements, while preserving ''the prohibition on managers and supervisors receiving any tips from such pooling or sharing arrangements'' would maintain ''the integrity of the tip pooling arrangements without improper participation from managers or supervisors.''

Having considered the comments, the Department adopts changes to its regulations to clarify that, while an employer may not allow a manager or supervisor to keep other employees' tips by receiving tips from a tip pool or tip sharing arrangement, section 3(m)(2)(B) does not prohibit an employer from requiring a manager and supervisor who receives tips directly from customers to contribute some portion of those tips to eligible employees in an employer-mandated tip pooling or tip sharing arrangement. The final rule similarly provides that employers—some of whom may themselves be managers or supervisors who perform tipped work—may not receive tips from a tip pool or sharing arrangement, but does not bar employers who receive tips directly from customers from sharing those tips with their employees.

The Department agrees with commenters that allowing employers to require managers and supervisors to

[15] A manager or supervisor who performs tipped work may satisfy the definition of a ''tipped'' employee under section 3(t) because they are engaged in an occupation in which they ''customarily and regularly receive[ ] more than $30 a month in tips.'' *See* 29 U.S.C. 203(t). Under those circumstances, an employer may take a tip credit for the hours worked in the tipped occupation pursuant to section 3(m)(2)(A), assuming that all other requirements for the tip credit are satisfied. If the employer does so, it may not require the tipped manager to contribute tips to a nontraditional tip pool, and may only require the tipped manager or supervisor to contribute their tips to a traditional tip pool comprised of other tipped employees. Regardless of whether an employee is engaged in a tipped occupation, however, if the employee satisfies the duties test for managers and supervisors, including the requirement that management is the employee's primary duty, the employee cannot *receive* other employees' tips from a mandatory tip pool or tip sharing arrangement pursuant to section 3(m)(2)(B). Thus, even if a manager or supervisor is engaged as a tipped employee under section 3(t) and can be paid with a tip credit and participate in a tip pool under section 3(m)(2)(A), they may also still qualify as manager or supervisor under 3(m)(2)(B), in which case they would be prohibited from receiving tips from the tip pool, and from otherwise keeping other employees' tips.

[16] Several commenters argued that permitting managers and supervisors to contribute to mandatory tip sharing arrangements ''makes it all the more important that only employees who are bona fide managers and supervisors are classified as such,'' and urged the Department to reconsider the definition of ''manager or supervisor'' adopted in its 2018 FAB and 2020 Tip final rule. ROC United; NELP; National Partnership for Women and Families. These commenters urged the Department to include a salary component in the definition. The CMP NPRM did not contemplate changes to the regulatory definition of the terms ''manager or supervisor,'' however, and revisions incorporating a salary level are outside of the scope of this rulemaking. The Department lacks sufficient information to consider such changes as part of the final rule.

share their tips with other eligible employees will benefit non-managerial employees. When managers or supervisors contribute tips to mandatory tip pools, non-managerial employees (*e.g.,* bussers, other servers, and bartenders) may earn more from the pool and tipped non-managerial employees (*e.g.,* servers and bartenders) may be required to contribute less to the pool. The Department believes that allowing employers to require managers and supervisors, like other employees who receive tips, to contribute to tip sharing is particularly important given that managers or supervisors may have the opportunity to serve the largest tables or groups of customers, or work the more desirable shifts. In addition, the Department takes note of commenters' statement that section 3(m)(2)(B) does not expressly prohibit employers from requiring managers or supervisors to share tips.

The Department expressed concerns in the 2020 Tip final rule that allowing managers and supervisors to participate in tip pools for one purpose (contributing tips) and not for another (receiving tips) could ''create confusion among employers and employees,'' and lead to situations in which compliance is difficult. 85 FR 86764. On further consideration, however, the Department has determined that any compliance difficulties created by this policy are minimal and are outweighed by the benefits noted above. The far more intractable challenge for compliance and enforcement, as commenters noted, would be to allow managers and supervisors to contribute to employer-mandated tip pooling or tip sharing arrangements and also receive tips from the pool. Under such a policy, it would be very difficult to ensure that managers and supervisors are not taking more than the equivalent of their own tips in violation of the statute. The Department believes, however, that employers can more easily implement a bright line rule in which managers or supervisors contribute tips to mandatory tip sharing arrangements, but do not receive any tips from those arrangements.

As finalized, § 531.54(c)(3) and (d) provide that, consistent with section 3(m)(2)(B) of the FLSA, an employer may not receive and may not allow a manager or supervisor to receive any tips from a tip pool or tip sharing arrangement. As amended, the regulations do not prohibit an employer from contributing tips to, or from requiring a manager and supervisor who receives tips to contribute tips to, eligible employees in an employer-mandated tip pooling or tip sharing arrangement. When a manager or supervisor directly receives tips for a service the manager or supervisor directly and solely provides, an employer may allow the manager or supervisor to keep the tips, and may also require the manager or supervisor to share some portion of the tips with other eligible employees. Neither of these options runs afoul of section 3(m)(2)(B)'s prohibition on managers and supervisors ''keep[ing]'' other employees' tips.

IV. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.,* and its attendant regulations, 5 CFR part 1320, require the Department to consider the agency's need for its information collections, their practical utility, the impact of paperwork and other information collection burdens imposed on the public, and how to minimize those burdens. This final rule does not contain a collection of information subject to OMB approval under the PRA.

V. Analysis Conducted in Accordance With Executive Order 12866, Regulatory Planning and Review and Executive Order 13563, Improved Regulation and Regulatory Review

A. Introduction

Under Executive Order 12866, OMB's Office of Information and Regulatory Affairs (OIRA) determines whether a regulatory action is significant and, therefore, subject to the requirements of the Executive Order and OMB review.[17] Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as a regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities (also referred to as economically significant); (2) create serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. OIRA has determined that this rule is not economically significant under section 3(f) of Executive Order 12866.

[17] *See* 58 FR 51735, 51741 (Oct. 4, 1993).

Executive Order 13563 directs agencies to, among other things, propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs; that it is tailored to impose the least burden on society, consistent with obtaining the regulatory objectives; and that, in choosing among alternative regulatory approaches, the agency has selected those approaches that maximize net benefits. Executive Order 13563 recognizes that some costs and benefits are difficult to quantify and provides that, when appropriate and permitted by law, agencies may consider and discuss qualitatively values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts. The analysis below outlines the impacts that the Department anticipates may result from this rule and was prepared pursuant to the above-mentioned executive orders.

Pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (also known as the Congressional Review Act) (5 U.S.C. 801 *et seq.*), OIRA has not designated this rule as a major rule, as defined by 5 U.S.C. 804(2).

B. Background

In this final rule, the Department modifies the portion of the 2020 Tip final rule incorporating the CAA's new provisions authorizing the assessment of CMPs for violations of section 3(m)(2)(B) of the Act. The Department also modifies an additional portion of its CMP regulations addressing willful violations. Because these changes will only apply when an employer violates the FLSA, the Department does not believe that they will have an impact on costs or transfers. The Department has also decided to clarify in this final rule that while managers and supervisors may not receive tips from tip pools or tip sharing arrangements, managers or supervisors are not prohibited from contributing to mandatory tip pools or sharing arrangements. The Department has discussed this change qualitatively due to data limitations. Other provisions codifying the CAA amendments were already discussed and quantified in the 2020 Tip final rule, and so have not been quantified again here. The only costs quantified here are the rule familiarization costs associated with reviewing the rule. The Department qualitatively discusses possible benefits associated with this rule.

C. Costs

1. Rule Familiarization Costs

Regulatory familiarization costs represent direct costs to businesses associated with reviewing the new regulation. It is not clear whether regulatory familiarization costs are a function of the number of establishments or the number of firms.[18] Presumably, the headquarters of a firm will conduct the regulatory review for businesses with multiple locations, and may also require these locations to familiarize themselves with the regulation at the establishment level. To avoid underestimating the costs of this rule, the Department uses both the number of establishments and the number of firms to estimate a potential range for regulatory familiarization costs. The lower bound of the range is calculated assuming that one specialist per firm will review the rule, and the upper bound of the range assumes one specialist per establishment.

The most recent data on private sector entities at the time this rule was drafted are from the 2017 Statistics of U.S. Businesses (SUSB).[19] The Department limited this analysis to a few industries that were acknowledged to have tipped workers in the 2020 Tip final rule. These industries are classified under the North American Industry Classification System (NAICS) as 713210 (Casinos), 721110 (Hotels and Motels), 722410 (Drinking Places (Alcoholic Beverages)), 722511 (Full-service Restaurants), 722513 (Limited Service Restaurants), and 722515 (Snack and Nonalcoholic Beverage Bars). The Department understands that there may be entities in other industries with tipped workers who may review this rule, but did not receive any comments about other industries that should be included in the analysis. See Table 1 for a list of the number of firms and establishments in each of these industries.

TABLE 1—FIRMS AND ESTABLISHMENTS IN TIPPED INDUSTRIES

Industry	Firms	Establishments
NAICS 713210 (Casinos)	221	292
NAICS 721110 (Hotels and Motels)	42,795	53,869
NAICS 722410 (Drinking Places (Alcoholic Beverages))	39,323	40,156
NAICS 722511 (Full-Service Restaurants)	217,111	250,871
NAICS 722513 (Limited Service Restaurants)	157,353	251,100
NAICS 722515 (Snack and Nonalcoholic Beverage Bars)	47,112	65,010
Total	503,915	661,198

Source: Statistics of U.S. Businesses 2017.

The Department believes 30 minutes per entity, on average, to be an appropriate review time for this rule, because most of the information related to the CAA amendments that employers would have to familiarize themselves with was already captured in the 2020 Tip final rule. The changes in this rule are small, and one is consistent with the Department's existing enforcement. This review time represents an average of employers who will spend less than 30 minutes reviewing, and others who will spend more time. In the NPRM, the Department estimated that average review time would be 15 minutes, but has increased it here to account for the additional provisions on managers' participation in tip pools.

The Department's analysis assumes that the rule would be reviewed by Compensation, Benefits, and Job Analysis Specialists (SOC 13–1141) or employees of similar status and comparable pay. The median hourly wage for these workers was $32.30 per hour in 2020, the most recent year of data available.[20] The Department also assumes that benefits are paid at a rate of 46 percent [21] and overhead costs are paid at a rate of 17 percent of the base wage, resulting in a fully loaded hourly rate of $52.65.

The Department estimates that the lower bound of regulatory familiarization cost range would be $13,265,562 (503,915 firms × $52.65 × 0.5 hours), and the upper bound, $17,406,037 (661,198 establishments × $52.65 × 0.5 hours). The Department estimates that all regulatory familiarization costs would occur in Year 1.

Additionally, the Department estimated average annualized costs of this rule over 10 years. Over 10 years, it would have an average annual cost of $1.8 million to $2.3 million, calculated at a 7 percent discount rate ($1.5 million to $1.9 million calculated at a 3 percent discount rate). All costs are in 2020 dollars.

D. Transfers Associated With Managers' Contributing to Tip Pools

As noted above, in the 2020 Tip final rule, the Department implemented section 3(m)(2)(B) of the FLSA by prohibiting employers from including managers or supervisors in mandatory tip pooling or sharing arrangements. *See* 29 CFR 531.54(c)(3), (d) (April 30, 2021). The preamble accompanying the 2020 Tip final rule interpreted § 531.54(c)(3) and (d) to prohibit employers from requiring managers and supervisors to contribute, as well as from allowing them to receive, tips from mandatory tip pooling or sharing arrangements. 85 FR 86764. This final rule clarifies that managers and supervisors are not prohibited from contributing to eligible employees in mandatory tip pools or sharing arrangements, but they may not receive tips from tip pools or tip sharing arrangements. If, prior to this final rule, a manager was prevented from contributing to tip pools, but is now able to contribute following this rule, their tipped income and overall earnings could decrease, while the tipped income and overall earnings of the other employees in the tip pool could increase. The magnitude of this change could be estimated by observing how managers' and non-manager employees' tipped income and overall earnings changed following the provisions of the 2020 Tip final rule that

[18] An establishment is a single economic unit that produces goods or services. Establishments are typically at one physical location and engaged in one, or predominantly one, type of economic activity. An establishment is in contrast to a firm, or a company, which is a business and may consist of one or more establishments.

[19] Statistics of U.S. Businesses 2017, *https://www.census.gov/data/tables/2017/econ/susb/2017-susb-annual.html,* 2017 SUSB Annual Data Tables by Establishment Industry.

[20] Occupational Employment and Wages, May 2020. *https://www.bls.gov/oes/current/oes131141.htm.*

[21] The benefits-earnings ratio is derived from the Bureau of Labor Statistics' Employer Costs for Employee Compensation data using variables CMU1020000000000D and CMU1030000000000D.

prevented managers from contributing to tip pools. Although the Department lacks comprehensive data on the number of managers who perform tipped work, the Department used data from the Current Population Survey (CPS) to estimate the number of people in the occupation ''First-Line Supervisors of Food Preparation and Serving Workers.'' The Department acknowledges that this could be an undercount of the number of food service managers or supervisors who receive tips, and that this is not the only industry in which managers may receive tips. According to CPS, in 2019 there were 590,900 First-Line Supervisors of Food Preparation and Serving Workers.[22] Their overall average hourly earnings were $17.48 (includes hourly and non-hourly workers and tipped and non-tipped workers). Of those workers who are paid hourly, 24 percent report regularly receiving tips, overtime, or commissions (this question is only asked of hourly workers). After backing out estimated overtime pay, the Department estimates that these First-Line Supervisors of Food Preparation and Serving Workers earned an average of $19.71 per hour, which includes $5.68 per hour in tips. Several commenters asserted that it is common for managers and supervisors to perform tipped work. For example, Werman Salas stated, ''Our experience from litigation is that managers and supervisors who arguably satisfy the executive employee duties test also frequently perform tipped work. For example, in litigation against a national casual dining establishment, both assistant managers and managers who arguably met the duties test for executive employees, frequently greeted customers and ran food to tables as part of promoting the 'guest experience.''' The Department did not receive any comments with data on the earnings of these managers and supervisors.

It would also be difficult to discern whether any change in earnings would be related to the provisions of the 2020 Tip final rule that prevented managers from contributing to mandatory tip pools, because the rule had only been in effect since April 30, 2021. Prior to the 2020 Tip final rule, it was unclear to the regulated community whether an employer could require a manager to contribute to tip pools following the 2018 CAA amendments. *See* NRA, Comment on the 2019 Tip NPRM (requesting clarity on this issue).

E. Benefits

This rule replaces regulatory language in the CMP regulations so that the Department is not limited in its assessment of tip CMPs to only repeated and willful violations of section 3(m)(2)(B). This change is consistent with the text of section 16(e) of the FLSA, which provides that ''[a]ny person who violates section 3(m)(2)(B) shall be subject to a civil penalty . . . for each such violation, as the Secretary determines appropriate.'' 29 U.S.C. 216(e). The Department believes that this change, by ensuring that the Department has the ability to impose CMPs for violations of section 3(m)(2)(B) when it deems appropriate, can help improve the enforcement of the statute, potentially discourage more employers from violating the FLSA, and better ensure that employees keep the tips they receive.

This rule also revises portions of the Department's CMP regulations regarding when a violation of section 6 (minimum wage) or section 7 (overtime) of the FLSA is ''willful,'' and thus subject to a CMP under section 16(e). As discussed above, these portions of the Department's regulations are based on *McLaughlin* v. *Richland Shoe Co.,* 486 U.S. 128, 133 (1988), which held that a violation is willful if the employer ''knew or showed reckless disregard.'' This rule modifies the CMP regulations to clarify that multiple circumstances, including those not specified in the rule, can be sufficient to show a knowing violation of section 6 or 7. The Department also reinserts language in the CMP regulations to address the meaning of reckless disregard. The Department believes that these revisions will better align its CMP regulations with how it actually litigates willfulness and make clearer to the regulated community when a violation is knowing or in reckless disregard and thus willful. This increased clarity will enable employers to better understand when they may be subject to a CMP for violating the FLSA's minimum wage or overtime requirements, which may enhance the penalty's deterrent effect.

This rule revises the Department's regulation addressing managers and supervisors who cannot keep other employees' tips under section 3(m)(2)(B) of the FLSA. The final rule provides that managers and supervisors cannot receive tips from tip pools or tip sharing arrangements, but does not prohibit managers and supervisors, who may earn their own tips from customers, from contributing tips to such arrangements. The Department believes that these changes will result in increased flexibility in tip pooling arrangements.

VI. Regulatory Flexibility Act (RFA) Analysis

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121 (1996), requires federal agencies engaged in rulemaking to consider the impact of their proposals on small entities, consider alternatives to minimize that impact, and solicit public comment on their analyses. The RFA requires the assessment of the impact of a regulation on a wide range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions. Accordingly, the Department examined this rule to determine whether it would have a significant economic impact on a substantial number of small entities. The most recent data on private sector entities at the time this rule was drafted are from the 2017 Statistics of U.S. Businesses (SUSB).[23] The Department limited this analysis to a few industries that were acknowledged to have tipped workers in the 2020 Tip final rule. These industries are classified under the North American Industry Classification System (NAICS) as 713210 (Casinos), 721110 (Hotels and Motels), 722410 (Drinking Places (Alcoholic Beverages)), 722511 (Full-service Restaurants), 722513 (Limited Service Restaurants), and 722515 (Snack and Nonalcoholic Beverage Bars). The SUSB reports that these industries have 503,915 private firms and 661,198 private establishments. Of these, 501,322 firms and 554,088 establishments have fewer than 500 employees.

The per-entity cost for small business employers is the regulatory familiarization cost of $26.33, or the fully loaded mean hourly wage of a Compensation, Benefits, and Job Analysis Specialist ($52.65) multiplied by ½ hour (thirty minutes). Because this cost is minimal for small business entities, and well below one percent of

[22] The Department notes that this analysis relies on data from 2019, which is prior to the COVID pandemic, because it believes that 2019 data provides a more accurate picture of the restaurant industry going forward than 2020 data. Due to the COVID–19 pandemic, many food services and drinking places (NAICS 722) adjusted their business models, and employment in this industry subsector fell in 2020. *See* Ansell, R. and Mullins, J. (2021), ''COVID–19 ends longest employment recovery and expansion in CES history, causing unprecedented job losses in 2020,'' Monthly Labor Review, U.S. Bureau of Labor Statistics, June 2021, *https://doi.org/10.21916/mlr.2021.13.* However, although employment in this industry subsector has recovered significantly in 2021, it still remains below its January 2020 level. *See Id.*

[23] Statistics of U.S. Businesses 2017, *https://www.census.gov/data/tables/2017/econ/susb/2017-susb-annual.html,* 2016 SUSB Annual Data Tables by Establishment Industry.

their gross annual revenues, which is typically at least $100,000 per year for the smallest businesses, the Department certifies that this rule will not have a significant economic impact on a substantial number of small entities.

VII. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA) [24] requires agencies to prepare a written statement for rules with a federal mandate that may result in increased expenditures by state, local, and tribal governments, in the aggregate, or by the private sector, of $165 million ($100 million in 1995 dollars adjusted for inflation) or more in at least one year.[25] This statement must: (1) Identify the authorizing legislation; (2) present the estimated costs and benefits of the rule and, to the extent that such estimates are feasible and relevant, its estimated effects on the national economy; (3) summarize and evaluate state, local, and tribal government input; and (4) identify reasonable alternatives and select, or explain the non-selection, of the least costly, most cost-effective, or least burdensome alternative. This rule is not expected to result in increased expenditures by the private sector or by state, local, and tribal governments of $165 million or more in any one year.

VIII. Executive Order 13132, Federalism

The Department has (1) reviewed this rule in accordance with Executive Order 13132 regarding federalism and (2) determined that it does not have federalism implications. The rule would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

VII. Executive Order 13175, Indian Tribal Governments

This rule would not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

List of Subjects

29 CFR Part 531

Wages.

29 CFR Part 578

Penalties, Wages.

29 CFR Part 579

Child labor, Penalties.

29 CFR Part 580

Administrative practice and procedure, Child labor, Penalties, Wages.

For the reasons set forth above, the Department amends title 29, parts 531, 578, 579, and 580 of the Code of Federal Regulations as follows:

PART 531—WAGE PAYMENTS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

■ 1. The authority citation for part 531 continues to read as follows:

Authority: 29 U.S.C. 203(m) and (t), as amended by sec. 3(m), Pub. L. 75–718, 52 Stat. 1060; sec. 2, Pub. L. 87–30, 75 Stat. 65; sec. 101, sec. 602, Pub. L. 89–601, 80 Stat. 830; sec. 29(B), Pub. L. 93–259, 88 Stat. 55 sec. 3, sec. 15(c), Pub. L. 95–151, 91 Stat 1245; sec. 2105(b), Pub. L. 104–188, 110 Stat 1755; sec. 8102, Pub. L. 110–28, 121 Stat. 112; and sec. 1201, Div. S., Tit. XII, Pub. L. 115–141, 132 Stat. 348.

■ 2. Revise § 531.52(b)(2) to read as follows:

* * * * *

(b) * * *

(2) An employer may not allow managers and supervisors to keep any portion of an employee's tips, regardless of whether the employer takes a tip credit. A manager or supervisor may keep tips that he or she receives directly from customers based on the service that he or she directly and solely provides. For purposes of section 3(m)(2)(B), the term ''manager'' or ''supervisor'' shall mean any employee whose duties match those of an executive employee as described in § 541.100(a)(2) through (4) or § 541.101 of this chapter.

■ 3. Amend § 531.54 by revising paragraphs (c)(3) and (d) to read as follows:

* * * * *

(c) * * *

(3) An employer may not receive tips from such a tip pool and may not allow managers and supervisors to receive tips from the tip pool.

(d) *Employers that do not take a section 3(m)(2)(A) tip credit.* An employer that pays its tipped employees the full minimum wage and does not take a tip credit may impose a tip pooling arrangement that includes dishwashers, cooks, or other employees in the establishment who are not employed in an occupation in which employees customarily and regularly receive tips. An employer may not receive tips from such a tip pool and may not allow supervisors and managers to receive tips from the tip pool.

PART 578—TIP RETENTION, MINIMUM WAGE, AND OVERTIME VIOLATIONS—CIVIL MONEY PENALTIES

■ 4. The authority citation for part 578 continues to read as follows:

Authority: 29 U.S.C. 216(e), as amended by sec. 9, Pub. L. 101–157, 103 Stat. 938, sec. 3103, Pub. L. 101–508, 104 Stat. 1388–29, sec. 302(a), Pub. L. 110–233, 122 Stat. 920, and sec. 1201, Div. S., Tit. XII, Pub. L. 115–141, 132 Stat. 348; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note), as amended by sec. 31001(s), Pub. L. 104–134, 110 Stat. 1321–358, 1321–373, and sec. 701, Pub. L. 114–74, 129 Stat 584.

■ 5. Revise § 578.3 to read as follows:

§ 578.3 What types of violations may result in a penalty being assessed?

(a) *In general.* (1) A penalty of up to $1,162 per violation may be assessed against any person who violates section 3(m)(2)(B) of the Act.

(2) A penalty of up to $2,074 per violation may be assessed against any person who repeatedly or willfully violates section 6 (minimum wage) or section 7 (overtime) of the Act. The amount of the penalties stated in paragraphs (a)(1) and (2) of this section will be determined by applying the criteria in § 578.4.

(b) *Repeated violations.* An employer's violation of section 6 or section 7 of the Act shall be deemed to be ''repeated'' for purposes of this section:

(1) Where the employer has previously violated section 6 or section 7 of the Act, provided the employer has previously received notice, through a responsible official of the Wage and Hour Division or otherwise authoritatively, that the employer allegedly was in violation of the provisions of the Act; or

(2) Where a court or other tribunal has made a finding that an employer has previously violated section 6 or section 7 of the Act, unless an appeal therefrom which has been timely filed is pending before a court or other tribunal with jurisdiction to hear the appeal, or unless the finding has been set aside or reversed by such appellate tribunal.

(c) *Willful violations.* (1) An employer's violation of section 6 or section 7 of the Act shall be deemed to be ''willful'' for purposes of this section where the employer knew that its conduct was prohibited by the Act or

[24] *See* 2 U.S.C. 1501.

[25] Calculated using growth in the Gross Domestic Product deflator from 1995 to 2019. Bureau of Economic Analysis. Table 1.1.9. Implicit Price Deflators for Gross Domestic Product.

showed reckless disregard for the requirements of the Act. All of the facts and circumstances surrounding the violation shall be taken into account in determining whether a violation was willful.

(2) For purposes of this section, the employer's receipt of advice from a responsible official of the Wage and Hour Division to the effect that the conduct in question is not lawful, among other situations, can be sufficient to show that the employer's conduct is knowing, but is not automatically dispositive.

(3) For purposes of this section, reckless disregard of the requirements of the Act means, among other situations, that the employer should have inquired further into whether its conduct was in compliance with the Act and failed to make adequate further inquiry.

■ 6. Revise § 578.4(a) to read as follows:

§ 578.4 Determination of penalty.

(a) In determining the amount of penalty to be assessed for any violation of section 3(m)(2)(B) or repeated or willful violation of section 6 or section 7 of the Act, the Administrator shall consider the seriousness of the violations and the size of the employer's business.

* * * * *

PART 579—CHILD LABOR VIOLATIONS—CIVIL MONEY PENALTIES

■ 7. The authority citation for part 579 continues to read as follows:

Authority: 29 U.S.C. 203(m), (l), 211, 212, 213(c), 216; Reorg. Plan No. 6 of 1950, 64 Stat. 1263, 5 U.S.C. App; secs. 25, 29, Pub. L. 93–257, 88 Stat. 72, 76; Secretary of Labor's Order No. 01–2014 (Dec. 19, 2014), 79 FR 77527 (Dec. 24, 2014); 28 U.S.C. 2461 Note.

■ 8. Amend § 579.1 by redesignating paragraph (a)(2) as paragraph (a)(2)(i), revising newly designated paragraph (a)(2)(i) and adding paragraph (a)(2)(ii) to read as follows:

§ 579.1 Purpose and scope.

(a) * * *

(2)(i) Any person who repeatedly or willfully violates section 206 or 207 of the FLSA, relating to wages, shall be subject to a civil penalty not to exceed $2,074 for each such violation.

(ii) Any person who violates section 203(m)(2)(B) of the FLSA, relating to the retention of tips, shall be subject to a civil penalty not to exceed $1,162 for each such violation.

* * * * *

■ 9. Amend § 579.2 by revising the definition of ''Willful violations'' to read as follows:

§ 579.2 Definitions.

* * * * *

Willful violations under this section has several components. An employer's violation of section 12 or section 13(c) of the Act relating to child labor or any regulation issued pursuant to such sections, shall be deemed to be willful for purposes of this section where the employer knew that its conduct was prohibited by the Act or showed reckless disregard for the requirements of the Act. All of the facts and circumstances surrounding the violation shall be taken into account in determining whether a violation was willful. In addition, for purposes of this section, the employer's receipt of advice from a responsible official of the Wage and Hour Division to the effect that the conduct in question is not lawful, among other situations, can be sufficient to show that the employer's conduct is knowing, but is not automatically dispositive. For purposes of this section, reckless disregard of the requirements of the Act means, among other situations, that the employer should have inquired further into whether its conduct was in compliance with the Act and failed to make adequate further inquiry.

PART 580—CIVIL MONEY PENALTIES—PROCEDURES FOR ASSESSING AND CONTESTING PENALTIES

■ 10. The authority citation for part 580 continues to read as follows:

Authority: 29 U.S.C. 9a, 203, 209, 211, 212, 213(c), 216; Reorg. Plan No. 6 of 1950, 64 Stat. 1263, 5 U.S.C. App; secs. 25, 29, 88 Stat. 72, 76; Secretary's Order 01–2014 (Dec. 19, 2014), 79 FR 77527 (Dec. 24, 2014); 5 U.S.C. 500, 503, 551, 559; 103 Stat. 938.

■ 11. Revise the first sentence of § 580.2 to read as follows:

§ 580.2 Applicability of procedures and rules.

The procedures and rules contained in this part prescribe the administrative process for assessment of civil money penalties for any violation of the child labor provisions at section 12 of the Act and any regulation thereunder as set forth in part 579 of this chapter, and for assessment of civil money penalties for any violation of the tip retention provisions of section 3(m)(2)(B) or any repeated or willful violation of the minimum wage provisions of section 6 or the overtime provisions of section 7 of the Act or the regulations thereunder set forth in 29 CFR subtitle B, chapter V. * * *

■ 12. Revise the first sentence of § 580.3 to read as follows:

§ 580.3 Written notice of determination required.

Whenever the Administrator determines that there has been a violation by any person of section 12 of the Act relating to child labor or any regulation thereunder as set forth in part 579 of this chapter, or determines that there has been a violation by any person of section 3(m)(2)(B), or determines that there has been a repeated or willful violation by any person of section 6 or section 7 of the Act, and determines that imposition of a civil money penalty for such violation is appropriate, the Administrator shall issue and serve a notice of such penalty on such person in person or by certified mail. * * *

■ 13. Amend § 580.12 by revising the first sentence of paragraph (b) to read as follows:

§ 580.12 Decision and Order of Administrative Law Judge.

* * * * *

(b) The decision of the Administrative Law Judge shall be limited to a determination of whether the respondent has committed a violation of section 12, a violation of section 3(m)(2)(B), or a repeated or willful violation of section 6 or section 7 of the Act, and the appropriateness of the penalty assessed by the Administrator. * * *

* * * * *

■ 14. Amend § 580.18 by revising the third sentence in paragraph (b)(3) to read as follows:

§ 580.18 Collection and recovery of penalty.

* * * * *

(b) * * *

(3) * * * A willful violation of sections 6, 7, or 12 of the Act may subject the offender to the penalties provided in section 16(a) of the Act, enforced by the Department of Justice in criminal proceedings in the United States courts. * * *

Signed in Washington, DC, this 8th day of September, 2021.

Jessica Looman,

Acting Administrator, Wage and Hour Division.

[FR Doc. 2021–19795 Filed 9–23–21; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2021–0696]

Regulated Area; San Francisco Bay Navy Fleet Week Parade of Ships and Blue Angels Demonstration, San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the limited access area in the navigable waters of the San Francisco Bay for the San Francisco Bay Navy Fleet Week Parade of Ships and Blue Angels Demonstration from October 8 through October 10, 2021. This action is necessary to ensure the safety of event participants and spectators. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the regulated area, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations in 33 CFR 100.1105 will be enforced from 12:30 p.m. until 6 p.m. on October 7, 2021; from 9:30 a.m. until 5 p.m. on October 8, 2021; and from 11:30 a.m. until 5 p.m. daily on October 9, 2021, and October 10, 2021, as identified in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Sector San Francisco Waterways Management, U.S. Coast Guard; telephone (415) 399–3585, email *SFWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the limited access area for the annual San Francisco Bay Navy Fleet Week Parade of Ships and Blue Angels Demonstration in 33 CFR 100.1105.

The regulated area ''Alpha'' in § 100.1105(b)(1) for the Navy Parade of Ships will be enforced from 9:30 a.m. until 12 p.m. on October 8, 2021.The regulated area ''Bravo'' in § 100.1105(b)(2) for the U.S. Navy Blue Angels will be enforced from 12:30 p.m. until 6 p.m. on October 7, 2021, and 11:30 p.m. until 5 p.m. daily from October 8, 2021 through October 10, 2021.

Regulated area ''Alpha'' will be enforced during the Navy Parade of Ships and is bounded by a line connecting the following points:

Latitude	Longitude
37°48′40″ N	122°28′38″ W
37°49′10″ N	122°28′41″ W
37°49′31″ N	122°25′18″ W
37°49′06″ N	122°24′08″ W
37°47′53″ N	122°22′42″ W
37°46′00″ N	122°22′00″ W
37°46′00″ N	122°23′07″ W

and thence along the shore to the point of beginning.

Under the provisions of 33 CFR 100.1105, except for persons or vessels authorized by the PATCOM, in regulated area ''Alpha'' no person or vessel may enter the parade route or remain within 500 yards of any Navy parade vessel. No person or vessel shall anchor, block, loiter in, or impede the through transit of ship parade participants or official patrol vessels in regulated area ''Alpha.''

Regulated area ''Bravo'' will be enforced during the Navy Blue Angels Demonstration and is bounded by a line connecting the following points:

Latitude	Longitude
37°48′27.5″ N	122°24′04″ W
37°49′31″ N	122°24′18″ W
37°49′00″ N	122°27′52″ W
37°48′19″ N	122°27′40″ W

and thence along the pier heads and bulwarks to the point of beginning.

Except for persons or vessels authorized by the PATCOM, no person or vessel may enter or remain within regulated area ''Bravo.''

When hailed or signaled by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, a person or vessel shall come to an immediate stop. Persons or vessels shall comply with all directions given; failure to do so may result in expulsion from the area, citation for failure to comply, or both. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco, California. The PATCOM is empowered to forbid and control the movement of all vessels in the regulated areas.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners.

Dated: September 20, 2021.

Taylor Q. Lam,

Captain, U.S. Coast Guard, Captain of the Port, Sector San Francisco.

[FR Doc. 2021–20750 Filed 9–23–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. PTO–P–2021–0038]

RIN 0651–AD56

2021 Increase of the Annual Limit on Accepted Requests for Track One Prioritized Examination

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Interim rule.

SUMMARY: The Leahy-Smith America Invents Act (America Invents Act) includes provisions for prioritized examination of patent applications that have been implemented by the United States Patent and Trademark Office (USPTO or Office) in previous rulemakings. The America Invents Act provides that the Office may not accept more than 10,000 requests for prioritization in any fiscal year (October 1 to September 30) until regulations setting another limit are prescribed. The Office published an interim rule in 2019 expanding the availability of prioritized examination by increasing the limit on the number of prioritized examination requests that may be accepted in a fiscal year to 12,000. The current interim rule further expands the availability of prioritized examination by increasing the limit on the number of prioritized examination requests that may be accepted in a fiscal year to 15,000.

DATES:

Effective Date: September 24, 2021.

Applicability Date: The limit of 15,000 requests for prioritized examination accepted per year is applicable for fiscal year 2021.

Comment Deadline Date: Written comments must be received on or before November 23, 2021.

ADDRESSES: For reasons of Government efficiency, comments must be submitted through the Federal eRulemaking Portal at *www.regulations.gov.* To submit comments via the portal, enter docket number PTO–P–2021–0038 on the homepage and click ''Search.'' The site will provide a search results page listing all documents associated with this docket. Find a reference to this notice

and click on the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments. Attachments to electronic comments will be accepted in ADOBE® portable document format or MICROSOFT WORD® format. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

Visit the Federal eRulemaking Portal website (*www.regulations.gov*) for additional instructions on providing comments via the portal. If electronic submission of comments is not feasible due to a lack of access to a computer and/or the internet, please contact the USPTO using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: Kery Fries, Senior Legal Advisor, Office of Patent Legal Administration, at 571–272–7757; or Parikha Mehta, Legal Advisor, Office of Patent Legal Administration, at 571–272–3248.

SUPPLEMENTARY INFORMATION:

Executive Summary: Purpose: This interim rule expands prioritized examination (Track One) practice to increase the number of applications that may be accepted for prioritized examination in a fiscal year to 15,000.

Summary of Major Provisions: The prioritized examination provisions (37 CFR 1.102(e)) currently provide that a request for prioritized examination may be filed with an original utility or plant nonprovisional application under 35 U.S.C. 111(a). The America Invents Act provides that the Office may not accept more than 10,000 requests for prioritization in any fiscal year until regulations setting another limit are prescribed. The Office published an interim rule in 2019 expanding the availability of prioritized examination by increasing the limit on the number of prioritized examination requests that may be accepted in a fiscal year to 12,000. The current interim rule further expands the availability of prioritized examination by increasing the limit on the number of prioritized examination requests that may be accepted in a fiscal year to 15,000.

Background: Section 11(h) of the America Invents Act provides for prioritized examination of an application. *See* Public Law 112–29, 125 Stat. 284, 324 (2011). Section 11(h)(1)(B)(i) of the America Invents Act also provides that the Office may, by regulation, prescribe conditions for the acceptance of a request for prioritized examination, and section 11(h)(1)(B)(iii) provides that ''[t]he Director may not accept in any fiscal year more than 10,000 requests for prioritization until regulations are prescribed under this subparagraph setting another limit.'' *Id.*

The Office implemented the prioritized examination provision of the America Invents Act for applications on filing in a final rule published on September 23, 2011. *See* Changes to Implement the Prioritized Examination Track (Track I) of the Enhanced Examination Timing Control Procedures Under the Leahy-Smith America Invents Act, 76 FR 59050 (Sept. 23, 2011) (codified in 37 CFR 1.102(e)). Following its implementation, the Office improved its processes for carrying out prioritized examination and expanded the scope of prioritized examination in view of those improvements. First, the Office implemented prioritized examination for pending applications after the filing of a proper request for continued examination under 35 U.S.C. 132(b) and 37 CFR 1.114. *See* Changes to Implement the Prioritized Examination for Requests for Continued Examination, 76 FR 78566 (Dec. 19, 2011). Next, the prioritized examination procedures further expanded to permit the delayed submission of certain filing requirements while maintaining the Office's ability to timely examine the patent application. *See* Changes to Permit Delayed Submission of Certain Requirements for Prioritized Examination, 79 FR 12386 (Mar. 5, 2014).

The number of requests for prioritized examination has been increasing steadily over the years. The Office published an interim rule in 2019 expanding the availability of prioritized examination by increasing the limit on the number of prioritized examination requests that may be accepted in a fiscal year from 10,000 to 12,000. *See* Increase of the Annual Limit on Accepted Requests for Track I Prioritized Examination, 84 FR 45907 (Sept. 3, 2019). The current interim rule further expands the availability of prioritized examination by increasing the limit on the number of prioritized examination requests that may be accepted in a fiscal year to 15,000. Through continued monitoring of the implementation of the Track One program, the Office has determined that the program may be further expanded to permit more applications to undergo prioritized examination while maintaining the ability to timely examine all prioritized applications. Quality metrics used by the Office continue to reveal no loss in examination quality for applications given prioritized examination. In addition, the number of applications accepted for prioritized examination will remain a small fraction of the patent examinations completed in a fiscal year (the Office examines approximately 640,000 applications and requests for continued examination in total per fiscal year). Accordingly, the Office is further expanding the availability of prioritized examination by increasing the limit on the number of prioritized examination requests that may be accepted in a fiscal year to 15,000, beginning in fiscal year 2021 (October 1, 2020, through September 30, 2021) and continuing every fiscal year thereafter until further notice.

Discussion of Specific Rules

The following is a discussion of the amendments to 37 CFR part 1.

Section 1.102: Section 1.102(e) is revised to increase the limit on the total number of requests for prioritized examination that may be accepted (granted) in any fiscal year from 12,000 to 15,000.

Rulemaking Considerations

A. Administrative Procedure Act: This interim rule revises the procedures that apply to applications for which an applicant has requested Track One prioritized examination. The changes in this interim rule do not change the substantive criteria of patentability. Therefore, the changes in this rulemaking involve rules of agency practice and procedure, and/or interpretive rules. *See JEM Broad. Co.* v. *F.C.C.,* 22 F.3d 320, 326 (D.C. Cir. 1994) (''[T]he 'critical feature' of the procedural exception [in 5 U.S.C. 553(b)(A)] 'is that it covers agency actions that do not themselves alter the rights or interests of parties, although [they] may alter the manner in which the parties present themselves or their viewpoints to the agency.''' (quoting *Batterton* v. *Marshall,* 648 F.2d 694, 707 (D.C. Cir. 1980))); *see also Bachow Commc'ns Inc.* v. *F.C.C.,* 237 F.3d 683, 690 (D.C. Cir. 2001) (rules governing an application process are procedural under the Administrative Procedure Act); *Inova Alexandria Hosp.* v. *Shalala,* 244 F.3d 342, 350 (4th Cir. 2001) (rules for handling appeals were procedural where they did not change the substantive standard for reviewing claims). Accordingly, prior notice and opportunity for public comment are not required pursuant to 5 U.S.C. 553(b) or (c) (or any other law). *See Cooper Techs. Co.* v. *Dudas,* 536 F.3d 1330, 1336–37 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), do not require notice and comment rulemaking for ''interpretative rules, general statements of policy, or rules of agency organization, procedure, or

practice'' (quoting 5 U.S.C. 553(b)(A)). In addition, the changes in this interim rule may be made immediately effective because this interim rule is not a substantive rule under 35 U.S.C. 553(d).

Moreover, the Office, pursuant to authority at 5 U.S.C. 553(b)(B), finds good cause to adopt the changes in this interim rule without prior notice and an opportunity for public comment, as such procedures would be contrary to the public interest. Delay in the promulgation of this interim rule to provide prior notice and comment procedures would cause harm to those applicants who desire to file a request for Track One prioritized examination with a new application or request for continued examination. Immediate implementation of the changes in this interim rule is in the public interest because: (1) The public does not need time to conform its conduct, as the changes in this interim rule do not add any additional requirement for requesting prioritized examination of an application; and (2) those applicants who would otherwise be ineligible for prioritized examination will benefit from the immediate implementation of the changes in this interim rule. *See Nat'l Customs Brokers & Forwarders Ass'n of Am., Inc.* v. *United States,* 59 F.3d 1219, 1223–24 (Fed. Cir. 1995). In addition, pursuant to authority at 5 U.S.C. 553(d)(3), the Office finds good cause to adopt the changes in this interim rule without the 30-day delay in effectiveness as such delay would be contrary to the public interest. Immediate implementation of the changes in this interim rule is in the public interest because: (1) The public does not need time to conform its conduct, as the changes in this interim rule do not add any additional requirement for requesting prioritized examination of an application; and (2) those applicants who would otherwise be ineligible for prioritized examination will benefit from the immediate implementation of the changes in this interim rule.

B. Regulatory Flexibility Act: As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 or any other law, neither a regulatory flexibility analysis nor a certification under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is required. *See* 5 U.S.C. 603.

C. Executive Order 12866 (Regulatory Planning and Review): This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

D. Executive Order 13563 (Improving Regulation and Regulatory Review): The Office has complied with Executive Order 13563 (Jan. 18, 2011). Specifically, the Office has, to the extent feasible and applicable: (1) Made a reasoned determination that the benefits justify the costs of the rule; (2) tailored the rule to impose the least burden on society consistent with obtaining the regulatory objectives; (3) selected a regulatory approach that maximizes net benefits; (4) specified performance objectives; (5) identified and assessed available alternatives; (6) involved the public in an open exchange of information and perspectives among experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole, and provided online access to the rulemaking docket; (7) attempted to promote coordination, simplification, and harmonization across Government agencies and identified goals designed to promote innovation; (8) considered approaches that reduce burdens and maintain flexibility and freedom of choice for the public; and (9) ensured the objectivity of scientific and technological information and processes.

E. Executive Order 13132 (Federalism): This rulemaking does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

F. Executive Order 13175 (Tribal Consultation): This rulemaking will not: (1) Have substantial direct effects on one or more Indian tribes, (2) impose substantial direct compliance costs on Indian tribal governments, or (3) preempt tribal law. Therefore, a tribal summary impact statement is not required under Executive Order 13175 (Nov. 6, 2000).

G. Executive Order 13211 (Energy Effects): This rulemaking is not a significant energy action under Executive Order 13211 because this rulemaking is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under Executive Order 13211 (May 18, 2001).

H. Executive Order 12988 (Civil Justice Reform): This rulemaking meets applicable standards to minimize litigation, eliminate ambiguity, and reduce burden as set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Feb. 5, 1996).

I. Executive Order 13045 (Protection of Children): This rulemaking does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (Apr. 21, 1997).

J. Executive Order 12630 (Taking of Private Property): This rulemaking will not effect a taking of private property or otherwise have taking implications under Executive Order 12630 (Mar. 15, 1988).

K. Congressional Review Act: Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), prior to issuing any final rule, the USPTO will submit a report containing the final rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this rulemaking are not expected to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this rulemaking is not expected to result in a ''major rule'' as defined in 5 U.S.C. 804(2).

L. Unfunded Mandates Reform Act of 1995: The changes set forth in this rulemaking do not involve a Federal intergovernmental mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, of $100 million (as adjusted) or more in any one year, or a Federal private sector mandate that will result in the expenditure by the private sector of $100 million (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. *See* 2 U.S.C. 1501 *et seq.*

M. National Environmental Policy Act of 1969: This rulemaking will not have any effect on the quality of the environment and is thus categorically excluded from review under the National Environmental Policy Act of 1969. *See* 42 U.S.C. 4321 *et seq.*

N. National Technology Transfer and Advancement Act of 1995: The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) are not applicable because this rulemaking does not contain provisions that involve the use of technical standards.

O. Paperwork Reduction Act of 1995: The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) requires that the Office consider the impact of paperwork and other information collection

burdens imposed on the public. This interim rule does not involve information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3549). An applicant who wishes to participate in the prioritized examination program must submit a certification and request to participate in the program, preferably by using Form PTO/AIA/424. However, OMB has determined that, under 5 CFR 1320.3(h), Form PTO/AIA/424 does not collect ''information'' within the meaning of the Paperwork Reduction Act of 1995. Therefore, this rulemaking does not impose any additional collection requirements under the Paperwork Reduction Act that are subject to further review by OMB.

P. E-Government Act Compliance: The USPTO is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Biologics, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

For the reasons set forth in the preamble, 37 CFR part 1 is amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

■ 1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2), unless otherwise noted.

■ 2. Section 1.102 is amended by revising paragraph (e) introductory text to read as follows:

§ 1.102 Advancement of examination.

* * * * *

(e) A request for prioritized examination under this paragraph (e) must comply with the requirements of this paragraph (e) and be accompanied by the prioritized examination fee set forth in § 1.17(c), the processing fee set forth in § 1.17(i), and if not already paid, the publication fee set forth in § 1.18(d). An application for which prioritized examination has been requested may not contain or be amended to contain more than four independent claims, more than thirty total claims, or any multiple dependent claim. Prioritized examination under this paragraph (e) will not be accorded to international applications that have not entered the national stage under 35 U.S.C. 371, design applications, reissue applications, provisional applications, or reexamination proceedings. A request for prioritized examination must also comply with the requirements of paragraph (e)(1) or (2) of this section. No more than 15,000 requests for such prioritized examination will be accepted in any fiscal year.

* * * * *

Andrew Hirshfeld,

Commissioner for Patents, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2021–20530 Filed 9–23–21; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 38 and 39

RIN 2900–AR09

Nomenclature Change for Position Title

AGENCY: Department of Veterans Affairs.

ACTION: Correcting amendments.

SUMMARY: On September 15, 2021, the Department of Veterans Affairs (VA) published in the **Federal Register** a final rule that amended regulations to revise the title of the ''Director, Loan Guaranty Service'' to ''Executive Director, Loan Guaranty Service'' to reflect organizational changes. This correction addresses minor technical errors in the published final rule.

DATES: These correcting amendments are effective September 24, 2021 and applicable on or after September 15, 2021.

FOR FURTHER INFORMATION CONTACT: Stephanie Li, Chief of Regulations, Loan Guaranty Service (26), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 632–8862 (this is not a toll-free telephone number).

SUPPLEMENTARY INFORMATION: VA is amending its final rule 2900–AR09, Nomenclature Change for Position Title to fix technical errors published on September 15, 2021, in the **Federal Register** at 86 FR 51274. Specifically, in updating the position title of ''Director, Loan Guaranty Service'' to ''Executive Director, Loan Guaranty Service'', references to ''Deputy Director, Loan Guaranty Service'' and ''Assistant Director, Loan Guaranty Service'' were inadvertently updated as well. Therefore, VA is issuing these amendments to correct these errors.

List of Subjects in 38 CFR Part 36

Condominiums, Housing, Individuals with disabilities, Loan programs—housing and community development, Loan programs—Indians, Loan programs—veterans, Manufactured homes, Mortgage insurance, Veterans.

Jeffrey M. Martin,

Assistant Director, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons set forth in the preamble, the VA amends 38 CFR part 36 as follows:

PART 38—PENSIONS, BONUSES, AND VETERAN'S RELIEF

■ 1. The authority citation for part 36 continues to read as follows:

Authority: 38 U.S.C. 501 and 3720.

§ 36.4345 [Amended]

■ 2. Amend § 36.4345 by:

■ a. In paragraph (b)(1)(v), removing the words ''Deputy Executive Director'' and adding in their place the words ''Deputy Director''; and

■ b. In paragraph (b)(1)(vi), removing the words ''Assistant Executive Director'' and adding in their place the words ''Assistant Director''.

§ 36.4409 [Amended]

■ 3. Amend § 36.4409, in paragraph (a)(3), by removing the words ''Deputy Executive Director'' and adding in their place the words ''Deputy Director''.

§ 36.4412 [Amended]

■ 4. Amend § 36.4412, in paragraph (i)(1)(iii), by removing the words ''Deputy Executive Director'' and adding, in their place, the words ''Deputy Director''.

[FR Doc. 2021–20735 Filed 9–23–21; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2021–0215; FRL–8696–02–R6]

Air Plan Approval; Louisiana; Regional Haze Five-Year Progress Report State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving a revision to a State Implementation Plan (SIP) submitted by the Secretary of the Louisiana Department of Environmental Quality (LDEQ) on March 25, 2021. The SIP submittal addresses requirements of Federal regulations that direct the State to submit a periodic report that assesses progress toward regional haze reasonable progress goals (RPGs) and includes a determination of adequacy of the existing implementation plan.

DATES: This rule is effective on October 25, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2021–0215. 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 or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

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

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' or ''our'' mean ''the EPA.''

I. Background

In a notice of proposed rulemaking (NPRM) published on July 21, 2021,[1] EPA proposed to approve LDEQ's regional haze progress report for the first implementation period. On March 25, 2021, the State submitted its progress report in the form of a SIP revision which, among other things, detailed the progress made toward implementing the State's long-term strategy for regional haze that was outlined in the Louisiana Regional Haze SIP. The progress report assessed visibility improvement toward meeting the 2018 RPGs for the one Class I area in Louisiana (the Breton National Wilderness Refuge) and also for one Class I area in Arkansas (Caney Creek Wilderness area) affected by emissions from Louisiana. The State also provided a determination of adequacy of the existing regional haze SIP that no further substantive revisions are needed at this time. The details of LDEQ's submittal and the rationale for our proposed approval are explained in the NPRM. We did not receive any comments regarding our proposed action.

II. Final Action

EPA is approving LDEQ's regional haze progress report SIP revision on the basis that it satisfies the requirements of 40 CFR 51.308(g), (h), and (i) for the first regional haze implementation period. The State's analysis showed visibility improvement that exceeded the visibility goals set for 2018 and emission trends indicated that SO_2, NO_X, and PM emissions have all been decreasing. Because the regional haze SIP will ensure the control of these emission reductions relied upon by Louisiana and other states in setting their RPG's for the first planning period, we agree with the State's determination that there is no need to revise the existing Louisiana regional haze implementation plan to achieve reasonable progress at the impacted Class I areas in Louisiana or nearby states.

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely 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 CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the 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).

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 November 23, 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

[1] See 86 FR 38433.

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, Best available retrofit technology, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Regional haze, Sulfur dioxide, Visibility, Volatile organic compounds.

Dated: September 17, 2021.

David Gray,

Acting Regional Administrator, Region 6.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 52 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 T—Louisiana

■ 2. In § 52.970(e), the second table titled ''EPA Approved Louisiana Nonregulatory Provisions and Quasi-Regulatory Measures'' is amended by adding the entry ''Louisiana Regional Haze Progress Report'' at the end of the table to read as follows:

§ 52.970 Identification of plan.

* * * * *

(e) * * *

EPA Approved Louisiana Nonregulatory Provisions and Quasi-Regulatory Measures

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approval date	Explanation
*	*	*	*	*
Louisiana Regional Haze Progress Report.	Statewide	3/25/2021	9/24/2021, [Insert **Federal Register** citation].	

[FR Doc. 2021–20617 Filed 9–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2020–0528; FRL–8974–02–R3]

Air Plan Approval; Maryland; Negative Declaration for the Oil and Gas Industry

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 Maryland. This revision provides Maryland's determination, via a negative declaration, that there are no sources within its borders subject to EPA's 2016 Oil and Natural Gas control techniques guidelines (2016 Oil and Gas CTG). EPA is approving these revisions to the Maryland SIP in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on October 25, 2021.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2020–0528. 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.

FOR FURTHER INFORMATION CONTACT: David Talley, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2117. Mr. Talley can also be reached via electronic mail at *talley.david@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On February 9, 2021 (86 FR 8742), EPA published a notice of proposed rulemaking (NPRM) for the State of Maryland. In the NPRM, EPA proposed approval of Maryland's negative declaration SIP submittal for the 2016 Oil and Gas CTG. On June 18, 2020, the Maryland Department of the Environment (MDE) submitted the negative declaration for the 2016 Oil and Gas CTG as a revision to the Maryland SIP.

The CAA regulates emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOCs) to prevent photochemical reactions that result in ozone formation. Reasonably available control technology (RACT) is a strategy for reducing NO_X and VOC emissions from stationary sources within designated nonattainment areas classified as moderate or above that are not meeting the national ambient air quality standards (NAAQS) for ozone. EPA has consistently defined ''RACT'' as the lowest emission limit that a particular source is capable of meeting by the application of the control technology that is reasonably available considering technological and economic feasibility.

Control techniques guidelines (CTGs) and alternative control techniques (ACTs) form important components of the guidance that EPA provides to states for making RACT determinations. CTGs are used to presumptively define VOC RACT for applicable source categories. CAA section 182(b)(2)(A) requires that for ozone nonattainment areas classified as moderate or above, states must revise their SIPs to include provisions to implement RACT for each category of VOC sources covered by a CTG document. CAA section 184(b)(1)(B) extends the RACT obligation to all areas of states within the ozone transport region (OTR), including Maryland.

States subject to RACT requirements are required to enact controls for sources subject to CTGs that are at least as stringent as those found within the CTG, either via the adoption of regulations or by issuance of single source permits that outline what the source is required to do to meet RACT. On March 6, 2016 (80 FR 12264), EPA issued a final rule entitled ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements'' (2008 Ozone Implementation Rule). In the preamble to the final rule, EPA makes clear that if there are no sources covered by a specific CTG source category located in an ozone nonattainment area or an area in the OTR, the state may submit a negative declaration for that CTG. See 80 FR 12264, 12278. The same negative declaration is allowed by the 2015 ozone NAAQS implementation rule.[1]

On October 27, 2016 (81 FR 74798), EPA published in the **Federal Register** the ''Release of Final Control Techniques Guidelines for the Oil and Natural Gas Industry,'' (2016 Oil and Gas CTG). This CTG provided information to state, local, and tribal air agencies to assist in determining RACT for VOC emissions from certain VOC emission sources within the oil and natural gas industry. The 2016 Oil and Gas CTG replaces an earlier 1983 CTG entitled ''Control of Volatile Organic Compound Equipment Leaks from Natural Gas/Gasoline Processing Plants. December 1983.'' EPA–450/3–83–007 (1983 CTG) 49 FR 4432; February 6, 1984. See 2016 Oil and Gas CTG, p. 8–1.

II. Summary of SIP Revision and EPA Analysis

According to Maryland's June 18, 2020 submittal, MDE conducted a review of potential sources subject to the 2016 Oil and Gas CTG. This review consisted of a search of Maryland's oil and gas well records, air permit records, EPA greenhouse gas reporting records, and the Standard Industrial Classification (SIC) system. MDE's search identified a total of 13 facilities in Maryland operating in the production, processing, or transmission and storage segments of the oil and natural gas industry. However, none of these facilities had storage tanks or production wells that met or exceeded the applicability criteria of the CTG. MDE identified five facilities in the natural gas transmission sector, but determined that none of them had storage tanks with the potential to emit (PTE) more than 6 tons per year (tpy) of VOCs, which is the threshold for applicability of the CTG.[2] Additionally, MDE identified eight active individual production wells, but determined that none of these exceeded the 15 barrel equivalents per day per well, which is the threshold for CTG applicability.[3] Other specific requirements of the 2016 Oil and Gas CTG and the rationale for EPA's proposed action are explained in the NPRM and will not be restated here.

III. EPA's Response to Comments Received

EPA received four sets of comments on our proposed approval of Maryland's June 18, 2020 negative declaration SIP submittal. One comment was generally in favor of EPA's proposed action and will not be addressed in this action. A summary of the other comments and EPA's response is provided herein. All comments received are included in the docket for this action.

Comment 1: The commenter asserts that the tanks and production wells identified by MDE as being potentially subject to the CTG, but determined by MDE to not meet the applicability thresholds and therefore not subject to the 2016 Oil and Gas CTG, should have mechanisms to limit their PTE to ensure that they remain below the thresholds. The commenter provides the example of synthetic minor permits. The commenter further asserts that relying on emission factors or other engineering estimates would be arbitrary given the ''many variables involved.''

Response 1: EPA disagrees with the commenter's assertions. First, AP42 emissions factors and the engineering estimates (*i.e.* modelling) relied upon in Maryland's submittal are generally accepted and are used regularly in place of direct emissions measurement. Therefore, MDE's reliance upon them for the purposes of this negative declaration is not ''arbitrary.'' EPA further disagrees with the commenter's assertion that the reported facilities should have synthetic minor permits or other enforceable limits on their PTE, and that it is ''implausible'' to claim that these facilities could have PTEs below the applicability thresholds absent such limits. In support of this claim, the commenter offers merely the ''many variables involved,'' such as varying composition of the gas over time. EPA's review of Maryland's submittal shows that the referenced sources all report emissions well below the thresholds. For the potentially affected storage vessels (tanks), Maryland provided extensive documentation, including calculations that considered ambient temperature variations, throughput, and chemical composition of the liquids stored in the tanks. All emissions reported were considerably under the applicability threshold for storage vessels. For example, of the six potentially affected tanks identified at the Dominion Cove Point facility, the highest emissions reported were 0.02 tpy of VOC, which is significantly below the 6 tpy threshold. See Attachment A of MDE's June 18, 2020 submittal. The overwhelming majority of the tanks analyzed reported emissions of only a fraction of a ton per year. The highest reported emissions were for the two condensate storage tanks at the Accident compressor station. Each of those had calculated emissions of 1.2 tpy, still well below the threshold. See Attachment B of MDE's June 18, 2020 submittal.

Similarly, EPA disagrees that the identified production wells need enforceable limits on their production. First, the commenter has provided no evidence to contradict MDE's evaluation of the wells' outputs. Second, MDE certified in their submittal that their evaluation of the production wells was based on a search of their permit records. Each of the listed wells was constructed under a permit issued by Maryland. MDE is therefore well positioned to review the data associated with each of those permits and make an accurate determination of each well's output. EPA finds no reason to determine that MDE's determination with respect to the wells was unreasonable.

EPA believes that there is a sufficient margin between the reported emissions and the applicability threshold to determine that the identified sources do not need enforceable PTE limits in order for EPA to approve Maryland's negative declaration. Furthermore, Federal regulations are only necessary if a covered source exceeds the applicability thresholds established by the CTG. Maryland has certified that none of the sources within its jurisdiction exceed these thresholds. Should any of the reported sources exceed the thresholds in the future; or should a new source of the type covered by the existing CTG emitting more than either threshold be constructed in the state after approval of a negative declaration, EPA expects the

[1] The majority of the provisions for implementing the 2008 ozone NAAQS (including those related to negative declarations) were retained without revision for purposes of implementing the 2015 ozone NAAQS. See ''Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements'' (2015 Ozone Implementation Rule) 83 FR 62998 (December 6, 2018); and 40 CFR 51.1301.

[2] See 2016 Oil and Gas CTG at 3–6.

[3] See *Id.* at 3–7.

state to develop a regulation and submit it to EPA for approval into the SIP in accordance with the relevant timing provided for by the CAA. Additionally, it is likely that any significant change in the operation of the existing facilities which would impact their PTE would be subject to preconstruction review by MDE. The same is true for the construction of new sources. At this time, because Maryland does not have any sources subject to the 2016 Oil and Gas CTG, no regulation is required to be developed and submitted for EPA approval. Therefore, we disagree with the commenter and are finalizing our approval of Maryland's negative declaration.

Comment 2: The commenter asserts that EPA should disapprove MDE's June 18, 2020 submittal because it relies on TANKS modelling, which utilizes outdated information, including temperature/climate data which is ''all over 10 years old.'' The commenter further takes issue with the use in the model of 70 degrees Fahrenheit (F) as an average temperature, asserting that summer temperatures routinely exceed that mark, and that it is ''settled science'' that as temperatures rise, so do VOC emissions. The commenter asserts that EPA ''cannot assume with a straight face'' that these tanks will only operate at 70 degrees F, that the 70 degrees F assumption is only valid for indoor, climate-controlled situations, and that MDE's negative declaration should be disapproved because the model was improperly performed and did not consider ''current and realistic temperature and climatic data.'' Finally, the commenter asserts that the model should be run using ''average climatic data for each month.''

Response 2: EPA disagrees with the commenter's assertions. First, the CTG provides flexibility and does not require a specific method for calculating VOC emissions. The model rule language provided in the CTG requires only that ''emissions must be calculated using a generally accepted model or calculation methodology.'' [4] The new source performance standards of title 40 of the Code of Federal Regulations (CFR) part 60, subpart OOOOa, (also applying to the oil and natural gas sector) include similar language. See 40 CFR 60.5395a(a)(3). E&P TANKS is a ''generally accepted'' model, and therefore an appropriate tool for calculating VOC emissions for the purpose of this negative declaration. In fact, the model was one of the resources utilized by EPA in the development of the CTG.[5] Second, while EPA acknowledges that ambient temperatures impact VOC emissions from storage vessels, we do not agree that the assumption of 70 degrees F as an average temperature within the model is inappropriate. Furthermore, contrary to the commenter's assertion, the use of 70 degrees as an average is not an assumption that the tank will never operate above that temperature. MDE identified six facilities that had tanks potentially subject to the CTG: the Dominion Cove Point LNG facility, the Dominion Myersville compressor station, the Enbridge Eastern Accident compressor station, the Enbridge Accident underground storage facility, the Williams Transco Ellicott City compressor station, and the TransCanada compressor station. The documentation provided by MDE included submittals from the potentially impacted sources, including the results of TANKS modelling to evaluate their particular storage vessels. Of the six facilities identified, only the Dominion facilities appear to have run the model with an ''across the board'' assumption of 70 degrees as the ambient temperature.[6] See attachments A–D of MDE's June 18, 2020 submittal. Temperature data from the National Weather Service for the Baltimore [7] area for 2020 show that only three months—June, July and August—exceeded an average monthly temperature of 70 degrees (75.1, 82.6, and 78.7 degrees, respectively).[8] The other nine months were below 70. Using 70 degrees as an average for all twelve months is therefore a conservative approach, as the over-estimating for nine months offsets the potential under-estimating for the other three. Furthermore, Dominion reported emissions for six tanks, five at the Cove Point facility, and one at the Myersville compressor station. Of those tanks, only one reported any emissions at all. That tank, a 38,152 gallon tank, containing ''hydrocarbons,'' reported emissions of only 0.02 tpy AND is equipped with a control device (emissions are piped via a closed loop to a flare). See Attachment A of MDE's June 18, 2020 submittal. The modelling for the Enbridge tanks, as well as the Williams Transco tanks, appears to have taken into account daily temperature variations and other variables to calculate actual monthly averages. See Attachments B and C of MDE's June 18, 2020 submittal. This approach, which is in line with the commenter's assertion, also results in emissions that, in all cases, are well below the 6 tpy threshold. We find these analyses (and MDE's reliance upon them) to be reasonable. Therefore, we disagree with the commenter and are finalizing our approval of Maryland's negative declaration.

Comment 3: The commenter asserts that EPA must disapprove MDE's negative declaration because ''the standards are not scientific or related to scientific procedures and are not consistent with the state's development priorities for air, water, and noise.'' Further, the commenter asserts that the SIP is not consistent with EPA's ''study on methane emissions from drilling operations,'' that the guidelines ''cannot be promulgated under the state's authority'' because they were ''derived from an out-of-date methodology used in 2012,'' and that MDE's own review of ''EPA's 2012 study of hydraulic fracturing fluid emissions'' identified a number of concerns about the findings.

Response 3: EPA disagrees with the commenter's assertion that we must disapprove MDE's June 18, 2020 submittal. First, the commenter makes several references to ''hydraulic fracturing'' (fracking), but none of the wells addressed by MDE's submittal employ fracking as a means of extraction. Indeed, Maryland has imposed a ''fracking ban,'' and does not allow the practice within the State. See Md. Code Ann. Environment section 14–107.1. Therefore, fracking plays no role in MDE's negative declaration or EPA's approval. Second, it is not entirely clear to which allegedly out of date ''methodology'' and allegedly unscientific ''standards'' the commenter is referring. If the commenter is referring to the CTG itself, the validity of the CTG is not at issue in this action and will not be addressed here. This action relates only to MDE's certification that there are no sources within the State subject to the CTG. The commenter has not identified any flaws specific to MDE's methodology for making that determination, nor with EPA's proposed approval. Therefore, we disagree with the commenter and are finalizing our approval of Maryland's negative declaration.

IV. Final Action

EPA is approving Maryland's negative declaration as a revision to Maryland's

[4] See section A.2(i) of Model Rule Language; 2016 Oil and Gas CTG; Appendix A at A–8.

[5] See 2016 Oil and Gas CTG at 4–3.

[6] MDE's submittal did not include documentation for the modelling runs at the TransCanada compressor station. Rather, an email from the company to MDE indicated that they performed TANKS modelling on four tanks, with a total emission estimate across all units of 0.66 tpy. See attachment D of MDE's June 18, 2020 submittal.

[7] Data for the Cove Point area was not immediately available, but Baltimore is close enough to provide a representative example.

[8] See *https://www.weather.gov/media/lwx/climate/bwitemps.pdf*

SIP, to address the CAA requirements of section 182(b)(2)(A) and 184(b)(1)(B) under the 2008 and 2015 ozone NAAQS, as they pertain to the 2016 Oil and Gas CTG.

V. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA 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 CAA. 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 CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

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).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 23, 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 pertaining to Maryland's negative declaration for the 2016 Oil and Gas CTG 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, Ozone,Volatile organic compounds.

Dated: September 15, 2021.

Diana Esher,

Acting Regional Administrator, Region III.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 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 V—Maryland

■ 2. In § 52.1070, the table in paragraph (e) is amended by adding the entry ''Negative Declaration for the 2016 Oil and Gas CTG'' at the end of the table to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
Negative Declaration for the 2016 Oil and Gas CTG.	Statewide	6/18/20	9/24/21, [insert **Federal Register** citation].	Negative declaration submitted for the 2008 and 2015 ozone national ambient air quality standards.

[FR Doc. 2021–20494 Filed 9–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2021–0060; FRL–8909–02–R10]

Air Plan Approval; AK, Fairbanks North Star Borough; 2006 24-Hour $PM_{2.5}$ NAAQS Serious Area Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving parts of state implementation plan (SIP) submissions, submitted by the State of Alaska (Alaska or the State) to address Clean Air Act (CAA or Act) requirements for the 2006 24-hour fine particulate matter ($PM_{2.5}$) national ambient air quality standards (NAAQS) in the Fairbanks North Star Borough $PM_{2.5}$ nonattainment area (Fairbanks $PM_{2.5}$ Nonattainment Area). The EPA is also approving rule revisions and an associated air quality control plan chapter submitted by Alaska into the federally-approved SIP. Alaska made these submissions on October 25, 2018, November 28, 2018, December 13, 2019, (Fairbanks Serious Plan) and December 15, 2020.

DATES: This action is effective on October 25, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2021–0060. 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.

FOR FURTHER INFORMATION CONTACT: Matthew Jentgen, EPA Region 10, 1200 Sixth Avenue—Suite 155, Seattle, WA, 98101, (206) 553–0340, *jentgen.matthew@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to EPA.

Table of Contents

I. Background

On February 22, 2021, the EPA published its proposal to approve parts of the Fairbanks Serious Plan and associated SIP revisions (86 FR 10511). Specifically, we proposed to approve the submitted revisions to the Alaska SIP as meeting the base year emissions inventory and precursor demonstration requirements triggered for the Fairbanks $PM_{2.5}$ Nonattainment Area upon reclassification of the area to Serious on May 10, 2017 (82 FR 21711). The EPA also proposed to approve as SIP-strengthening the submitted sections of the Alaska Air Quality Control Plan for the Fairbanks $PM_{2.5}$ Nonattainment Area, state effective January 8, 2020, related to the Emergency Episode Plan. The EPA also proposed to approve and incorporate by reference as SIP-strengthening the submitted regulatory changes to Alaska Administrative Code Title 18, Environmental Conservation, Chapter 50, Air Quality Control (18 AAC 50). The reasons for our proposed approval are described in the EPA's February 22, 2021, proposal and will not be restated here (86 FR 10511).

II. Public Comments and EPA Responses

The EPA provided a 30-day period for the public to comment on the proposed action that ended on March 24, 2021. We received 19 public comments. The public comments can be found in the docket for this action. Each of the 19 comments raise concerns about a suite of measures Alaska included under 18 AAC 50.077 that prohibit the installation, reinstallation, sale, lease, distribution, or conveyance of wood-fired heating devices in the Fairbanks $PM_{2.5}$ Nonattainment Area.

Comment 1: The Hearth, Patio & Barbecue Association (HPBA), Blaze King Industries, Inc., Hearth & Home Technologies, Inc., Jotul, Kozy Heat Fireplaces, Kuma Stoves, Inc., Woodstock Soapstone Company, Myren Consulting, Inc., Rais, Fireplace Products International Ltd. (FPI), Travis Industries, United States Stove Company, and two anonymous commenters raise concerns about the State's submitted revisions to heating device requirements established in regulation at 18 AAC 50.077. The current SIP-approved heating device requirements in this rule place restrictions on wood-fired hydronic heaters and wood-fired heating devices with a manufacturer-rated heat output capacity of less than 350,000 British Thermal Units (BTUs) per hour and prohibit the installation, reinstallation, sale, lease, distribution, or conveyance of a woodstove in the area, unless:

- The EPA has certified the device under 40 CFR 60.533; and
- an EPA-accredited lab has tested the woodstove and determined it meets an emissions limit of 2.5 grams per hour, and
  - the test results were obtained using EPA New Source Performance Standard (NSPS) for new residential wood heaters test procedures (40 CFR part 60, appendix A, Methods 28, 28A, and 28R), or alternative cordwood methods that have been approved by the EPA, and
- the test results were obtained using EPA NSPS emissions concentration measurement procedures (40 CFR part 60, appendix A, Methods 5G and 5H).

The submitted SIP revisions tighten the applicable woodstove emissions limit from 2.5 grams/hour to 2.0 grams/hour, require that alternative methods used to test a woodstove be approved by both the EPA and the Alaska Department of Environmental Conservation (ADEC), and specify that during testing, a woodstove must not emit more than 4 grams/hour or 6 grams/hour depending on the test methods and measurement procedures used. Specifically, the submissions revise the regulation at 18 AAC 50.077 to prohibit the installation, reinstallation, sale, lease, distribution, or conveyance of a woodstove in the area, unless: [1]

- The EPA has certified the device under 40 CFR 60.533, and
- an EPA-accredited lab has tested the woodstove and determined it meets an emission limit of 2.0 grams per hour, and
  - the test results were obtained using EPA NSPS test procedures (Methods 28, 28A, or 28R), or alternative test methods, including broadly applicable test methods, if approved by both EPA and the Alaska Department of Environmental Conservation; and
  - the test results were obtained using EPA NSPS emission concentration measurement procedures (Methods 5G and 5H); and
  - After September 1, 2020, the test results must demonstrate: (1) No rolling

[1] Other components of 18 AAC 50.077 were largely retained, such as the requirements for woodstoves and pellet stoves under 18 AAC 50.077(c) applying to devices with a manufacturer-rated heat output capacity of less than 350,000 Btu per hour, and that the EPA certification should be calculated in grams per hour and approved by the department with supporting data.

60-minute period exceeds 4 grams per hour using a tapered element oscillating microbalance (TEOM) following procedures set out in the Northeast States for Coordinated Air Use Management (NESCAUM) Standard Operating Procedures; or (2) no reported valid test run measurement (one-hour filter data) exceeds 6 grams per hour from the EPA certification report for the device. See 18 AAC 50.077(c)(b)(ii).

The commenters assert that the new test requirements at 18 AAC 50.077(c)(b)(ii) are not reliable indicators of device performance, and that there is insufficient information to approve the use of these test requirements. One commenter, Jotul, states that the one-hour emissions limit established by ADEC is completely arbitrary, and Jotul considers it of utmost importance that any new regulations be developed and promulgated based on sound scientific principles combined with robust data to support the conclusions for establishing new emissions limits and testing protocol.

Hearth & Home Technologies, Inc., Jotul, Kozy Heat Fireplaces, Woodstock Soapstone Company, Myren Consulting, Inc., FPI, Travis Industries, and United States Stove Company do not support relying on the TEOM method. According to these commenters, TEOM is a new test that has not undergone significant testing and research and relies on NESCAUM guidance documents that have not undergone peer review.

Blaze King Industries, Inc. and Woodstone Soapstone Company also note the difficulty working with the TEOM device, which might jeopardize the potential for a qualified sample catch and invalidate an otherwise valid test run. Woodstone Soapstone Company notes that there is no definitive method that correlates results captured from a TEOM to results from Method 28 (EPA-approved woodstove device test method). Kozy Heat Fireplaces states that the TEOM equipment has not been tested or incorporated into the Federal certification process and has shown significant variances in testing. An anonymous commenter notes that different stoves burn differently and the total amount of emissions over a burn cycle should be the relevant metric, rather than a one-hour measurement. Myren Consulting states that the 6 grams per hour limit is arbitrary and capricious because it does not differentiate between the two applicable test methods, EPA M28/28R and American Society for Testing and Materials (ASTM) E3053, which have drastically different operating and fueling protocols. Myren Consulting also notes that the 6 gram per hour limit is being applied in an ex post facto manner and that, had manufacturers known about this limit in advance, they would have had the opportunity to change their woodstove designs and bring their stoves into compliance.

Further, HPBA, Innovative Hearth Products (IHP), Kozy Heat Fireplaces, Woodstock Soapstone Company, Myren Consulting, Inc., New Buck Corporation, Rais, FPI, Travis Industries, United States Stove Company, and four anonymous commenters assert that the additional device requirements for new woodstoves and pellet stoves, included in 18 AAC 50.077(c)(b)(ii), are inconsistent with the Federal NSPS requirements and that the hourly measurements depart from the weighted average emissions limit methodology relied on by the EPA's NSPS. IHP states that individual test runs are conducted as part of a calculation that establishes an overall weighted emissions average that is then compared to standards that have been developed as per ASTM methods. The commenters state that individual test runs cannot in and of themselves establish a weighted average and therefore cannot determine the overall usage expectancy of any multi-rate appliance and that any such conjectures by the State of Alaska are erroneous and without merit.

Blaze King Industries, Inc. asserts that the one-hour filter pull requirement for all test runs has eliminated one of the cleanest burning woodstoves (30.2 series by Blaze King), based on an EPA weighted average. Blaze King Industries, Inc. provides data to support the contention that, during one woodstove device test, the wood did not collapse uniformly, with one piece shifting slightly forward, which resulted in a one-hour filter pull of 8 grams per hour. Blaze King Industries, Inc. states other stoves that are approved for sale in the Fairbanks $PM_{2.5}$ Nonattainment Area have weighted emissions averages more than twice that of the particular Blaze King device. Woodstock Soapstone Company and Rais also provide an example each of a woodstove that has one of the lowest weighted average emissions of all EPA-certified woodstoves, but due to one test run exceeding 6 grams per hour, would not be approved for sale in the Fairbanks $PM_{2.5}$ Nonattainment Area.

Another anonymous commenter states that non-catalytic stoves are more user-friendly and require less maintenance, but they are more likely to be rejected under this one-hour requirement because non-catalytic stoves require more heat to burn cleanly, and they take time to heat up and start burning cleanly. Hearth & Home Technologies, Inc. asserts that the clearest path to cleaner air in the Fairbanks $PM_{2.5}$ Nonattainment Area is by removing older, pre-1988 wood-burning devices, not by prohibiting certain EPA-certified devices that do not meet Alaska's revised requirements in 18 AAC 50.077.

Response 1: For the ensuing reasons, the comments do not demonstrate that approval of Alaska's revisions to 18 AAC 50.077 is inconsistent with the CAA; therefore, the EPA is finalizing its approval as proposed. Regarding Alaska's rule revisions for wood-fired heating device emission standards under 18 AAC 50.077, the EPA proposed to find that the revisions submitted by ADEC are more stringent than the current EPA-approved rules. For the reasons stated in our proposal and in this response, we find that Alaska was not unreasonable in requiring additional testing requirements as a method of regulating the installation and operation of woodstoves. As stated in a prior EPA action on November 27, 2018 (83 FR 60769), approving the Alaska SIP as meeting specific infrastructure requirements for the 1997, 2006, and 2012 $PM_{2.5}$ NAAQS, the EPA disagrees with the premise that states cannot regulate a source category more stringently than may be required in a Federal regulation. The EPA's role is to review and approve state choices if they meet the CAA requirements. There is nothing in the CAA that prevents SIP provisions from being more stringent than Federal NSPS standards. To the contrary, CAA section 116 explicitly authorizes states to regulate sources more stringently than the EPA does through Federal regulations. Thus, the fact that 18 AAC 50.077 is more stringent than the NSPS for new residential wood heaters does not impact the approvability of these control measures as SIP-strengthening.

In addition, ADEC addressed similar comments during the State's public comment period on the SIP revisions. In the Alaska Department of Environmental Conservation's Response to Comments on the proposed regulations (ADEC Response to Comments),[2] ADEC asserted that the purpose of these additional testing requirements is to better reflect actual emissions of wood heaters in the Fairbanks $PM_{2.5}$ Nonattainment Area.

[2] Alaska Department of Environmental Conservation, Response to Comments on May 14, 2019, Proposed Regulations, November 19, 2019. Pages 37–38, 51–53.

ADEC asserted that the current test method for woodstoves that results in the certification value (grams of $PM_{2.5}$ per hour) averages emissions over four steady-state runs. The values from each of these runs is an average emission rate over the time it takes to burn 100% of the full load of wood used for each run. This approach translates into a certification value that is an average of an average. ADEC stated that averaging results multiple times minimizes emission rates, which results in certification values that may vastly under predict actual in-use emission rates and does not reflect the fuel loading events that in field use may occur multiple times per day. Further, ADEC stated that real-time $PM_{2.5}$ measurements collected from EPA certification tests have shown that the maximum emission rate occurs within two hours of the test period, and typically, on average, appliances spend approximately 50% of the certification testing time in the period known as the charcoal tail, where virtually no emissions occur, and in some cases filters may experience particulate loss due to warm dry air blowing through the filter. While this test method approach differs from the NSPS for new residential wood heaters, EPA finds ADEC's rationale for the revisions to 18 AAC 50.077 is reasonable and a rational attempt to strengthen rules for the residential space heating source category.

With respect to the inclusion of the TEOM measurement requirement, ADEC states that the goal was to achieve a 1.0 grams per hour emission limit in practice, taking into consideration the variability of emissions when burning cordwood. After reviewing public comments submitted during the State's public comment period, ADEC amended the final regulation to provide an alternative to the TEOM test method while still providing what it considered to be an equivalent, if not better, air quality result than a 1.0 grams per hour average emission limit. The final regulation stipulates that manufacturers may provide the TEOM data as ADEC originally proposed, with the additional specificity that no rolling 60-minute period may exceed 4.0 grams per hour, or alternatively, by utilizing existing EPA certification test data showing that no valid one-hour filter measurement from the certifying report to EPA is greater than 6.0 grams per hour.

ADEC asserted that, while this limit is three times the final ADEC standard (certification value of 2.0 grams per hour or less), the limit will apply to all woodstoves being installed, reinstalled, sold, leased, distributed, or conveyed in the nonattainment area (not just non-catalytic devices). Due to a number of devices expected to exceed this limit based on the revised test method, the result will be fewer devices available for installation, sale, lease, distribution, or conveyance in the area. ADEC noted this approach is designed to ensure that performance of the devices under more real-world operations will be more consistent because the emissions limit value is not an average. As an example, ADEC found devices that meet the 1.0 grams per hour emissions limit (adopted in Missoula County, Montana), but that exceed the one-hour filter measurement of 6.0 grams per hour.

Further, ADEC noted that, while the TEOM is a new approach for wood heater device certification testing, it has been incorporated into a standard test method (ASTM D6831–11) for stack gas testing. ADEC believes the TEOM test is a valuable tool that should be used in future device certification test requirements and has maintained it as one option for meeting testing requirements in the final regulation. ADEC stated that it is specifying use of the TEOM and its alternative one-hour filter measurement is based on the ADEC's analysis of over 60 EPA approved certification reports, the vast majority of the tests reviewed were for EPA Step 2 certification.

Thus, Alaska developed and implemented additional requirements for wood-fired heating devices, a 2.0 grams per hour limit for all wood-fired devices and hourly requirements measured by a TEOM device or during the EPA certification process, with the intention to reduce the emissions from the home heating source category, the source category with the highest $PM_{2.5}$ emissions in the Fairbanks $PM_{2.5}$ Nonattainment Area. EPA has determined that Alaska's revisions to 18 AAC 50.077 are reasonable and strengthen the SIP with respect to the regulation of emissions from the residential space heating source category.

Comment 2: HPBA, Kozy Heat Fireplaces, and Travis Industries assert that the one-hour filter alternative is not compatible with woodstove emissions and the Federal air quality standard that the EPA based on data averaged over 24 hours, noting that the Federal air quality standard is not a ''peaking'' standard that is violated by a single episodic, one-hour reading. Thus, the commenters assert that the EPA was proposing to approve this metric without any explanation in the record of its relevance to the nonattainment issues experienced in the Fairbanks $PM_{2.5}$ Nonattainment Area.

Response 2: The EPA disagrees with the commenters. First, the EPA disagrees with the commenters' assertion that device requirements must be directly tied to the Federal air quality standard. Overall, the EPA notes that $PM_{2.5}$ is a complex and highly variable mixture of particles and gases. The EPA's $PM_{2.5}$ Implementation Rule (81 FR 58010, August 24, 2016) recommends that states should base potential control measures in part on an analysis of emissions inventory data summaries, fine particle speciation monitoring data, and source apportionment air quality modeling data. Emissions standards can have different averaging periods based on the type of source, rate of emissions, and control measure. Irrespective of the particular NAAQS, our basis for approval here is that Alaska's revisions to 18 AAC 50.077 render the SIP more stringent than the prior approved rule in terms of regulating emissions from woodstoves. The EPA finds that ADEC's rationale for why the revised 18 AAC 50.077 will reduce emissions from the residential home heating source category is reasonable.

Second, the record contains ample information showing that ADEC's revised rule will reduce emissions of direct $PM_{2.5}$ from the residential home heating source category. The EPA evaluated ADEC's SIP submission, including the responses to similar comments in the development of the State's regulation. In ADEC's Response to Comments, ADEC noted that, under the 2015 NSPS for new residential wood heaters, the EPA required reporting of emission rates for the first hour of the test period. This data reflects the timing and emission rates typically associated with the 60-minute test requirements for particulate matter testing at all other sources (EPA Method 5). ADEC asserted that the assessment of one-hour data allows agencies to gauge performance and determine which appliances are low emitting from the start of the certification test versus those that have been able to design for long charcoal tails to minimize the peak emissions. ADEC additionally stated that one of the reasons for requiring the use of TEOM measurement data is to provide a more meaningful equivalency to a 1.0 grams per hour average emission limit (as adopted by Missoula County, Montana), taking into consideration the variability of emissions when burning cordwood, while still allowing a range of devices to be sold and used in the Fairbanks $PM_{2.5}$ Nonattainment Area. Thus, the record does contain information

explaining the reason for the one-hour filter alternative.

Finally, as stated in a prior EPA action on November 27, 2018 (83 FR 60769), approving the Alaska SIP as meeting specific $PM_{2.5}$ infrastructure requirements, states have the obligation to regulate sources as necessary to meet nonattainment area plan stringency requirements, such as reasonably and best available control measures, and the obligation to regulate sources as necessary to attain the NAAQS in a given nonattainment area. ADEC determined it was necessary to revise 18 AAC 50.077 and submitted the revisions to address Serious area planning requirements for best available control measures in the Fairbanks $PM_{2.5}$ Nonattainment Area. While this action does not address whether the submitted revisions to 18 AAC 50.077 and other rules are sufficient to meet best available control measure requirements, we explained in our proposed action how the revisions strengthen the SIP. The comments do not demonstrate that Alaska's revisions to 18 AAC 50.077 or rationale for these revisions are unreasonable, and EPA is thus finalizing approval of 18 AAC 50.077 as proposed.

Comment 3: HPBA, Blaze King Industries, Inc., Hearth & Home Technologies, Inc., Travis Industries, and United States Stove Company note that Fairbanks has a unique winter environment where woodstoves are only ''started'' once during winter and left running during entire cold season. Thus, the commenters assert that establishing a particulate emissions standard based only on the first hour of operation inaccurately represents the emissions of wood-fired heating devices in the Fairbanks $PM_{2.5}$ Nonattainment Area. In addition, Blaze King Industries, Inc. states that woodstove users in the Fairbanks North Star Borough are unique in their use of stoves to address sub-zero climate conditions in the region. Myren Consulting states that, no matter the test method, testing of certified stoves in the test environment will not reflect conditions in the field because of differences in static pressure, that the commenter asserts will significantly affect performance in areas with colder temperatures such as in Fairbanks.

Response 3: As noted in Responses 1 and 2, ADEC revised 18 AAC 50.077 to reduce emissions from wood-fired heating devices while allowing for sale and use of a range of devices in the Fairbanks $PM_{2.5}$ Nonattainment Area. In ADEC's Response to Comments, ADEC stated that the TEOM measurement and the one-hour filter pull data reflect more real-time particulate matter measurements and that other test methods, based on an average of multiple test runs, may vastly under predict actual in-use emission rates and do not reflect the actual fuel loading events that may occur multiple times per day. Moreover, ADEC developed this control measure as part of its control measure analysis that incorporates the emissions inventory, speciation, and source apportionment data for the nonattainment area. Based on ADEC's SIP submission, including the responses to comments in ADEC's rulemaking process, the EPA finds that ADEC's rationale for incorporating the TEOM measurement and the one-hour filter pull data is credible and based on a robust understanding of the emissions from woodstoves. Therefore, the EPA is approving this rule revision as SIP-strengthening because the revised rule imposes requirements for woodstoves in the Fairbanks $PM_{2.5}$ Nonattainment Area that are more stringent than the woodstove requirements in the current SIP.

Comment 4: Travis Industries asserts that the EPA must expressly state that the standards ADEC is imposing in 18 AAC 50.077 are inappropriate in other settings that do not share the Fairbanks $PM_{2.5}$ Nonattainment Area's extreme climatic conditions.

Response 4: As specified in 18 AAC 50.077, this regulation only applies to qualifying wood-fired heating devices in areas in Alaska that are designated nonattainment for $PM_{2.5,}$ under 18 AAC 50.015(b)(3). Currently the Fairbanks and North Pole urban area (*i.e.,* Fairbanks $PM_{2.5}$ Nonattainment Area) is listed as the only nonattainment area in Alaska where this regulation applies. However, other state and local governments have the authority to adopt similar measures.

Comment 5: Comments by HPBA, Blaze King Industries, Inc., Kuma Stoves, Inc., IHP, Woodstock Soapstone Company, Myren Consulting, and FPI object to Alaska's authority to validate the EPA's wood-fired heating device certifications for applicability in the Fairbanks $PM_{2.5}$ Nonattainment Area and limit the EPA-approved applicable testing methods. HPBA asserts that, under 18 AAC 50.077(c)(3)(A), ADEC can effectively veto an EPA device certification on the grounds that ADEC had not approved the same alternative test method. As an example, HPBA notes that while the EPA approved ASTM 3053 (cordwood test method), Alaska has not. These commenters state that Alaska's failure to recognize this approved test method undermines the EPA's authority. In addition, Kuma Stoves, Inc. states that the EPA should not now, after benefitting from valuable data generated by the ASTM 3053 test method, support language that declares ASTM 3053 to be a nonrepresentative test. One anonymous commenter contends that, based on experience as a manufacturer of EPA-certified woodstoves, the ASTM 3053 test method is credible and produces consistent and reliable emissions values, and therefore rejecting this test method results in less informative testing data.

Generally, IHP states that it is onerous for a state to regulate an industry to meet any requirements that are not previously set and known before development, certification, and manufacturing of those industry products. Kozy Heat Fireplaces, Inc. states these device requirements impose new and greater costs for certification and that these costs have not been quantified by either ADEC or the EPA. IHP recommends that the EPA reject ADEC's revised requirements for woodstoves in the Alaska SIP submission as a ''de facto federal standard,'' and in the comment encourages the State of Alaska to work with the industry to find a more complete solution. FPI also notes that, not only does ADEC not recognize the alternate test method, but it does not recognize the 2.5 grams per hour emissions limit associated with this test method. FPI asserts that dismissing this limit by setting a 2.0 grams per hour limit for cordwood without a scientific process and peer review is arbitrary.

An anonymous commenter notes that the same entities are involved in woodstove device testing certifications and accreditations as product safety testing. The commenter states that laboratories need an International Organization for Standardization (ISO) 17025 accreditation that can be renewed every two years following an official audit from the accreditor. The commenter states that proficiency testing has been put in place by the EPA as part of the ISO–17025 accreditation and all accredited laboratories should comply with the proficiency testing every two years.

Response 5: The EPA disagrees with the commenters' assertion that Alaska lacks authority to promulgate rules that are more stringent than EPA's NSPS or that otherwise limit the range of devices allowed in the area. The EPA also disagrees with the assertion that Alaska, by promulgating these rules, establishes a ''de facto federal standard'' and as such undermines the EPA's independent authorities to establish Federal new source performance standards. Congress gave the EPA

authority in CAA section 111 to establish performance standards for categories of new sources. Distinct from CAA section 111, Congress required in CAA section 110 that states have an overarching SIP to implement, maintain, and enforce the NAAQS. If states have designated nonattainment areas, then they must make a nonattainment plan SIP submission meeting additional specific requirements. State regulation of sources more stringently for purposes of meeting SIP requirements does not interfere or undermine the EPA's authority to regulate new sources under the CAA. With few exceptions, states are not preempted from regulating source categories more stringently and have explicit authority in CAA section 116 to do so.

The EPA disagrees with the commenters' assertion that ADEC did not consider compliance costs. In ADEC's Response to Comments, Alaska acknowledged the potential increased costs to certification testing. ADEC stated that the intention is to provide a meaningful equivalent control measure to a 1.0 grams per hour average emissions limit, while also allowing a range of devices to be sold and used in the Fairbanks $PM_{2.5}$ Nonattainment Area. As discussed in Response 1 in this preamble, states have explicit authority to regulate a source category more stringently than may be required in a Federal regulation. The EPA's role is to review and approve state choices if they meet applicable CAA requirements. See 42 U.S.C. 7410(k) and 40 CFR 52.02(a); see also *Union Elec. Co.* v. *EPA,* 427 U.S. 246, 256–266 (1976) (holding that the EPA may not disapprove a state implementation plan that meets the requirements of CAA Section 110(a)(2) on the basis of technological or economic infeasibility). There is nothing in the CAA that prevents states from imposing SIP requirements that are more stringent than Federal NSPS standards.

Regarding woodstove device testing certifications and ISO–17025 accreditations, the 2015 NSPS stipulates that for new residential wood heaters, new residential hydronic heaters, and forced-air furnaces (80 FR 13672), a test laboratory must agree to participate biennially in an independently operated proficiency testing program with no direct ties to the participating laboratories. Further, the EPA Administrator may revoke a test laboratory approval if a test laboratory has failed to participate in a proficiency testing program, in accordance with 40 CFR 60.535.

Comment 6: Central Boiler/Woodmaster objects to the provision under 18 AAC 50.077(a) that prohibits the sale and installation of cordwood-fueled outdoor hydronic heaters in the Fairbanks $PM_{2.5}$ Nonattainment Area. Central Boiler/Woodmaster states that these devices are not given consideration by the state based on emissions or performance like other wood heating appliances.

Response 6: Consistent with CAA requirements and the EPA's $PM_{2.5}$ Implementation Rule, Alaska has authority to prohibit the sale and installation of devices that contribute to $PM_{2.5}$ concentrations in the Fairbanks $PM_{2.5}$ Nonattainment Area, such as cordwood-fueled outdoor hydronic heaters, to bring the area into attainment. We note that, under 18 AAC 50.077(b), Alaska does permit pellet-fueled wood-fired hydronic heaters for use in the Fairbanks $PM_{2.5}$ Nonattainment Area, if specific device performance criteria meet Alaska regulations. Therefore, the EPA is finalizing the approval of 18 AAC 50.077(b) as proposed.

Comment 7: HPBA notes that while point sources (electric power plants) constitute the largest source of SO_2 emissions in the Fairbanks $PM_{2.5}$ Nonattainment Area, ADEC, in many instances, did not require additional source-level controls on several large facilities. HPBA states that ADEC did not require installation of new control technologies for SO_2 even though the average daily emissions from these point sources are nearly three times larger than sources of directly-emitted $PM_{2.5}$ from woodstoves.

Response 7: The EPA agrees with the commenter that the largest source category of SO_2 emissions is point sources, including electric power plants, and that SO_2 is a significant contributor to $PM_{2.5}$ concentrations in the Fairbanks $PM_{2.5}$ Nonattainment Area. On December 13, 2019, Alaska submitted a best available control technology (BACT) control analysis for specific point sources located in the area, including several electric power plants, as part of the Fairbanks Serious Plan. However, we consider this comment to be outside the scope of this action. In this action, the EPA is evaluating rule revisions that ADEC has adopted to address direct $PM_{2.5}$ emissions from wood-fired heating devices. We did not propose action on the BACT Serious area planning requirements, including the issue of appropriate regulation of SO_2 emissions from point sources, as part of this action. We intend to address Alaska's best available control measures (BACM)/BACT control analysis, and any supplemental BACT control analysis submissions, in a separate action. We encourage the commenter to resubmit the comment during the public comment period of our future action on the BACT control analysis.

Conclusion

The EPA finds that the comments do not change our proposed determination that the regulations submitted by Alaska are consistent with CAA requirements and strengthen the SIP. Therefore, we are finalizing our action as proposed.

III. Final Action

In this action, the EPA is approving a portion of the submitted revisions to the Alaska SIP as meeting the following Serious Plan required elements for the Fairbanks $PM_{2.5}$ Nonattainment Area:

- The 2013 base year emissions inventory (CAA section 172(c)(3); 40 CFR 51.1008(b)(1)); and
- The State's $PM_{2.5}$ precursor demonstration for NO_X and volatile organic compound (VOC) emissions (CAA section 189(e); 40 CFR 51.1006(a)).

We reiterate that Alaska's precursor analysis did not address nonattainment New Source Review (NSR) requirements. The State made the prior determination to regulate all four EPA identified legal precursors to $PM_{2.5}$ in the nonattainment NSR regulations applicable to the Fairbanks $PM_{2.5}$ Nonattainment Area. The EPA approved Alaska's October 25, 2018, SIP revision as meeting the nonattainment NSR requirements triggered upon reclassification of the area to Serious (August 29, 2019, 84 FR 45419).

Specifically, the EPA is approving the submitted sections of the Alaska Air Quality Control Plan for the Fairbanks $PM_{2.5}$ Nonattainment Area, State effective January 8, 2020:

- Volume II Section III.D.7.06 and Volume III Section III.D.7.06 Emissions Inventory, for purposes of the 2013 base year emissions inventory;
- Volume II Section III.D.7.08 Precursor Demonstration, for the purposes of NO_X and VOC emissions as it relates to BACM/BACT control measure requirements; and

Further, the EPA is approving the submitted section of the Alaska Air Quality Control Plan for the Fairbanks $PM_{2.5}$ Nonattainment Area, State effective December 25, 2020:

- Volume II Section III.D.7.12, Emergency Episode Plan.[3]

[3] Submitted on December 15, 2020 and included in the docket. The EPA is not at this time determining whether this updated planning chapter, in conjunction with the associated regulatory changes, meets other Serious area nonattainment plan requirements for the 2006 24-

Continued

In addition, the EPA is approving and incorporating by reference the submitted regulatory changes listed below into the Alaska SIP. As stated in our proposal, the EPA is not at this time determining whether these provisions also meet other Serious area nonattainment plan requirements for the Fairbanks $PM_{2.5}$ Nonattainment Area. Upon the effective date of this action, the Alaska SIP will include:

- 18 AAC 50.030, except (a), State effective January 12, 2018;
- 18 AAC 50.075, except (d)(2) and (f), State effective January 8, 2020;
- 18 AAC 50.076, except (g)(11), State effective January 8, 2020;
- 18 AAC 50.077, except (g) and (q), State effective January 8, 2020;
- 18 AAC 50.078, except (c) and (d), State effective January 8, 2020;
- 18 AAC 50.079, except (e), State effective January 8, 2020; and
- 18 AAC 50.990(71), (138), (149), (150), (151), (152), (153), (154), and (155), State effective January 8, 2020.

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference the regulations described in Section III of this preamble. The EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region 10 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 the EPA for inclusion in the State implementation plan, have been incorporated by reference by the 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 the EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.

V. Statutory and Executive Order Reviews

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

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 it 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).

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 November 23, 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: September 15, 2021.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 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 C—Alaska

■ 2. In § 52.70:
■ a. The table in paragraph (c) is amended by:
■ i. Adding the entry ''18 AAC 50.030'' in numerical order;
■ ii. Revising the entries ''18 AAC 50.075'', ''18 AAC 50.076'', and ''18 AAC 50.077'';
■ iii. Adding the entries ''18 AAC 50.078'' and ''18 AAC 50.079'' in numerical order; and
■ iv. Revising the entry ''18 AAC 50.990''.

hour $PM_{2.5}$ NAAQS in the Fairbanks $PM_{2.5}$ Nonattainment Area.

■ b. The table in paragraph (e) is amended by adding the entries ''II.III.D.7.06 Fairbanks Emissions Inventory Data'', ''III.III.D.7.06 Appendix to Fairbanks Emissions Inventory Data'', ''II.III.D.7.08 Fairbanks Modeling'', and ''II.III.D.7.12 Fairbanks Emergency Episode Plan'' to the end of the table.

The additions and revisions read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED ALASKA REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanations
Alaska Administrative Code Title 18 Environmental Conservation, Chapter 50—Air Quality Control (18 AAC 50)				
18 AAC 50—Article 1. Ambient Air Quality Management				
*	*	*	*	*
18 AAC 50.030	State Air Quality Control Plan	1/12/2018	9/24/2021, [Insert **Federal Register** citation].	Except (a).
*	*	*	*	*
18 AAC 50.075	Solid Fuel-Fired Heating Device Visible Emission Standards.	1/8/2020	9/24/2021, [Insert **Federal Register** citation].	Except (d)(2) and (f).
18 AAC 50.076	Solid Fuel-Fired Heating Device Fuel Requirements; Requirements for Wood Sellers.	1/8/2020	9/24/2021, [Insert **Federal Register** citation].	Except (g)(11).
18 AAC 50.077	Standards for Wood-Fired Heating Devices.	1/8/2020	9/24/2021, [Insert **Federal Register** citation].	Except (g) and (q).
18 AAC 50.078	Additional Control Measures for a Serious $PM_{2.5}$ Nonattainment Area.	1/8/2020	9/24/2021, [Insert **Federal Register** citation].	Except (c) and (d).
18 AAC 50.079	Provisions for Coal-Fired Heating Devices.	1/8/2020	9/24/2021, [Insert **Federal Register** citation].	Except (e).
*	*	*	*	*
18 AAC 50—Article 9. General Provisions				
*	*	*	*	*
18 AAC 50.990	Definitions	1/8/2020	9/24/2021, [Insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

(e) * * *

EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
*	*	*	*	*
Recently—Approved Plans				
*	*	*	*	*
II.III.D.7.06 Fairbanks Emissions Inventory Data.	Fairbanks North Star Borough	12/13/2019	9/24/2021, [Insert **Federal Register** citation].	Approved for purposes of the Fairbanks Serious Plan 2013 base year emissions inventory.
III.III.D.7.06 Appendix to Fairbanks Emissions Inventory Data.	Fairbanks North Star Borough	12/13/2019	9/24/2021, [Insert **Federal Register** citation].	Approved for purposes of the Fairbanks Serious Plan 2013 base year emissions inventory.
II.III.D.7.08 Fairbanks Modeling.	Fairbanks North Star Borough	12/13/2019	9/24/2021, [Insert **Federal Register** citation].	Approved for purposes of the Fairbanks Serious Plan $PM_{2.5}$ precursor demonstration for NO_X and VOC emissions as it relates to BACM/BACT control measure requirements.

EPA-APPROVED ALASKA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanations
II.III.D.7.12 Fairbanks Emergency Episode Plan.	Fairbanks North Star Borough	12/15/2020	9/24/2021, [Insert **Federal Register** citation].	

[FR Doc. 2021–20396 Filed 9–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2020–0009; FRL–8785–01–OCSPP]

Metalaxyl; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of metalaxyl in or on black pepper. American Spice Trade Association requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective September 24, 2021. Objections and requests for hearings must be received on or before November 23, 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–2020–0009, 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, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, 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–2020–0009 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 November 23, 2021. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b), although at this time, EPA strongly encourages those interested in submitting objections or a hearing request, to submit objections and hearing requests electronically. *See* Order Urging Electronic Service and Filing (April 10, 2020), *https://www.epa.gov/sites/production/files/2020-05/documents/2020-04-10_-_order_urging_electronic_service_and_filing.pdf.* At this time, because of the COVID–19 pandemic, the judges and staff of the Office of Administrative Law Judges are working remotely and not able to accept filings or correspondence by courier, personal deliver, or commercial delivery, and the ability to receive filings or correspondence by U.S. Mail is similarly limited. When submitting documents to the U.S. EPA Office of Administrative Law Judges (OALJ), a person should utilize the OALJ e-filing system, at *https://yosemite.epa.gov/OA/EAB/EAB-ALJ_upload.nsf.*

Although EPA's regulations require submission via U.S. Mail or hand deliver, EPA intends to treat submissions filed via electronic means as properly filed submissions during this time that the Agency continues to maximize telework due to the pandemic; therefore, EPA believes the preference for submission via electronic means will not be prejudicial. If it is impossible for a person to submit documents electronically or receive service electronically, *e.g.,* the person does not have any access to a computer, the person shall so advise OALJ by contacting the Hearing Clerk at (202) 564–6281. If a person is without access to a computer and must file documents by U.S. Mail, the person shall notify the Hearing Clerk every time it files a document in such a manner. The address for mailing documents is U.S. Environmental Protection Agency, Office of Administrative Law Judges,

Mail Code 1900R, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

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–2020–0009, by one of the following methods:

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of May 29, 2020 (85 FR 32338) (FRL–10009–84), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 9E8811) by American Spice Trade Association, 1101 17th Street NW, Suite 700, Washington, DC 20036. The petition requested that 40 CFR 180.408 be amended by establishing tolerances for residues of the fungicide metalaxyl, methyl *N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl)-DL-alaninate, in or on pepper, black at 1 part per million (ppm). That document referenced a summary of the petition prepared by American Spice Trade Association, the registrant, which is available in the docket, *http://www.regulations.gov.* Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C. Based upon review of the data supporting the petition, EPA has modified the tolerance levels on black pepper. The reason for these changes is explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

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

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

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. EPA conducted a human health risk assessment to evaluate the safety of the requested tolerances and the assessment ''Metalaxyl Human Health Risk Assessment for the Proposed Tolerances in/on White and Black Pepper without a U.S. Registration'' is found in docket ID number EPA–HQ–OPP–2020–0009 at *www.regulations.gov.* In that document, EPA evaluated the available hazard and exposure data to conduct dietary, residential, and aggregate assessment to determine risk to human health and refers back to the full discussions of the hazard profile, residue chemistry database, and residential exposures contained in the previous human health risk assessment conducted for the registration review of metalaxyl/mefenoxam. The human health risk assessment ''Metalaxyl, Mefenoxam (metalaxyl-m) Human Health Draft Risk Assessment for Registration Review'' is located in docket EPA–HQ–OPP–2009–0863–0023.

The Draft Risk Assessment reflects both mefenoxam and metalaxyl. The Agency compared the available chemistry and toxicity data for mefenoxam and metalaxyl and concluded that the toxicity studies for both chemicals can be combined for hazard characterization and dose-response assessment because the two chemicals have similar toxicity and identical chemical structures.

In rat and dog repeat dose (*i.e.,* subchronic and chronic) oral toxicity studies, there were no indications of adverse effects up to the highest dose tested (HDT). Adverse effects (*i.e.,* convulsions that occurred minutes after dosing) were only observed from acute exposure to rats.

There was no evidence of increased susceptibility following pre- or post-natal exposure in the prenatal developmental toxicity studies or the reproduction and fertility effects study in the animals treated with metalaxyl. In the rat developmental toxicity study of metalaxyl, maternal toxicity consisted of dose-related increased incidence of convulsions that occurred shortly after dosing, as well as other clinical signs. In a range-finding acute neurotoxicity study of mefenoxam, females showed abnormal functional observation battery findings at doses lower than males, but higher than in the rat developmental study. However, there was no indication of toxicity up to the HDT in the mefenoxam subchronic neurotoxicity study, which confirms the lack of adverse effects observed in all other repeat-dose studies.

There was no indication of immunotoxicity in a mouse immunotoxicity study of mefenoxam.

Metalaxyl is classified as ''Not Likely to be Carcinogenic to Humans'' based on the lack of evidence of carcinogenicity in the metalaxyl carcinogenicity study in mice and the combined chronic toxicity and carcinogenicity study in rats.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards

that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for metalaxyl used for the human health risk assessment is shown in the Metalaxyl Human Health Risk Assessment for the Proposed Tolerances in/on White and Black Pepper without a U.S. Registration, and further explanation can be found in ''Metalaxyl, Mefenoxam (metalaxyl-m) Human Health Draft Risk Assessment for Registration Review''.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to metalaxyl, EPA considered exposure under the existing tolerances for mefenoxam and the existing and petitioned-for tolerances for metalaxyl. EPA assessed dietary exposures in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

In conducting acute dietary exposure assessment, EPA used the 2003–2008 food consumption data from the U.S. Department of Agriculture's National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). A partially refined acute dietary exposure assessment was conducted for metalaxyl. The refinement was based on a tolerance level adjustment to account for all residues of concern and anticipated residues were used for livestock commodities. The analysis used tolerance-level residues, adjusted to include additional residues of concern, and 100 percent crop treated (PCT).

ii. *Chronic exposure.* Because no chronic dietary endpoint was selected, a chronic dietary exposure assessment was not conducted. Nevertheless, for purposes of assessing short-term aggregate risk, EPA calculated average dietary exposures. In conducting the chronic dietary exposure assessment, EPA used tolerance level values adjusted for additional residues of concern and 100 PCT.

iii. *Cancer.* Metalaxyl is classified as ''Not Likely to Be Carcinogenic to Humans'' therefore, a cancer assessment is not needed.

2. *Dietary exposure from drinking water.* Drinking water exposures are not impacted by the import tolerances on black pepper; therefore, the assessment for this tolerance action relied on the second refinement for the drinking water exposure assessment (DWA) for metalaxyl and mefenoxam, in support of the Agency human health assessment for Registration Review for the estimated drinking water concentrations (EDWCs). *See* ''Metalaxyl/Mefenoxam: Second Refinement Addendum to Drinking Water Exposure Assessment in Support of Registration Review'', which is located at *https://www.regulations.gov* in docket ID number EPA–HQ–OPP–2009–0863.

That assessment modeled drinking water exposures using the Pesticide Root Zone Model (PRZM, v5, November 15, 2006) and the Variable Volume Water Body Model (VVWM, March 6, 2014) for surface water and the PRZM–GW for groundwater. Using those models, EPA calculated the following EDWCs for use in exposure assessment: 350 ppb for acute exposure assessment and 135 ppb for chronic exposure assessment.

3. *Non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Mefenoxam and metalaxyl are currently registered for the following uses that could result in residential exposures: Lawns, ornamentals, gardens, and trees. EPA assessed residential exposure using the following assumptions: For residential handlers, all registered metalaxyl and mefenoxam product labels with residential use sites (lawns, ornamentals and garden and trees) require that handlers wear specific clothing (*e.g.,* long-sleeve shirt/long pants) and chemical-resistant gloves. Therefore, EPA has made the assumption that these products are not for homeowner use and has not conducted a quantitative residential handler assessment.

There is potential for residential post-application exposures to metalaxyl. Since no dermal endpoints were identified, only incidental oral post-application exposures to small children ages 1 to <2 have been assessed. Metalaxyl and mefenoxam are registered for use on home lawns; therefore, there is the potential for incidental oral exposure (hand-to-mouth, object-to-mouth, soil ingestion and granular ingestion).

The recommended residential exposure for use in the children 1 to <2 years old aggregate assessment reflects hand-to-mouth incidental oral exposures from treated turf using a liquid formulation. Ingestion of granules is considered an episodic event and not a routine behavior. Because the Agency does not believe that this would occur on a regular basis, the concern for human health is related to acute poisoning rather than short-term residue exposure. Therefore, an acute dietary dose is used to estimate exposure and risk resulting from episodic ingestion of granules. For these same reasons, the episodic ingestion scenario was not included in the aggregate assessment.

A summary of the residential exposures for metalaxyl used for the human health risk assessment can be found in ''Metalaxyl, Mefenoxam (metalaxyl-m) Human Health Draft Risk Assessment for Registration Review'' docket ID number EPA–HQ–OPP–2009–0863–0023.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* FFDCA section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to mefenoxam and any other substances and mefenoxam does not appear to produce a toxic metabolite produced by

other substances. For the purposes of this action, therefore, EPA has not assumed that mefenoxam has a common mechanism of toxicity with other substances.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There was no evidence of increased susceptibility in offspring in the prenatal developmental or the 2-generation reproductive toxicity studies. In adult rats treated with metalaxyl or mefenoxam, clinical signs and abnormal functional observation battery (FOB) findings were noted after a bolus gavage dose but not in repeated dose studies.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity databases for metalaxyl and mefenoxam are adequate to assess the potential for prenatal and postnatal toxicity for infants and children.

ii. In the rat prenatal developmental toxicity with metalaxyl, maternal animals exhibited clinical signs indicative of neurobehavioral effects as previously discussed. In the range-finding acute neurotoxicity study with mefenoxam, females exhibited abnormal FOB findings at doses lower than in males. In the subchronic neurotoxicity study with mefenoxam, there were no indications of neurotoxicity up to the HDT. In metalaxyl and mefenoxam treated adult animals, clinical signs and abnormal FOB findings were noted. However, a developmental neurotoxicity (DNT) study is not required for metalaxyl or mefenoxam because (1) there are no indications of increased susceptibility for infants or children; (2) the convulsions observed in the rat prenatal developmental toxicity study occurred in the maternal animals with no effects being observed in the young; (3) the convulsions occurred only after a bolus dose; (4) the available developmental and range-finding acute neurotoxicity studies provided clear NOAELs and LOAELs for evaluating effects; (5) the current POD is below the level at which any effects were seen in either study, and (6) there were no other indications of neurotoxicity in the mefenoxam or metalaxyl databases, which include a subchronic (adult rat) neurotoxicity study for mefenoxam. Therefore, there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity. See ''Metalaxyl, Mefenoxam (metalaxyl-m) Human Health Draft Risk Assessment for Registration Review'' docket ID number EPA–HQ–OPP–2009–0863–0023.

iii. As discussed above in Unit III.D.2., there is no evidence that metalaxyl results in increased susceptibility in the developmental or reproductive toxicity studies; and

iv. There are no residual uncertainties in the exposure database. Dietary exposure analysis was performed incorporating all existing and proposed uses using tolerance level values to estimate residues in food commodities and anticipated residues in livestock commodities. Drinking water estimates were generated based upon conservative inputs and modeling. Similarly, potential residential post application exposures are based upon conservative, default assumptions. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to metalaxyl in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children as well as incidental oral exposure of toddlers. These assessments are not expected to underestimate the exposure to metalaxyl.

E. Aggregate Risks and Determination of Safety

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

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. Using the exposure assumptions described in this unit for acute exposure, EPA has concluded that acute exposure to metalaxyl from food and water will utilize 52% of the aPAD for children 1 to 2 years old, the population subgroup with the highest exposure estimate.

2. *Chronic risk.* There is no increase in hazard from repeat exposures to metalaxyl/mefenoxam; therefore, a chronic dietary POD was not selected. Due to the lack of a chronic endpoint, a chronic dietary risk is not expected. The acute endpoint and dietary exposure assessment are protective of potential effects from chronic duration dietary exposures.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Mefenoxam and metalaxyl are currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to mefenoxam and metalaxyl. Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in an aggregate MOE of 270 for children. Because EPA's level of concern for mefenoxam is a MOE of 100 or below, this MOE is not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). An intermediate-term adverse effect was identified; however, metalaxyl and mefenoxam are not registered for any use patterns that would result in intermediate-term residential exposure.

5. *Aggregate cancer risk for U.S. population.* Metalaxyl is classified as ''Not Likely to Be Carcinogenic to Humans''; therefore, EPA does not expect metalaxyl exposures to pose an aggregate cancer risk.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to metalaxyl residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

There are adequate residue analytical methods for enforcing tolerances for metalaxyl residues of concern in/on the registered plant and livestock commodities. These several methods include gas chromatography equipped with an alkali flame ionization detector (GC/AFID), gas chromatography equipped with a nitrogen/phosphorus detector (GC/NPD), the multiresidue method in PAM, Vol. I section 302 (Protocol D) in the nitrogen-specific mode, and gas-liquid chromatography/mass spectrometry in the chemical ionization mode with selected ion monitoring (SIM) of the M+1 ion at *m/z* 268 for determining residues in/on black pepper and livestock.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., 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. The Codex has not established a MRL for metalaxyl in or on black pepper.

C. Response to Comments

Two comments were received in response to the notice of filing. One of the comments was not germane to the petition for metalaxyl tolerances.

The second comment argued against the use metalaxyl on black pepper and expressed concern about the overall toxicity of pesticides. Although the Agency recognizes that some individuals believe that pesticides should be banned on agricultural crops, the existing legal framework provided by FFDCA section 408 authorizes EPA to establish tolerances when it determines that the tolerance is safe. Upon consideration of the validity, completeness, and reliability of the available data as well as other factors the FFDCA requires EPA to consider, EPA has determined that these metalaxyl tolerances are safe. The commenter has provided no information supporting a contrary conclusion.

D. Revisions to Petitioned-For Tolerances

EPA is establishing the tolerance at 0.3 ppm rather than at the petitioned-for tolerance level of 1.0 ppm. EPA's analysis of the monitoring data that was submitted to support the tolerance level concludes that 0.3 ppm is sufficient to cover residues in imported black pepper.

V. Conclusion

Therefore, tolerances are established for residues of metalaxyl, methyl *N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl)-DL-alaninate, in or on pepper, black at 0.3 ppm.

VI. Statutory and Executive Order Reviews

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

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

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

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

VII. Congressional Review Act (CRA)

Pursuant to the CRA (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: September 3, 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 § 180.408, amend the table in paragraph (a) by:
■ i. Designating the table as Table 1 to Paragraph (a).
■ ii. Adding in alphabetical order an entry for ''Pepper, black''.
■ iii. Add footnote 1.

The additions read as follows:

§ 180.408 Metalaxyl; tolerances for residues.

* * * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
* * * * *	
Pepper, black [1]	0.3
* * * * *	

[1] There are no U.S. registrations for use of this pesticide on this commodity as of September 24, 2021.

* * * * *

[FR Doc. 2021–20743 Filed 9–23–21; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 21–9; RM–11872; DA 21–1161; FR ID 49364]

Television Broadcasting Services Tulsa, Oklahoma

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On May 17, 2021, the Media Bureau, Video Division (Bureau) issued a *Notice of Proposed Rulemaking* (*NPRM*) in response to a petition for rulemaking filed by KTUL Licensee, LLC (Licensee), the licensee of KTUL, channel 10 (ABC), Tulsa, Oklahoma, requesting the substitution of channel 14 for channel 10 at Tulsa in the DTV Table of Allotments. For the reasons set forth in the *Report and Order* referenced below, the Bureau amends FCC regulations to substitute channel 14 for channel 10 at Tulsa.

DATES: Effective October 25, 2021.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418–1647 or *Joyce Bernstein@fcc.gov.*

SUPPLEMENTARY INFORMATION: The proposed rule was published at 86 FR 13684 on March 10, 2021. The Licensee filed comments in support of the petition reaffirming its commitment to apply for channel 14. The Land Mobile Communications Council (LMCC) filed opposition comments, to which the Licensee filed a reply. LMCC also filed an ex parte letter opposing the petition.

In its rulemaking petition, the Licensee stated that KTUL, as a VHF channel station, has a long history of dealing with severe reception problems, and that operation on channel 14 would not result in any predicted loss of television service. The Licensee further stated that with respect to operations on channel 14 and nearby land mobile services, it would install the appropriate mask filter and antenna needed to avoid interference to land mobile operations. LMCC opposed the channel substitution because it believes KTUL's operation on channel 14 at 1,000 kW power poses an unacceptable risk of harmful interference to protected land mobile operations and proposed that that the Commission investigate whether alternative substitute UHF channels are available for KTUL. LMCC believes that while installing filtering, as the Licensee proposes, may be effective at preventing certain interference issues, it will have no impact on the receiver desensitization it expects will occur from the Licensee's proposed operation. In its Reply, the Licensee asserted that section 73.687 of the rules states that once a channel 14 permittee has performed the required pre-operation steps to avoid land mobile interference, including installing filters and making outreach efforts to local operators, its obligation is to co-operate with land mobile operators to resolve interference issues that may arise that are caused by the station after it begins operations, which the Licensee commits to do. The Licensee further stated that it had searched for other viable UHF channels and found none. In addition, the Licensee states that its affiliated stations have considerable experience operating television stations on channel 14, and there have been no known instances of interference to land mobile operations. The Licensee also provided technical information regarding the common use of band stop filters by land mobile systems to deal with receiver desensitization. In its ex parte filing in response to the Licensee's reply, LMCC primarily repeats its previous arguments in opposition to the petition.

The Bureau denied LMCC's objections and granted the proposed substitution of channel 14 for channel 10, concluding that the Licensee's proposal meets the Commission's technical and interference rules, and that grant would serve the public interest. While LMCC stated that it is concerned that there will be interference to large numbers of land mobile systems within 40 miles of the channel 14 proposed transmission site, the Bureau stated that the majority of interference cases occur within five miles of the TV transmitter site, that KTUL's tower is located more than five miles outside Tulsa, and that the few instances of reported interference in other cases where television stations have operated on channel 14 and the separation was greater than five miles were resolved by the installation of filters. The Bureau also noted that the Commission has recognized that use of band-stop filters at the land mobile receiver is an effective procedure to reduce interference caused by receiver desensitization, and that the Licensee recognizes its obligation under the rules to correct any desensitization problems that may occur after it begins operations. With respect to LMCC's request that the Bureau find an alternative channel for KTUL, the Licensee stated that it could find no other technically feasible channel and Bureau found that the channels proposed by LMCC were all unavailable for the Licensee's use because of interference to other television stations. The Bureau concluded that since the Licensee has committed to perform the steps required by the rule and its construction permit, if granted, will have the standard condition requiring it to do so, it would deny LMCC's opposition. It also concluded that because it was at the stage of amending the DTV Table of Allotments and an application for a construction permit for channel 14 has not yet been submitted, it need not address LMCC's interpretation of section 73.687(e) of the rules.

This is a synopsis of the Commission's *Report and Order,* MB Docket No. 21–9; RM–11872; DA 21–1161, adopted September 15, 2021, and released September 16, 2021. The full text of this document is available for download at *https://www.fcc.gov/edocs.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

This document does not contain information collection requirements

subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.622, in paragraph (i), amend the Post-Transition Table of DTV Allotments, under Oklahoma, by revising the entry for ''Tulsa'' to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(i) * * *

Community	Channel No.
* * * * *	
OKLAHOMA	
* * * * *	
Tulsa	8, *11, 14, 22, 45, 47, 49.
* * * * *	

[FR Doc. 2021–20635 Filed 9–23–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 180117042–8884–02]

RTID 0648–XB417

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure of the Atlantic bluefin tuna General category September fishery for 2021.

SUMMARY: NMFS closes the General category fishery for large medium and giant (*i.e.,* measuring 73 inches (185 cm) curved fork length or greater) Atlantic bluefin tuna (BFT) for the September subquota time period until the General category reopens on October 1, 2021. Given that the General category September subquota will be closed by this action through the end of September, NMFS is also waiving previously-designated restricted-fishing days (RFDs) for the rest of September. The fishery will reopen on October 1, 2021, and the previously-designated RFDs will resume on October 1, 2021. This action applies to Atlantic Tunas General category (commercial) permitted vessels and HMS Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT.

DATES: Effective 11:30 p.m., local time, September 23, 2021, through September 30, 2021.

FOR FURTHER INFORMATION CONTACT: Larry Redd, Jr., 301–427–8503, Nicholas Velseboer, 978–281–9260, or Lauren Latchford, 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic HMS fisheries, including BFT fisheries, are managed under the authority of the Atlantic Tunas Convention Act (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 HMS Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27 divides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States among the various domestic fishing categories, per the allocations established in the 2006 Consolidated HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

Under § 635.28(a)(1), NMFS files a closure action with the Office of the Federal Register for publication when a BFT quota (or subquota) is reached or is projected to be reached. Retaining, possessing, or landing BFT under that quota category is prohibited on or after the effective date and time of a closure notice for that category until the opening of the relevant subsequent quota period or until such date as specified.

Closure of the September 2021 General Category Fishery

The 2021 baseline quota for the General category is 555.7 mt. The General category baseline subquota for the September time period is 147.3 mt. NMFS recently increased the September subquota to 207.3 mt through an inseason quota transfer (86 FR 51016, September 14, 2021). This transfer provided additional quota for the September time period and also addressed an 53.8 mt overharvest from previous time-period subquotas.

As of September 21, 2021, reported landings for the General category September subquota time-period total approximately 161.6 mt. Based on these landings data, as well as average catch rates and anticipated fishing conditions, NMFS projects the adjusted September 2021 subquota of 207.3 mt will be reached shortly. Therefore, retaining, possessing, or landing large medium or giant (*i.e.,* measuring 73 inches (185 cm) curved fork length or greater) BFT by persons aboard vessels permitted in the Atlantic Tunas General category and HMS Charter/Headboat permitted vessels (while fishing commercially) must cease at 11:30 p.m. local time on September 23, 2021. The General category will automatically reopen October 1, 2021, for the October through November 2021 subquota time-period. This action applies to Atlantic Tunas General category (commercial) permitted vessels and HMS Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT, and is taken consistent with the regulations at § 635.28(a)(1). The intent of this closure is to prevent overharvest of the available September subquota.

Adjustment of Daily Retention Limit for Selected Dates

On August 9, 2021 (86 FR 43421), NMFS published a final rule implementing RFDs every Tuesday, Friday, and Saturday through November 30, 2021. Because the fishery will be closed for the remainder of September, NMFS has decided to waive the previously-scheduled RFDs for the rest of September. RFDs will resume on October 1, 2021.

With the RFDs waived during the closure, consistent with § 635.23(a)(4), fishermen aboard General category permitted vessels and HMS Charter/Headboat permitted vessels may tag and release BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. All BFT that are released must be handled in a manner that will maximize their survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the ''Careful Catch and Release'' brochure available at *https://www.fisheries.noaa.gov/resource/outreach-and-education/careful-catch-and-release-brochure/.*

Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries closely. Dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. Late reporting by dealers compromises NMFS' ability to timely implement actions such as quota and retention limit adjustment, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer reporting requirement, General and HMS Charter/Headboat category vessel owners are required to report the catch of all BFT retained or discarded dead within 24 hours of the landing(s) or end of each trip, by accessing *hmspermits.noaa.gov,* using the HMS Catch Reporting app, or calling (888) 872–8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

After the fishery re-opens on October 1, depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional adjustments are necessary to ensure available subquotas are not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (978) 281–9260, or access *hmspermits.noaa.gov,* for updates on quota monitoring and inseason adjustments.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is taken pursuant to 50 CFR part 635, which was issued pursuant to section 304(c), and is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. This fishery is currently underway and delaying this action would be contrary to the public interest as it could result in BFT landings exceeding the adjusted September 2021 General category quota. For all of the above reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: September 21, 2021.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–20799 Filed 9–21–21; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 200420–0118; RTID 0648–XB432]

Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2021 Winter II Quota

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; in-season adjustment.

SUMMARY: NMFS adjusts the 2021 Winter II commercial scup quota and per-trip Federal landing limit. This action is necessary to comply with Framework Adjustment 3 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan that established the rollover of unused commercial scup quota from the Winter I to Winter II period. This notification is intended to inform the public of this quota and trip limit change.

DATES: Effective October 1, 2021, through December 31, 2021.

FOR FURTHER INFORMATION CONTACT: Laura Hansen, Fishery Management Specialist, (978) 281–9225; or *Laura.Hansen@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS published a final rule for Framework Adjustment 3 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan in the **Federal Register** on November 3, 2003 (68 FR 62250), implementing a process to roll over unused Winter I commercial scup quota (January 1 through April 30) to be added to the Winter II period quota (October 1 through December 31) (50 CFR 648.122(d)). The framework also allows adjustment of the commercial possession limit for the Winter II period dependent on the amount of quota rolled over from the Winter I period. The Winter II period start date was changed from November 1 to October 1 as part of Framework Adjustment 12 (83 FR 17314; April 19, 2018).

For 2021, the initial Winter II quota is 3,267,825 lb (1,482,260 kg). The best available landings information indicates that 3,415,629 lb (1,549,303 kg) remain of the 9,247,904 lb (4,194,779 kg) Winter I quota. Consistent with Framework 3, the full amount of unused 2021 Winter I quota is being transferred to Winter II, resulting in a revised 2021 Winter II quota of 6,683,454 lb (3,031,563 kg). Because the amount transferred is between 3.0 and 3.5 million lb (1,587,573 and 1,814,369 kg), the Federal per trip possession limit will increase from 12,000 lb (5,443 kg) to 21,000 lb (9,525 kg), as outlined in the final rule that established the possession limit and quota rollover procedures for this year, published on December 21, 2020 (85 FR 82946). The new possession limit would be effective October 1 through December 31, 2021. The possession limit will revert back to 12,000 lb (5,443 kg) at the start of the next fishing year that begins January 1, 2022.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.122(d), which was issued pursuant to section 304(b), and is exempted from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and

an opportunity for public comment on this action, as notice and comment would be contrary to the public interest. This action transfers unused quota from the Winter I Period to the Winter II Period to make it accessible to the commercial scup fishery and increase fishing opportunities. If implementation of this in-season action is delayed to solicit prior public comment, the objective of the fishery management plan to achieve the optimum yield from the fishery could be compromised. Deteriorating weather conditions during the latter part of the fishing year may reduce fishing effort, and could also prevent the annual quota from being fully harvested. If this action is delayed, it would reduce the amount of time vessels have to realize the benefits of this quota increase, which would result in negative economic impacts on vessels permitted to fish in this fishery. Moreover, the rollover process being applied here is routine and formulaic and was the subject of notice and comment rulemaking, and the range of potential trip limit changes were outlined in the final 2018 scup specifications that were published December 22, 2017; which were developed through public notice and comment. The benefit of soliciting additional public comment on this formulaic adjustment would not outweigh the benefits of making this additional quota available to the fishery as quickly as possible. Based on these considerations, there is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delayed effectiveness period for the reasons stated above.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 22, 2021.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–20902 Filed 9–23–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 201209–0332]

RTID 0648–XB433

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfers From VA to NY and NJ to NC

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification; quota transfers.

SUMMARY: NMFS announces that the Commonwealth of Virginia and the State of New Jersey are transferring a portion of their 2021 commercial bluefish quota to the states of New York and North Carolina, respectively. These quota adjustments are necessary to comply with the Atlantic Bluefish Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised commercial bluefish quotas for Virginia, New York, New Jersey, and New York.

DATES: Effective September 23, 2021, through December 31, 2021.

FOR FURTHER INFORMATION CONTACT: Laura Hansen, Fishery Management Specialist, (978) 281–9225.

SUPPLEMENTARY INFORMATION: Regulations governing the Atlantic bluefish fishery are found in 50 CFR 648.160 through 648.167. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through Florida. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.162, and the final 2021 allocations were published on December 16, 2020 (85 FR 81421).

The final rule implementing Amendment 1 to the Bluefish Fishery Management Plan (FMP) published in the **Federal Register** on July 26, 2000 (65 FR 45844), and provided a mechanism for transferring bluefish quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can request approval to transfer or combine bluefish commercial quota under § 648.162(e)(1)(i) through (iii). The Regional Administrator must approve any such transfer based on the criteria in § 648.162(e). In evaluating requests to transfer a quota or combine quotas, the Regional Administrator shall consider whether: The transfer or combinations would preclude the overall annual quota from being fully harvested; the transfer addresses an unforeseen variation or contingency in the fishery; and the transfer is consistent with the objectives of the FMP and the Magnuson-Stevens Act.

Virginia is transferring 20,000 lb (9,072 kg) to New York, and New Jersey is transferring 40,000 lb (18,144 kg) to North Carolina through mutual agreement of the states. These transfers were requested to ensure that New York and North Carolina would not exceed their 2021 state quota. The revised bluefish quotas for 2021 are: Virginia, 258,800 lb (117,390 kg); New York, 357,438 lb (162,131 kg); New Jersey, 370,082 lb (167,866 kg); and, North Carolina, 927,377 lb (420,651 kg).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.162(e)(1)(i) through (iii), which was issued pursuant to section 304(b), and is exempted from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 21, 2021.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–20763 Filed 9–23–21; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 86, No. 183
Friday, September 24, 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 ENERGY

10 CFR Part 430

[EERE–2019–BT–TP–0021]

RIN 1904–AE75

Energy Conservation Program: Test Procedures for Consumer Products; Early Assessment Review; Faucets and Showerheads

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information; extension of public comment period.

SUMMARY: The U.S. Department of Energy (''DOE'') is extending the public comment period for the early assessment request for information (''RFI'') regarding proposals to amend the test procedures for faucets and showerheads. DOE published the RFI in the **Federal Register** on September 2, 2021, establishing a 32-day public comment period ending October 4, 2021. On September 9, 2021, DOE received a comment requesting extension of the comment period to at least 30 days. DOE is extending the public comment period for submitting comments and data on the RFI document by an additional 15 days, to October 19, 2021, for a total of a 47 day comment period.

DATES: The comment period for the RFI published on September 2, 2021 (86 FR 49261), is extended. DOE will accept comments, data, and information regarding this RFI received no later than October 19, 2021.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments by email to the following address: *FaucetShowerhead2019TP0021@ee.doe.gov.* Include ''Energy Conservation Program: Test Procedures for Consumer Products; Early Assessment Review; Faucets and Showerheads'' and docket number EERE–2019–BT–TP–0021 and/or RIN number 1904–AE75 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing corona virus (COVID–19) pandemic. DOE is currently accepting only electronic submissions at this time. If a commenter finds that this change poses an undue hardship, please contact Appliance Standards Program staff at (202) 586–1445 to discuss the need for alternative arrangements. Once the COVID–19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

No telefacsimilies (faxes) will be accepted.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *www.regulations.gov/docket?D=EERE-2019-BT-TP-0021.* The docket web page contains instructions on how to access all documents, including public comments in the docket.

FOR FURTHER INFORMATION CONTACT:

Mr. Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC, 20585–0121. Telephone: (202) 586–0371. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Ms. Amelia Whiting, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–2588. Email: *Amelia.Whiting@hq.doe.gov.*

For further information on how to submit a comment or review other public comments and the docket contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: On September 2, 2021, DOE published a RFI in the **Federal Register** soliciting public comment on its test procedures for faucets and showerheads. 86 FR 49261. Comments were originally due on October 4, 2021. On September 9, 2021, DOE received a comment from Plumbing Manufacturers International (PMI) to extend at least 30 days the DOE comment period for the RFI for faucets and showerheads test procedure, extending the comment submission deadline from October 4, 2021 up to November 3, 2021.[1]

DOE has reviewed the request and considered the benefit to stakeholders in providing additional time to review the RFI, and gather information/data that DOE is seeking. As noted, the RFI was issued as part of the preliminary stage of a rulemaking to consider amendments to the energy conservation standards for faucets and showerheads. If DOE determines that amended energy conservation standards may be appropriate, additional notices will be published (*e.g.,* a notice of proposed rulemaking), providing interested parties additional opportunity to submit comments. Accordingly, DOE has determined that an extension of the comment period is appropriate, and is hereby extending the comment period by an additional 15 days, until October 19, 2020 for a total of a 47-day comment period.

Signing Authority

This document of the Department of Energy was signed on September 19, 2021, by Kelly Speakes Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature

[1] DOE has posted this comment to the docket at *www.regulations.gov/document/EERE-2019-BT-TP-0021-0002.*

and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 21, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–20756 Filed 9–23–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Parts 430 and 431

[EERE–2018–BT–STD–0018]

RIN 1904–AE39

Energy Conservation Program for Appliance Standards: Energy Conservation Standards for Residential Furnaces and Commercial Water Heaters: Notification of Proposed Interpretive Rule

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notification of proposed interpretive rule; extension of public comment period.

SUMMARY: On January 15, 2021, the U.S. Department of Energy (DOE or the Department) published in the **Federal Register** a final interpretive rule determining that, in the context of residential furnaces, commercial water heaters, and similarly-situated products or equipment, use of non-condensing technology (and associated venting) constitutes a performance-related ''feature'' under the Energy Policy and Conservation Act, as amended (EPCA), that cannot be eliminated through the adoption of an energy conservation standard. On August 27, 2021, DOE published in the **Federal Register** a notification of proposed interpretive rule (NOPIR) that proposes to return to its previous and long-standing interpretation, under which the technology used to supply heated air or hot water is not a performance related ''feature'' that provides a distinct consumer utility under EPCA. The NOPIR provided an opportunity for submission of written comments, data, and information to the DOE no later than September 27, 2021. Prior to the end of that comment period, several stakeholders submitted a joint request seeking additional time to consider the issues raised in the NOPIR. In light of this request, DOE is extending the comment period on the subject NOPIR for an additional 15 days.

DATES: The comment period for the NOPIR published in the **Federal Register** on August 27, 2021 (86 FR 48049) is extended to October 12, 2021. Written comments, data, and information are requested and will be accepted on and before October 12, 2021.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments by email to the following address: *Email: ResFurnaceCommWaterHeater2018STD0018@ee.doe.gov.* Include docket number EERE–2018–BT–STD–0018 and/or RIN 1904–AE39 in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption. No telefacsimiles (faxes) will be accepted.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing COVID–19 pandemic. DOE is currently accepting only electronic submissions at this time. If a commenter finds that this change poses an undue hardship, please contact Appliance Standards Program staff at (202) 586–1445 to discuss the need for alternative arrangements. Once the COVID–19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at: *www.regulations.gov/#!docketDetail;D=EERE-2018-BT-STD-0018.* The docket web page contains instructions on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT:

Ms. Catherine Rivest, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585– 0121. Telephone: (202) 586–7335. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–5827. Email: *Eric.Stas@hq.doe.gov.*

For further information on how to submit a comment or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: On January 15, 2021, the U.S. Department of Energy (DOE or the Department) published in the **Federal Register** a final interpretive rule determining that, in the context of residential furnaces, commercial water heaters, and similarly-situated products or equipment, use of non-condensing technology (and associated venting) constitutes a performance-related ''feature'' under EPCA (42 U.S.C. 6291 *et seq.*), as amended, that cannot be eliminated through the adoption of an energy conservation standard. 86 FR 4776. On August 27, 2021, DOE published in the **Federal Register** a NOPIR that proposes to return to its previous and long-standing interpretation (in effect prior to the January 2021 final interpretive rule), under which the technology used to supply heated air or hot water is not a performance related ''feature'' that provides a distinct consumer utility under EPCA. 86 FR 48049. The NOPIR provided an opportunity for submission of written comments, data, and information to the Department no later than September 27, 2021.

Prior to the end of the comment period for the NOPIR, DOE received a joint comment from the American Gas Association (AGA), the American Public Gas Association (APGA), Spire Inc. and Spire Missouri (Spire), and the National Propane Gas Association (NPGA),

collectively referred to as the ''Gas Industry Commenters,'' requesting an additional 60 days for public comment in order to consider the issues raised in the NOPIR.[1] The Gas Industry Commenters requested additional time due to their assertion that DOE's proposal raises various factual, technical, economic, regulatory, and administrative issues that require significant time to review and to respond in a meaningful manner. The Gas Industry Commenters also pointed out the length of the comment periods under the proceeding that culminated in the January 2021 final interpretive rule, as well as the comment extensions that DOE granted throughout that interpretive rulemaking process.

Furthermore, the Gas Industry Commenters noted that stakeholders are currently engaged in multiple DOE-related proceedings, both before the agency and the court, and each matter requires sufficient engagement. The Gas Industry Commenters also argued that the COVID–19 emergency continues to adversely impact stakeholder engagement and expressed their belief that a sixty-day comment extension will not cause a significant delay in DOE's consideration of the record and any next steps.

In regard to the assertion that the August 2021 NOPIR raises various issues that require significant time to review and respond to, DOE notes the NOPIR does not raise new issues but rather proposes to return to DOE's long-standing, historical interpretation. DOE further notes that the various factual, technical, economic, regulatory, and administrative issues are well understood, have been discussed at length, and have been documented in a number of rulemaking dockets.[2] Also, as noted in the August 2021 NOPIR, Executive Order (E.O.) 13990, ''Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,'' 86 FR 7037 (Jan. 25, 2021), triggered the Department's reevaluation of the January 2021 final interpretive rule. 86 FR 48049, 48050–48051 (August 27, 2021).

After carefully reviewing the submission, DOE has considered the urgency required under E.O. 13990 along with the competing benefit to stakeholders in providing additional time to review and comment on the NOPIR. Accordingly, in seeking to balance the interests at issue, DOE has determined that it is appropriate to partially grant this request and to extend the comment period by 15 days, thereby allowing additional time for interested parties to prepare and submit comments. Therefore, DOE is extending the comment period for the NOPIR and will accept comments, data, and information on this matter received on and before October 12, 2021. Accordingly, DOE will consider any comments received by this date to be timely submitted.

[1] Available at *www.regulations.gov/comment/EERE-2018-BT-STD-0018-0125*.

[2] Energy Conservation Standards for Residential Furnaces, Docket No. EERE–2014–BT–STD–0031, and Energy Conservation Standards for Commercial Water Heaters, Docket No. EERE–2014–BT–STD–0042.

Signing Authority

This document of the Department of Energy was signed on September 19, 2021, by Kelly Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 21, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–20759 Filed 9–23–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0830; Project Identifier AD–2020–00257–R]

RIN 2120–AA64

Airworthiness Directives; Bell Textron Canada Limited 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 Bell Textron Canada Limited Model 206L–1, 206L–3, and 206L–4 helicopters with certain Air Comm Corporation (Air Comm) air conditioning systems installed. This proposed AD would require visually inspecting the drive ring spline teeth and the mating area spline teeth on the oil cooler blower shaft for signs of deformation and fretting and depending on the results of the inspection, removing certain parts from service. This proposed AD would also require reinstalling certain parts, applying torque, and aligning certain bolt holes. This proposed AD was prompted by reports of damage to the drive ring spline teeth and the mating spline teeth. The actions of this proposed AD are intended to address an unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by November 8, 2021.

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

- *Federal eRulemaking Portal:* 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 Mail address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed rule, contact Air Comm Corporation, 1575 Westminster, CO 80234; telephone (303) 440–4075; or at *https://www.aircommcorp.com.* 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.

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–2021–0830; 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 referenced service information, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Matthew Bryant, Aerospace Engineer, Denver ACO Branch, FAA, 26805 East 68th Avenue, Denver, CO 80249;

telephone (303) 342–1080; email *9-Denver-Aircraft-Cert@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–2021–0830; Project Identifier AD–2020–00257–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 Matthew Bryant, Aerospace Engineer, Denver ACO Branch, FAA, 26805 East 68th Avenue, Denver, CO 80249; telephone (303) 342–1080; email *9-Denver-Aircraft-Cert@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

The FAA issued Special Airworthiness Information Bulletin SW–19–05 on April 4, 2019 (SAIB SW–19–05) to alert owners and operators of Bell Textron Canada Limited Model 206L–1, 206L–3, and 206L–4 helicopters with Air Comm's Supplemental Type Certificate (STC) SH2750NM installed. SAIB SW–19–05 was prompted by reports of the air conditioner pulley's locking system, which is installed on the oil cooler drive shaft's splined quill, causing excessive spline tooth wear to the drive ring spline teeth and the mating spline teeth on the oil cooler blower shaft. SAIB SW–19–05 recommends following the inspection instructions of certain Air Comm service information and routinely inspecting the air conditioner pulley lock ring.

At the time SAIB SW–19–05 was issued, the airworthiness concern was not determined to be an unsafe condition that would warrant AD action under 14 CFR part 39. However, subsequent investigations were not able to determine whether the limited damaged observed on several oil cooler blower shafts would remain localized or progress to a point where the shaft is no longer safe for continued use. The FAA also later determined that operators may have difficulty aligning the air conditioning system's drive ring holes with the air conditioning condenser drive pulley without leaving the condenser drive pulley under-torqued. Accordingly, the FAA proposes to adopt a new AD for certain Bell Textron Canada Limited Model 206L–1 and 206L–3 helicopters with Bell Model 206L1/L3 Service Instruction for Increased Gross Weight Upgrade Kit BHT–206–SI–2052, Revision 1, dated October 14, 2010, installed and Bell Model 206L–4 helicopters equipped with one of the following Air Comm STC SH2750NM air conditioning systems part number 206EC–204–1, 206EC–204–2, 206EC–208–1, 206EC–208–2, 206EC–210–1, 206EC–210–2, 206EC–210–3, 206EC–212–3 or 206EC–212–4. Helicopters with a 206L–1+ designation are Model 206L–1 helicopters and helicopters with a 206L–3+ designation are Model 206L–3 helicopters.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Related Service Information Under 1 CFR Part 51

The FAA reviewed ACC Air Comm Corporation Service Bulletin SB 206EC–091119, Rev B, dated May 26, 2021 (SB 206EC–091119 Rev B), which specifies procedures for visually inspecting the drive ring spline teeth and the mating spline teeth on the tail rotor drive's oil cooler blower shaft for deformation or fretting.

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, within 300 hours time-in-service (TIS), and thereafter at intervals not to exceed 300 hours TIS, gaining access to the drive ring spline teeth and the mating area spline teeth on the oil cooler blower shaft, repetitively inspecting the drive ring spline teeth and the mating spline teeth on the tail rotor drive's oil cooler blower shaft for deformation and fretting, and depending on the results of each inspection, removing certain parts from service before further flight. This proposed AD would also require reinstalling certain parts, and if required, reinstalling the drive pulley by torqueing and aligning the drive pulley bolt holes.

Differences Between This Proposed AD and the Service Bulletin

SB 206EC–091119 Rev B requires inspecting the air conditioning compressor drive belt tension and the general condition of the drive belt, drive pulley and surrounding components, whereas this proposed AD would not. SB 206EC–091119 Rev B requires reporting any deformation or fretting to Air Comm Service Department, whereas this proposed AD would not. SB 206EC–091119 Rev B provides an option to deactivate the air conditioning system if deformation of fretting is found on the drive ring or the oil cooler blower shaft assembly, whereas this proposed AD would require removing these parts from service instead.

Costs of Compliance

The FAA estimates that this proposed AD would affect up to 100 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this proposed AD. Labor costs are estimated at $85 per work-hour.

Removing the tail rotor drive system's forward short shaft, spline adaptor, and drive ring and visually inspecting the drive ring spline teeth and the mating area spline teeth would take about 1 work-hour for an estimated cost of $85 per helicopter and $8,500 for the U.S. fleet per inspection cycle.

Replacing the drive ring would take about 3 work-hours and parts would cost about $300 for an estimated cost of $555 per replacement.

Replacing the oil cooler blower assembly would take about 3 work-hours and parts would cost about $2,720 for an estimated cost of $2,975 per replacement.

Aligning each bolt hole and re-torqueing the drive pulley would take about 0.5 work-hours for an estimated cost of $43 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

2. Would not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bell Textron Canada Limited: Docket No. FAA–2021–0830; Project Identifier AD–2020–00257–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by November 8, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Bell Textron Canada Limited helicopters identified in paragraphs (c)(1) and (2) of this AD.

(1) Model 206L–1 and Model 206L–3 helicopters, certificated in any category, with Bell Model 206L1/L3 Service Instruction for Increased Gross Weight Upgrade Kit BHT–206–SI–2052, Revision 1, dated October 14, 2010 (BHT–206–SI–2052), installed and that are equipped with one of the following Air Comm Corporation (Air Comm) Supplemental Type Certificate (STC) SH2750NM air conditioning systems part number (P/N) 206EC–204–1, 206EC–204–2, 206EC–208–1, 206EC–208–2, 206EC–210–1, 206EC–210–2, 206EC–210–3, 206EC–212–3, or 206EC–212–4.

Note 1 to paragraph (c)(1) of this AD: Helicopters with a 206L–1+ designation are Model 206L–1 helicopters and helicopters with a 206L–3+ designation are Model 206L–3 helicopters.

(2) Model 206 L–4 helicopters, certificated in any category, and that are equipped with one of the following Air Comm STC SH2750NM air conditioning systems P/N 206EC–204–1, 206EC–204–2, 206EC–208–1, 206EC–208–2, 206EC–210–1, 206EC–210–2, 206EC–210–3, 206EC–212–3, or 206EC–212–4.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6510, Tail Rotor Drive Shaft.

(e) Unsafe Condition

This AD was prompted by reports of deformation or fretting of the spline teeth on the air conditioning system and on the oil cooler blower shaft. The FAA is issuing this AD to detect deformation and fretting. The unsafe condition, if not addressed, could result in a failure of the oil cooler blower shaft, which could lead to loss of tail rotor authority and subsequent loss of helicopter control.

(f) Compliance

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

(g) Required Actions

Within 300 hours time-in-service (TIS) after the effective date of this AD, and thereafter at intervals not to exceed 300 hours TIS:

(1) Gain access to the drive ring spline teeth and the mating area spline teeth on the oil cooler blower shaft by removing the tail rotor drive system's forward short shaft and spline adaptor, and the air conditioner system's drive ring. Refer to Figure 1 of ACC Air Comm Corporation Service Bulletin SB 206EC–091119, Rev B, dated May 26, 2021 for a depiction of each component's location.

(2) Visually inspect the drive ring spline teeth and the mating area spline teeth on the oil cooler blower shaft for deformation and fretting.

(i) If there is deformation or fretting on the drive ring spline teeth, before further flight, remove the drive ring from service and replace it with an airworthy part.

(ii) If there is deformation or fretting on the mating area spline teeth of the oil cooler blower shaft, before further flight, remove the oil cooler blower assembly from service and replace with an airworthy part.

(3) Reinstall the drive ring, spline adapter, and the forward short shaft. If the compressor drive pulley was or removed, torque the drive pulley to 200–300 in-lbs, increasing torque in this range to align the four threaded holes with the through holes in the drive ring. Do not back-off torque to align the bolt holes.

(h) Special Flight Permits

Special flight permits are prohibited.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Denver ACO, 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 Denver ACO, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-Denver-Aircraft-Cert@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 Matthew Bryant, Aerospace Engineer, Denver ACO Branch, FAA, 26805 East 68th Avenue, Denver, CO 80249; telephone (303) 342–1092; email *9-Denver-Aircraft-Cert@faa.gov.*

(2) For service information identified in this AD, contact Air Comm Corporation, 1575 W 124th Ave. #210, Westminster, CO 80234; telephone: (303) 440–4075; email *cposvic@aircommcorp.com.* You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

Issued on September 16, 2021.

Ross Landes,

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

[FR Doc. 2021–20521 Filed 9–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

15 CFR Subtitle A

[210913–0183]

RIN 0605–AA61

Taking Additional Steps To Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities

AGENCY: U.S. Department of Commerce.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: Executive Order 13984 of January 19, 2021, *Taking Additional Steps to Address the National Emergency with Respect to Significant Malicious Cyber-Enabled Activities,*'' directs the Secretary of Commerce (Secretary) to implement regulations to govern the process and procedures that the Secretary will use to deter foreign malicious cyber actors' use of United States Infrastructure as a Service (IaaS) products and assist in the investigation of transactions involving foreign malicious cyber actors. The Department of Commerce (the Department) is issuing this ANPRM to solicit public comments on questions pertinent to the development of regulations pursuant to this Executive Order.

DATES: Comments must be received by October 25, 2021.

ADDRESSES: All comments must be submitted by one of the following methods:

- *By the Federal eRulemaking Portal: http://www.regulations.gov* at docket number: DOC–2021–0007.
- *By email directly to: IaaScomments@doc.gov.* Include ''E.O. 13984: ANPRM'' in the subject line.
- *Instructions:* Comments sent by any other method or to any other address or individual, or received after the end of the comment period, may not be considered. For those seeking to submit confidential business information (CBI), please clearly mark such submissions as CBI and submit by email or via the Federal eRulemaking Portal, as instructed above. Each CBI submission must also contain a summary of the CBI, clearly marked as public, in sufficient detail to permit a reasonable understanding of the substance of the information for public consumption. Such summary information will be posted on *regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Justin LP Shore, U.S. Department of Commerce, email: *IaaScomments@doc.gov.* For media inquiries: Brittany Caplin, Deputy Director of Public Affairs and Press Secretary, U.S. Department of Commerce, telephone: (202) 482–4883, email: *PublicAffairs@doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

E.O. 13984, issued on January 19, 2021, and entitled ''Taking Additional Steps to Address the National Emergency with Respect to Significant Malicious Cyber-Enabled Activities,'' [1] was issued pursuant to the President's authority under the Constitution and the laws of the United States, including the International Emergency Economic Powers Act,[2] the National Emergencies Act,[3] and section 301 of Title 3, United States Code. In E.O. 13984, the President determined that additional steps must be taken to address the national emergency related to significant malicious cyber-enabled activities declared in Executive Order 13694, *Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities* (80 FR 18077, Apr. 1, 2015).

E.O. 13984 addresses the threat posed by the use of U.S. cloud infrastructure by foreign malicious cyber actors to conduct malicious cyber-enabled activities, including theft of sensitive data and intellectual property and targeting of U.S. critical infrastructure. IaaS products provide the ability to run software and store data on servers offered for rent or lease without responsibility for the maintenance and operating costs of those servers.[4] The United States must ensure that providers offering United States IaaS products verify the identity of persons obtaining an IaaS account for the provision of these products and maintain records of those transactions [5] as foreign persons obtain or offer for resale IaaS accounts (Accounts) with U.S. IaaS providers, and then use these Accounts to conduct malicious cyber-enabled activities against U.S. interests. Malicious actors then destroy evidence of their prior activities and transition to other services. This pattern makes it extremely difficult to track and obtain information on foreign malicious cyber actors and their activities in a timely manner, especially if U.S. IaaS providers do not maintain updated information and records of their customers or the lessees and sub-lessees of those customers.

To ''deter foreign malicious cyber actors' use of U.S. IaaS products, and assist in the investigation of transactions involving foreign malicious cyber actors,'' [6] E.O. 13984 requires more robust record-keeping practices and user identification and verification standards within the industry to better assist investigative efforts. Additionally, E.O. 13984 encourages the adoption of and adherence to security best practices to deter abuse of U.S. IaaS products by allowing the Secretary to take into account compliance with such best practices in deciding to exempt certain U.S. IaaS providers, Accounts, or lessees from any final regulations stemming from Section 1 of E.O. 13984.

E.O. 13984 tasks the Secretary, specifically, with implementing regulations that require U.S. IaaS providers to: (1) Verify the identity of a foreign person that obtains an Account (*i.e.,* identification, verification, and recordkeeping obligations) (Section 1); and (2) implement special measures to prohibit or impose conditions on Accounts within certain foreign jurisdictions or of certain foreign persons, where the Secretary, in consultation with specified agency heads, makes a finding that either (i) reasonable grounds exist for concluding that a foreign jurisdiction has any significant number of foreign persons offering U.S. IaaS products, as defined in Section 5 of E.O. 13984, that are used for malicious cyber-enabled activities or any significant number of foreign persons directly obtaining U.S. IaaS products for use in malicious cyber-enabled activities; or (ii) reasonable grounds exist for concluding that a foreign person has established a pattern of conduct of offering U.S. IaaS products that are used for malicious cyber-enabled activities or directly obtaining U.S. IaaS products for use in malicious cyber-enabled activities (Section 2). Section 3 of E.O. 13984, which is not a part of this potential rulemaking, directs the Attorney General and the Secretary of Homeland Security, in coordination with the Secretary and the heads of other agencies, as deemed appropriate, to solicit feedback from industry that

[1] E.O. 13984, 86 FR 6837 (Jan. 19, 2021).

[2] Public Law 95–223 (October 28, 1977), 91 Stat. 1626, codified as amended at 50 U.S.C. 1701 *et seq.* (2018) (''IEEPA'').

[3] Public Law 94–412 (September 14, 1976), 90 Stat. 1255, codified as amended at 50 U.S.C. 1601 *et seq.* (2018) (''NEA'').

[4] E.O. 13984 at 6837.

[5] *Id.*

[6] *Id.*

culminates in a report to the President recommending ways to encourage information sharing and collaboration amongst U.S. IaaS providers and government. Finally, Sections 4–7 consider resources necessary for implementation, relevant definitions, reporting authorizations, and other general provisions. This ANPRM seeks comments specifically on how the Secretary should implement, through regulation, E.O. 13984 Section 1 (*Verification of Identity*), Section 2 (*Special Measures for Certain Foreign Jurisdictions or Foreign Persons*), and Section 5 (*Definitions*).

II. Issues for Comment

The Department welcomes comments and views on all aspects of how the Secretary should implement Sections 1, 2, and 5 of E.O. 13984, but is particularly interested in obtaining information on the following questions, within four categories: (1) Customer due diligence regulations and relevant exemptions; (2) special measures; (3) definitions, and (4) overarching inquiries. The Department encourages commenters to reference specific question numbers to facilitate the Department's review of comments.

Customer Due Diligence Regulations and Relevant Exemptions:

(1) E.O. 13984 requires the Secretary to promulgate regulations that set forth minimum standards that U.S. IaaS providers must adopt to verify the identity of a foreign person when (1) opening an Account or (2) ''maintain[ing]'' an existing Account, including types of documentation and procedures required for verification and records that U.S. IaaS providers must securely maintain in both instances.

a. How should the Department implement the requirement for both verifying a foreign person's identity (1) upon the opening of an Account, and (2) during the ''maintenance of an existing Account,'' and what should the Department consider in determining customer due diligence requirements for U.S. IaaS providers?

b. Can the Department implement the requirement to verify a foreign person's identity (1) upon the opening of an Account, and (2) during the ''maintenance of an existing Account,'' while minimizing the impact on U.S. persons' opening or using such Accounts, or will the application of the requirements to foreign persons in practice necessitate the application of that requirement across all customers?

c. How do the records specifically identified within Section 1(a)(ii)(A)–(D) compare with the types of customer documentation and records that are currently collected by U.S. IaaS providers? Will changes be required in U.S. IaaS providers' business processes or technical architectures for the maintenance of the records explicitly listed in Section 1(a)(ii)(A)–(D), and if so, what are these changes? What differences may exist in U.S. IaaS providers' ability to obtain certain records based on the type of U.S. IaaS product in question (*i.e.,* managed vs. unmanaged services, virtual private servers or virtual private network products vs. cloud services)? What level of burden for U.S. IaaS providers would be associated with such changes?

d. Do U.S. IaaS providers currently collect information on the true users of their respective IaaS products, to include reselling activities? If no, what level of burden would be associated with a requirement to track lessees through resellers, including to verify nationality and collect/store identity information, and to augment existing U.S. IaaS providers' Terms and Conditions and Service Level Agreements to reflect these obligations?

e. What additional identifying information is collected by U.S. IaaS providers that could potentially assist with verification of customer identity and customer due diligence? Do U.S. IaaS providers possess other categories of information that would assist in the identification and investigation of foreign malicious cyber actors (*e.g.,* Account log information, suspicious/abnormal Account activity reports, threat monitoring reports, suspended or blocked services by third parties, etc.)? What would be the associated benefits or costs of including such records within the scope of the obligation to maintain records of foreign persons that obtain an Account?

f. Do U.S. IaaS providers have the capacity or capability to augment technical identity verification (*e.g.,* Two-Factor Authentication (2FA)) with additional, non-technical vetting (*e.g.,* third-party person/entity vouching) to further deter foreign malicious cyber actors from acquiring replacement infrastructure?

g. What types of data or technical analyses, if any, do U.S. IaaS providers use to identify or detect accounts that violate terms of service related to identify verification—including for those using fake names, fraudulent government documents or other fraudulent identification records—of relevant services?

h. What procedures and processes should the Department consider to minimize the potential burden on U.S. IaaS providers to implement verification and recordkeeping obligations under E.O. 13984?

i. Do U.S. IaaS providers currently take a risk-based approach to customer verification and ongoing customer due diligence, and should the Department consider some form of blended risk-based approach (*i.e.,* a small number of explicitly listed minimum identification and verification requirements, coupled with a more risk-based approach to allow providers to develop their own programs based on their specific operations)?

j. What should the Department consider, including U.S. IaaS providers' current methods of securing and limiting access to personally identifiable information and other sensitive data, when setting forth minimum standards and methods by which U.S. IaaS providers should limit third-party access to the records that are described in Section 1(a)(ii)(A)–(D), or that might otherwise be required to be maintained?

(2) What data protection and security implications should the Department be aware of when considering the imposition on U.S. IaaS providers of requirements to maintain records regarding foreign person customers? For example, how might the European Union General Data Protection Regulation (GDPR), the California Consumer Privacy Act (CCPA), or other relevant data protection and security laws and regulations affect U.S. IaaS providers' ability to fulfill these record-keeping requirements pursuant to E.O. 13984? Should the Department consider specific limitations on the amount of time that such records must be kept?

(3) What other international implications for U.S. IaaS providers should the Department be aware of when designing customer due diligence rules? How can the Department mitigate the risk of negative international consequences, if any, of such rules?

(4) What should the Department consider when deciding how compliance with the requirements adopted under Section 1 should be monitored and enforced (*i.e.,* should compliance and enforcement be strictly limited to instances following malicious cyber activities that are traced back to specific U.S. IaaS providers; should the Department implement a voluntary or required proactive suspicious/abnormal Account activity report mechanism to assist in ongoing due diligence; should the Department periodically conduct compliance audits)? How should the Department verify that Section 1 requirements are being met?

(5) Section 1(c) permits the Secretary, in consultation with other Federal agency heads, to provide an exemption

from the requirements of any rules issued pursuant to Section 1 to a ''provider, Account, or lessee [that] complies with security best practices to otherwise deter abuse of IaaS products.'' [7]

a. Should exemptions be granted on a one-time basis, or should such exemptions be time-limited, with an obligation of renewal after a certain period of time? If renewals are required, what should be the timeframe for renewals?

b. What security practices do U.S. IaaS providers currently use to identify or detect foreign malicious cyber actors' abuse of their services?

c. What IaaS industry standards or best practices should the Department use to assess the appropriateness of an exemption from the rules issued under Section 1? To what extent are these standards or best practices sufficient to deter abuse of U.S. IaaS products by foreign malicious cyber actors? Would existing standards or practices need to be adapted for purposes of E.O. 13984?

d. How might a framework for best practices account for the dynamic and ever-evolving threat environment while allowing U.S. IaaS providers to stay agile in their company-specific programs?

e. How should the Secretary assess compliance with any security best practices for purposes of determining whether an exemption should be granted for a U.S. IaaS provider, type of account, or type of lessee? Should U.S. IaaS providers be permitted to conduct a self-assessment of such compliance, and if so, what type of documentation or certification should be required? Should verification of compliance by an independent third-party be required? If so, what should be assessed by that third party and what documentation should the Secretary request?

f. When granting exemptions, should the Secretary consider granting partial exemptions from the rules issued under Section 1 (*i.e.,* should the Secretary consider exempting certain providers, types of Accounts, or types of lessees from initial customer due diligence verification procedures, but *not* any ongoing customer-due-diligence procedures)?

g. What should the Department take into consideration when determining if specific ''types'' of Accounts or lessees should be exempt from Section 1 rules?

Special Measures Restrictions:

Section 2 permits the Secretary, in consultation with the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Director of National Intelligence and, as the Secretary deems appropriate, the heads of other executive departments and agencies, to require U.S. IaaS providers to implement special measures to prohibit or impose conditions on Accounts upon a finding that reasonable grounds exist for concluding that either: (1) Certain foreign persons have established a pattern of offering or directly obtaining U.S. IaaS products that are used for malicious cyber-enabled activities; or (2) certain foreign jurisdictions have any significant number of foreign persons offering or directly obtaining U.S. IaaS products that are used for malicious cyber-enabled activities.

(6) Is there particular information or sources of information that the Secretary should consider when making a determination under Section 2?

(7) Form of Finding: Should the Secretary be required to publish a finding in a particular form (*i.e.,* order, regulation, etc.), and if so, what reasoning supports that form?

(8) Duration of Finding: What, if any, suggested restrictions should there be regarding the duration of any special measure? Should the form of a particular finding vary depending on the special measure duration?

(9) In making a reasonable grounds finding under Section 2, the E.O. requires the Secretary to consider any information the Secretary determines to be relevant, but also weigh specific, enumerated factors articulated within Section 2(b) of E.O. 13984, depending on whether the special measures pertain to a foreign jurisdiction or a foreign person. Are the factors enumerated within Section 2(b) comprehensive, or should the Secretary consider other factors when making a finding?

(10) In selecting which special measure or measures to take, Section 2(c) of the E.O. requires the Secretary to consider: (i) Whether the imposition of any special measure would create a significant competitive disadvantage, including any undue cost or burden associated with compliance, for U.S. IaaS providers; (ii) the extent to which the imposition of any special measure or the timing of the special measure would have a significant adverse effect on legitimate business activities involving the particular foreign jurisdiction or foreign person; and (iii) the effect of any special measure on U.S. national security, law enforcement investigations, or foreign policy.

a. Could the Secretary's selection of types of conditions to impose under Section 2 effectively mitigate any competitive disadvantages to U.S. IaaS providers or effects on legitimate business purposes? If so, how?

b. Are there any examples or frameworks that the Secretary should draw on in considering the factors listed in Section 2(c) (*i.e.,* in balancing any competitive disadvantage or impact on legitimate business activities against the impact of special measures on national security and law enforcement considerations)?

(11) Section 2(d) articulates the two specific special measures that the Secretary is able to take to condition or prohibit the opening or maintaining of Accounts by (1) foreign persons within certain foreign jurisdictions or by (2) certain foreign persons seeking to open or maintain an Account in the U.S.

a. Section 2(d)(i), *Prohibitions or Conditions on Accounts within Certain Foreign Jurisdictions,* permits the Secretary to prohibit or impose conditions on the opening or maintaining of an Account ''by any foreign person located in a foreign jurisdiction'' found to have any significant number of foreign persons offering U.S. IaaS products used for malicious cyber-enabled activities.[8] When implementing this provision, should the Secretary consider using this provision to impose conditions or prohibitions on specific foreign persons located within foreign jurisdictions based on findings related to the jurisdiction? What should the Secretary consider in determining whether to impose conditions or prohibitions on all foreign persons located within the foreign jurisdiction in question or only specific foreign persons or Accounts?

i. How do U.S. IaaS providers expect to implement this special measure?

ii. How are providers able to assess and verify the jurisdiction from which persons are based? What tools are available to U.S. IaaS providers to assess or verify the jurisdiction from which persons are located?

b. Section 2(d)(ii), *Prohibitions or Conditions on Certain Foreign Persons,* permits the Secretary to prohibit or impose conditions ''on the opening or maintaining in the United States of an Account, including a Reseller Account, by any United States IaaS provider for or on behalf of a foreign person,'' if such an Account involves any such foreign person found to be offering or obtaining U.S. IaaS products for malicious cyber-enabled activities.[9] In implementing this provision, how should the Department assess whether an Account is ''opened or maintained in the United States''? For example, should the

[7] E.O. 13984 at 6838.

[8] E.O. 13984 at 6839.

[9] *Id.*

Department look only at the customer's location or also at the location of the services or infrastructure being provided?

i. How do U.S. IaaS providers expect to implement this special measure?

Definitions:

(12) E.O. 13984 defines ''United States person'' to mean ''any United States citizen, lawful permanent resident of the United States as defined by the Immigration and Nationality Act, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person located in the United States.'' [10] It also defines ''United States Infrastructure as a Service Provider'' to mean ''any United States Person that offers any Infrastructure as a Service Product.'' [11]

a. What should the Department consider when determining whether a foreign subsidiary of a parent U.S. IaaS provider entity would be subject to the regulations implementing E.O. 13984? What implications for international commerce would there be, if any, if foreign subsidiaries were covered by the rule?

Overarching Inquiries:

(13) What key differences in industry makeup, market dynamics, and general business practices should be taken into consideration when drafting E.O. 13984's proposed rule language compared with similar regulatory frameworks in other industries (such as the Financial Crimes Enforcement Network's Customer Due Diligence and 311 Special Measure regulations)?

(14) Foreign malicious cyber actors often are able to acquire and provide fake names, government documents, and other identification records, making it increasingly difficult for IaaS providers to verify identities in a timely fashion. Do commenters believe that the Department should place more emphasis on ongoing customer-due-diligence efforts instead of initial Account creation requirements? How might this approach better accomplish E.O. 13984's goals to deter foreign malicious cyber actors' use of United States IaaS products, and to assist in the investigation of transactions involving foreign malicious cyber actors?

(15) Are there fraud-prevention regimes—whether regulatory or technical—used in other industries (*e.g.,* finance) that would enable the more consistent discovery of the use of fake names, government documents, and other identification records when establishing Accounts with U.S. IaaS providers?

Dated: September 16, 2021.

Trisha B. Anderson,

Deputy Assistant Secretary, Intelligence & Security, U.S. Department of Commerce.

[FR Doc. 2021–20430 Filed 9–23–21; 8:45 am]

BILLING CODE 3510–20–P

[10] E.O. 13984 at 6841.

[11] *Id.*

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

31 CFR Chapter X

RIN 1506–AB50

Anti-Money Laundering Regulations for Dealers in Antiquities

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: FinCEN is issuing this advance notice of proposed rulemaking (ANPRM) to solicit public comment on the implementation of Section 6110 of the Anti-Money Laundering Act of 2020 (the AML Act). AML Act Section 6110 amends the Bank Secrecy Act (BSA) to include in the definition of ''financial institution'' a ''person engaged in the trade of antiquities, including an advisor, consultant, or any other person who engages as a business in the solicitation or the sale of antiquities, subject to regulations prescribed by the Secretary [of the Treasury].'' The AML Act requires the Secretary of the Treasury (the Secretary) to issue proposed rules to carry out that amendment not later than 360 days after enactment of the AML Act. This ANPRM seeks initial public comment on questions that will assist FinCEN in preparing the proposed rules.

DATES: Written comments are welcome, and must be received on or before October 25, 2021.

ADDRESSES: Comments may be submitted, identified by Regulatory Identification Number (RIN) 1506–AB50 by any of the following methods:

Federal E-rulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments. Include RIN 1506–AB50 in the submission. Refer to Docket Number FINCEN–2021–0006.

Mail: Financial Crimes Enforcement Network, Policy Division, P.O. Box 39, Vienna, VA 22183. Include 1506–AB50 in the body of the text. Refer to Docket Number FINCEN–2021–0006.

Please submit comments by one method only.

FOR FURTHER INFORMATION CONTACT:

FinCEN: The FinCEN Regulatory Support Section at 1–800–767–2825 or electronically at *https://www.fincen.gov/contact.*

SUPPLEMENTARY INFORMATION:

I. Scope of the ANPRM

This ANPRM seeks comment on various issues to assist FinCEN in preparing proposed rules to implement Section 6110(a)(1) of the AML Act.[1] AML Act Section 6110(a)(1) amends the BSA by adding to the BSA's definition of ''financial institution'' ''a person engaged in the trade of antiquities, including an advisor, consultant, or any other person who engages as a business in the solicitation or the sale of antiquities, subject to regulations prescribed by the Secretary.'' [2] Section 6110(b)(1) requires the Secretary to issue proposed rules not later than 360 days after enactment of the AML Act to carry out that amendment.

II. Background

A. The BSA

Enacted in 1970 and amended most recently by the AML Act, the BSA aids in the prevention of money laundering, terrorism financing, and other illicit financial activity. The purposes of the BSA include, among other things, ''requir[ing] certain reports or records that are highly useful in—(A) criminal, tax, or regulatory investigations, risk assessments, or proceedings; or (B) intelligence or counterintelligence activities, including analysis, to protect against terrorism.'' [3]

Congress has authorized the Secretary to administer the BSA. The Secretary has delegated to the Director of FinCEN the authority to implement, administer, and enforce compliance with the BSA and associated regulations.[4] Pursuant to this authority, FinCEN is authorized to impose anti-money laundering (AML) and countering the financing of terrorism (CFT) program requirements for financial institutions. Specifically, to guard against money laundering and the financing of terrorism through financial institutions, the BSA requires financial institutions to establish AML/CFT programs that, at a minimum, include: (1) The development of internal

[1] The AML Act was enacted as Division F, Section 6001–6511, of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116–283, 134 Stat 3388 (2021).

[2] The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959 and 31 U.S.C. 5311–5314, 5316–5336. Implementing regulations are codified at 31 CFR Chapter X. Section 6110(a)(1) of the AML Act amends 31 U.S.C. 5312(a)(2).

[3] 31 U.S.C. 5311(1).

[4] Treasury Order 180–01 (Jan. 14, 2020).

policies, procedures, and controls; (2) the designation of a compliance officer; (3) an ongoing employee training program; and (4) an independent audit function to test programs.[5] The BSA further requires that, when prescribing minimum standards for AML/CFT programs, the Secretary shall prescribe regulations that ''consider the extent to which the requirements imposed under [the AML program requirement] are commensurate with the size, location, and activities of the financial institutions to which such regulations apply.'' [6] The Secretary shall additionally take into account certain factors, such as: (1) Financial institutions are spending private compliance funds for a public and private benefit, including protecting the United States financial system from illicit finance risks; (2) the extension of financial services to the underbanked and the facilitation of financial transactions, including remittances, coming from the United States and abroad in ways that simultaneously prevent criminal persons from abusing formal or informal financial services networks are key policy goals of the United States; and (3) effective AML/CFT programs safeguard national security and generate significant public benefits by preventing the flow of illicit funds in the financial system and by assisting law enforcement and national security agencies with the identification and prosecution of persons attempting to launder money and undertake other illicit activity through the financial system.[7]

For certain categories of financial institutions, FinCEN has included explicit requirements to conduct customer due diligence and to identify and verify the identity of beneficial owners of legal entity customers, subject to certain exclusions and conditions.[8] In addition, the Secretary is required to prescribe regulations that require financial institutions to establish procedures for account opening that, at a minimum, include: (1) Verifying the identity of any person seeking to open an account, to the extent reasonable and practicable; (2) maintaining records of the information used to verify the person's identity, including name, address, and other identifying information; and (3) consulting lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency to determine whether the person seeking to open an account appears on any such list.[9]

In addition, under 31 U.S.C. 5318(g)(1), the Secretary is authorized to require financial institutions to report any suspicious transaction relevant to a possible violation of law or regulation. The Secretary is further authorized under 31 U.S.C. 5313 to require domestic financial institutions to report transactions of United States coins, currency, or other monetary instruments the Secretary prescribes, in an amount or circumstances the Secretary prescribes by regulation.

B. Application of the BSA To Trade in Antiquities

The BSA defines ''financial institution'' to include specific categories of institutions.[10] Section 6110(a)(1) of the AML Act amends 31 U.S.C. 5312(a)(2) to include as a type of financial institution ''a person engaged in the trade of antiquities, including an advisor, consultant, or any other person who engages as a business in the solicitation or the sale of antiquities, subject to regulations prescribed by the Secretary.'' Section 6110(b)(1) directs the Secretary to issue proposed rules implementing this amendment not later than 360 days after enactment of the AML Act, *i.e.,* by December 27, 2021. This amendment to the BSA's definition of ''financial institution'' takes effect on the effective date of the final rules issued by the Secretary pursuant to Section 6110(b)(1).[11]

Before issuing a proposed rule, the Secretary (acting through the Director of FinCEN), in coordination with the Federal Bureau of Investigation (FBI), the Attorney General, and Homeland Security Investigations (HSI), is required to consider:

(A) The appropriate scope for the rulemaking, including determining which persons should be subject to the rulemaking, by size, type of business, domestic or international geographical locations, or otherwise;

(B) the degree to which the regulations should focus on high-value trade in antiquities, and on the need to identify the actual purchasers of such antiquities, in addition to the agents or intermediaries acting for or on behalf of such purchasers;

(C) the need, if any, to identify persons who are dealers, advisors, consultants, or any other persons who engage as a business in the trade in antiquities;

(D) whether thresholds should apply in determining which persons to regulate;

(E) whether certain exemptions should apply to the regulations; and

(F) any other matter the Secretary determines is appropriate.[12]

FinCEN has engaged with the FBI, the Department of Justice, HSI, and other agencies in considering these matters during the development of this ANPRM, and welcomes any additional comments from the law enforcement community on these specific matters or any other aspect of the ANRPM.

C. The Potential for Money Laundering, Terrorist Financing, and Other Illicit Financial Activity Through Trade in Antiquities

Certain characteristics of the trade in antiquities may be exploited by money launderers and terrorist financiers to evade detection by law enforcement. These characteristics include client confidentiality; varying practices across the industry in, and challenges associated with, accurately documenting provenance; the use of intermediaries; and unregulated customer due diligence practices. In addition, the potentially small size, ease of transport, and subjectivity of prices of antiquities, among other things, provide an opportunity to use these items to transport value across borders without reporting to authorities or detection by customs agents or law enforcement agencies. Illicit actors may exploit these or other features of the antiquities trade to launder funds through the U.S. financial system.

Terrorist organizations, transnational criminal networks, and other malign actors may also seek to exploit antiquities to transfer value to acquire new sources of funds, evade detection, and launder proceeds from their illicit activities. Some terrorist groups have generated revenue from permitting or facilitating the illegal extraction or trafficking of antiquities in territories where they operate.[13]

On March 9, 2021, FinCEN issued a Notice informing financial institutions about Section 6110(a) of the AML Act and explaining that financial institutions with existing BSA obligations, including the reporting of suspicious activity, should be aware that illicit activity associated with the

[5] 31 U.S.C. 5318(h).

[6] USA Patriot Act, Public Law 107–56, 352(c), 115 Stat. 272, 322 (2001) (codified at 31 U.S.C. 5318 note).

[7] 31 U.S.C. 5318(h)(2)(B).

[8] 31 CFR 1010.230.

[9] 31 U.S.C. 5318(l).

[10] 31 U.S.C. 5312(a)(2), (c)(1).

[11] AML Act Section 6110(a)(2).

[12] AML Act Section 6110(b)(2).

[13] *See, e.g.,* U.S. House of Representatives, Committee on Financial Services, Task Force to Investigate Terrorist Financing, Stopping Terror Finance: Securing the U.S. Financial Sector, December 20, 2016, at 10–12.

trade in antiquities and art may involve their institutions.[14] In the Notice, FinCEN explained that crimes relating to antiquities and art may include looting or theft, the illicit excavation of archaeological items, smuggling, and the sale of stolen or counterfeit objects. They may also include money laundering and sanctions violations, and have been linked to transnational criminal networks, international terrorism, and the persecution of individuals or groups on cultural grounds.

III. Issues for Comment

FinCEN seeks comment from members of the antiquities industry, law enforcement, civil society groups, and the broader public regarding the potential for money laundering, financing of terrorism, and other illicit financial activity in the antiquities industry; the existence of any safeguards in the industry to guard against this potential; the effect that compliance with BSA requirements could have on the antiquities industry; what additional steps may be necessary to protect the industry from abuse by money launderers and other malign actors; and which actors within the antiquities trade should be subject to BSA requirements.

FinCEN invites comments on all aspects of this ANPRM, and specifically seeks comments on the questions listed below. Commenters should reference specific question numbers to facilitate FinCEN's review of comments.

A. The Antiquities Market

1. Please identify and describe the roles, responsibilities, and activities of persons engaged in the trade in antiquities, including, but not limited to, advisors, consultants, dealers, agents, intermediaries, or any other person who engages as a business in the solicitation or the sale of antiquities. Are there commonly understood definitions of particular roles within the industry? Who would be considered within or outside such definitions?

2. How are transactions related to the trade in antiquities typically financed and facilitated? What are the typical sources and types of funds used to facilitate the purchase of items in the antiquities market? How common are leveraged or financed purchases in the antiquities market? How common are cash transactions in the trade in antiquities?

3. Can the antiquities market be broken down to show the percentage of transactions that fall in a given monetary range (*e.g.,* 50% of all transactions fall below $X-value)? If so, please provide a breakdown of those ranges.

4. What, if any, information does a buyer typically learn about the seller, cosigner, or intermediary involved in the sale of antiquities? When a seller, cosigner, or intermediary offers an item for sale, why might a person involved in the antiquities trade withhold the name of the seller, consigner, or intermediary from the buyer? What, if any, business purpose does this serve? Should the buyer have the right to learn this information to determine whether the provenance of an item is legitimate? Why or why not?

5. How do foreign-based participants in the antiquities market operate in the United States? Do they operate directly as advisors, consultants, dealers, agents, intermediaries, or others? Or do they work with domestic advisors, consultants, dealers, agents, intermediaries, or others?

6. When advisors, consultants, dealers, agents, intermediaries, or others receive payment from overseas accounts, what steps do they take, if any, to determine whether the payment comes from a legitimate source?

7. What are the money laundering, terrorist financing, sanctions, or other illicit financial activities risks associated with the trade in antiquities? What is the industry experience with money laundering, terrorist financing, and other illicit financial activity? Which parts of the market are most vulnerable to these risks? In which geographical locations do those vulnerabilities tend to take place? Are there certain types of persons engaged in the trade in antiquities whose activities present lower money laundering, terrorist financing, and other illicit financing risks and for whom the application of BSA requirements is less critical? Are there certain types of persons engaged in the trade in antiquities whose activities present greater money laundering, terrorist financing, and other illicit financing risks and for whom the application of BSA requirements is more critical?

8. Which participants involved in the trade in antiquities are in positions in which they can effectively identify and guard against money laundering, the financing of terrorism, and other illicit financing risks in connection with the transactions they conduct? For example, do these participants have access to information regarding the nature and purpose of the transactions at issue and the participants' involvement in completion of the transactions?

9. What, if any, safeguards does the industry currently have in place to protect against business loss and fraud? For example, how, if at all, do market participants currently identify and verify the identity of the buyer, seller, or ultimate beneficial owner of an antiquity to guard against money laundering, terrorist financing, or other illicit financial activity? To what extent do market participants conduct due diligence on agents and other intermediaries involved in purchases and sales of antiquities? To what extent do safeguards vary depending on the size, nature of the transactions, and whether the transaction involves foreign jurisdictions? To what extent are the safeguards voluntary or required by contractual arrangements, trade associations, or other forms of industry self-regulation? Could these safeguards be leveraged and modified to detect and prevent money laundering, terrorist financing, and other illicit financial activities, or to better detect and prevent such activities?

B. Regulation of the Industry

10. How should ''antiquities'' be defined for the purposes of FinCEN's regulations? Should jurisdictional or territorial considerations be taken into account when determining how antiquities should be defined (*e.g.,* foreign cultural heritage laws)?

11. How is an antiquity distinct from a work of art?

12. How should ''trade of antiquities'' be defined for the purposes of FinCEN's regulations? Should FinCEN distinguish between the commercial, for-profit trade of antiquities and non-commercial, not-for-profit activity? If so, how?

13. Are there any other terms that FinCEN should consider addressing and defining as part of a rulemaking on the trade in antiquities? If so, what are those terms, why should they be addressed, and how should they be defined?

14. Should FinCEN establish a monetary threshold for activities involving trade in antiquities that would subject persons involved in such activities above that threshold to FinCEN's regulations, but exempt persons whose activities fall below that threshold? What is an appropriate dollar value for such a threshold and should it be set as an annual or per-transaction threshold? Should there be a different threshold—including potentially a zero-dollar threshold—for legal entities as opposed to natural persons?

15. Should there be any other exemptions for categories or types of

[14] *See* FIN–2021–NTC2, *FinCEN Informs Financial Institutions of Efforts Related to Trade in Antiquities and Art,* March 9, 2021.

persons engaged in the trade of antiquities beyond the consideration of a monetary threshold?

16. Which aspects of the current regulatory framework applicable to financial institutions should apply to persons engaged in the trade in antiquities?

a. Should FinCEN consider extending all or only some elements of AML/CFT program requirements now applicable to financial institutions to the trade in antiquities, including: (i) A system of internal controls to ensure ongoing compliance, (ii) independent testing for compliance to be conducted by internal financial institution personnel or by an outside party, (iii) designation of an individual or individuals responsible for coordinating and monitoring day-to-day compliance, or (iv) training for appropriate personnel?

b. How could know-your-customer requirements, such as customer due diligence or customer identification programs, apply in the transaction process in the trade in antiquities? What would be the effect on industry of imposing customer verification and identification requirements on sellers, purchasers, and others involved in the trade in antiquities? How would the application of know-your-customer requirements to this industry assist in preventing money laundering, terrorist financing, and other illicit financial activity?

c. What, if any, difficulties are associated with requiring the disclosure of or otherwise obtaining beneficial ownership information for legal entities engaged in the trade of antiquities, including foreign legal entities that may be outside the scope of current or future U.S. beneficial ownership reporting requirements?

d. What should be the requirements for filing SARs related to antiquities? What should FinCEN consider in implementing any requirements for filing SARs related to antiquities?

e. How many natural persons and legal entities might be affected by FinCEN's application of BSA requirements to persons engaged in the trade in antiquities, and what is the estimated hourly and annual burden, if any, for each such person, for each of the obligations described above? How could FinCEN minimize the burdens associated with these obligations, if any, through its decisions about the form or content of the rule while still ensuring the appropriate management and mitigation of AML/CFT risk?

B. Regulatory Planning and Review

This ANPRM is a significant regulatory action under Executive Order 12866 and has been reviewed by the Office of Management and Budget.

C. Conclusion

With this ANPRM, FinCEN seeks input on the questions set forth above. FinCEN welcomes comments on all aspects of the ANPRM, and all interested parties are encouraged to provide their views.

Dated: September 20, 2021.

Himamauli Das,

Acting Director, Financial Crimes Enforcement Network.

[FR Doc. 2021–20731 Filed 9–23–21; 8:45 am]

BILLING CODE 4810–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2021–0430; FRL–9060–01–R4]

Air Plan Approval; North Carolina; Minor Revisions to Cotton Ginning Operations Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the North Carolina State Implementation Plan (SIP) submitted by the State of North Carolina Department of Environmental Quality, Division of Air Quality, via a letter dated April 13, 2021, and received by EPA on April 14, 2021. This revision contains minor clarifying and typographical edits to North Carolina's cotton ginning operations rule. EPA is proposing to approve these changes pursuant to the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before October 25, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2021–0430 at *www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Pearlene Williams, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9144. Ms. Williams can also be reached via electronic mail at *williams.pearlene@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Overview

On April 14, 2021, the State of North Carolina submitted changes to the North Carolina SIP for EPA approval. EPA is proposing to approve these changes to 15A North Carolina Administrative Code (NCAC) Subchapter 02D,[1] Rule .0542—*Control of Particulate Emissions from Cotton Ginning Operations* which establishes control requirements for particulate emissions from cotton ginning operations.

II. Analysis of North Carolina's SIP Revision

North Carolina's SIP revision contains minor clarifying and typographical edits to the text of Rule .0542.[2] For example, the revision adjusts the citation format for cited rules; corrects several typographical errors; adds text clarifying the meaning of certain words and phrases; and corrects a citation error. EPA has preliminarily determined that these changes do not interfere with attainment and maintenance of the national ambient air quality standards or any other applicable requirement of the Act because they are minor in nature. For these reasons, EPA is proposing to approve the changes to this rule.

III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory

[1] In the table of North Carolina regulations federally approved into the SIP at 40 CFR 52.1770(c), 15A NCAC 02D is referred to as ''Subchapter 2D Air Pollution Control Requirements.''

[2] See North Carolina's April 14, 2021 SIP revision at pp. 82–86 (of the pdf file available in the docket for this proposed rulemaking) to review a redline version of the rule showing all of the proposed changes.

text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference 15A NCAC Subchapter 02D, Rule .0542—*Control of Particulate Emissions from Cotton Ginning Operations,* with a state-effective date of November 1, 2020. These changes are proposed to make minor clarifying and typographical edits to the rule. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Proposed Action

EPA is proposing to approve the aforementioned revisions to Rule .0542—*Control of Particulate Emissions from Cotton Ginning Operations.* EPA is proposing to approve these changes because they are consistent with the CAA.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 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 they meet the criteria of the CAA. This proposed action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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, Sulfur oxides, Volatile organic compounds.

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

Dated: September 20, 2021.

John Blevins,

Acting Regional Administrator, Region 4.

[FR Doc. 2021–20648 Filed 9–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2020–0707; FRL–9059–01–R4]

Air Plan Approval; North Carolina: Mecklenburg Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision to the Mecklenburg County portion of the North Carolina SIP, hereinafter referred to as the Mecklenburg Local Implementation Plan (LIP). The revision was submitted by the State of North Carolina, through the North Carolina Division Air Quality (NCDAQ), on behalf of Mecklenburg County Air Quality (MCAQ) via a letter dated April 24, 2020, and was received by EPA on June 19, 2020. The revision updates several Mecklenburg County Air Pollution Control Ordinance (MCAPCO) ambient air quality rules incorporated into the LIP and adds one new rule for fine particulate matter ($PM_{2.5}$). EPA is proposing to approve these changes pursuant to the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before October 25, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2020–0707, at *www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Pearlene Williams, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9144. Ms. Williams can also be reached via electronic mail at *williams.pearlene@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Mecklenburg County LIP was originally submitted to EPA on June 14, 1990, and EPA approved the plan on May 2, 1991. *See* 56 FR 20140. Mecklenburg County prepared three

submittals in order to modify the LIP for, among other things, general consistency with the North Carolina SIP.[1] The three submittals were submitted to EPA as follows: NCDAQ transmitted the October 25, 2017, submittal to EPA but withdrew it from review through a letter dated February 15, 2019. On April 24, 2020, NCDAQ resubmitted the October 25, 2017, update to EPA and also submitted the January 21, 2016, and January 14, 2019, updates. Due to an inconsistency with public notice at the local level, these submittals were withdrawn from EPA through a letter dated February 15, 2019. Mecklenburg County corrected this error, and NCDAQ submitted the updates in a revision dated April 24, 2020.[2]

II. What action is EPA proposing to take?

On April 24, 2020, NCDAQ submitted to EPA changes to the MCAPCO to be incorporated into the LIP.[3] In this notice, EPA is proposing to act on certain updates and changes to the ambient air quality standards contained in the MCAPCO. Specifically, the January 14, 2019, portion of this submission includes changes and updates to Rules 2.0401—*Purpose;* 2.0402—*Sulfur Oxides;* 2.0404—*Carbon Monoxide;* 2.0405—*Ozone;* 2.0407—*Nitrogen Dioxide;* and 2.0408—*Lead* of MCAPCO Article 2.0000, Section 2.0400—Ambient Air Quality Standards. Additionally, the January 14, 2019, portion of this submission includes Rule 2.0410—*$PM_{2.5}$ Particulate Matter* for initial incorporation into the LIP. The January 21, 2016, portion of this submission includes changes and updates Rule 2.0403—*Total Suspended Particulates.* EPA is proposing to approve and incorporate these provisions into the LIP. These changes and additions are described in more detail below:

1. Rule 2.0401—*Purpose* is revised to make minor, clarifying edits to capitalization, punctuation, and wording. These changes more closely align the rule with the SIP-approved state rule at 15A NCAC 02D .0401—*Purpose.* For example, the word ''state'' is capitalized throughout the regulation, a hyphen is added between the words ''Ground'' and ''level,'' and the words ''will'' and ''are'' are replaced with the words ''shall'' or ''shall be.''

2. Rule 2.0402—*Sulfur Oxides* is revised to make minor, clarifying edits to punctuation and wording. In addition, paragraph (b) is revised to include a reference to 40 CFR part 50, Appendix A–1. New language is added to specify that procedures within the Federal Equivalent Method (FEM), in addition to 40 CFR part 50, are procedures to which sampling and analysis shall apply. Lastly, this regulation adds three new paragraphs: (c), (d), and (e). Paragraph (c) is added to distinguish that the standards listed in paragraphs (a)(1) and (2) shall apply until a year after the initial designation's date documented in section 107(d) of the CAA. Finally, paragraph (e) specifies that the primary one-hour standard shall be demonstrated in accordance with Appendix T of 40 CFR part 50 in that when the three-year average of the annual of the daily maximum one-hour average concentrations is less than or equal to 75 parts per billion (ppb), the standard shall be met at an air monitoring site. These changes more closely align the rule with the SIP-approved state rule at 15A North Carolina Administrative Code (NCAC) 02D .0402—*Sulfur Oxides* and are consistent with EPA's primary and secondary national ambient air quality standards (NAAQS) for sulfur oxides specified at 40 CFR 50.5 and 50.17.

3. Rule 2.0403—*Total Suspended Particulates* is revised to make minor clarifying edits to the rule text by adding the word ''and'' after paragraph (a)(1), which more closely aligns the rule with the SIP-approved state rule at 15A NCAC 02D .0403—*Total Suspended Particulates.*[4]

4. Rule 2.0404—*Carbon Monoxide* is revised to make clarifying edits to punctuation and wording, which more closely aligns the rule with the SIP-approved state rule at 15A NCAC 02D .0404—*Carbon Monoxide* and is consistent with EPA's primary NAAQS for carbon monoxide specified at 40 CFR 50.8.

5. Rule 2.0405—*Ozone* is revised to make minor clarifying edits to the rule text, such as changing the word ''is'' to ''shall be'' and to change ''8-hour'' to ''eight-hour.'' In addition, this rule is revised to change the ozone ambient air quality standard from 0.08 parts per million (ppm) to 0.070 ppm and updates the applicable reference for determining attainment from Appendix I to Appendix U of 40 CFR part 50. These changes more closely align the rule with the SIP-approved state rule at 15A NCAC 02D .0405—*Ozone* and are consistent with EPA's primary and secondary NAAQS for ozone specified at 40 CFR 50.19.

6. Rule 2.0407—*Nitrogen Dioxide* is revised to incorporate clarifying language in paragraph (a) to be consistent with the NAAQS, distinguishing that the primary annual ambient air quality standard for nitrogen dioxide (NO_2) shall be 53 ppb annual average concentration measured in the ambient air as NO_2.

This rule is also revised to add a new paragraph (b), to be consistent with the NAAQS, setting the primary one-hour ambient air quality standard for oxides of nitrogen to 100 ppb, one-hour average concentration, measured in the ambient air as NO_2. A new paragraph (c) is added to set the secondary ambient air quality standard for NO_2 to 0.053 ppm annual arithmetic mean concentration. The addition of these two new paragraphs shifts the original paragraph (b) to (d). The revised paragraph (d) contains minor edits to punctuation and includes FEM as one of the methods to which sampling and analysis should comply.

Two additional paragraphs are added to this rule: (e) and (f). Paragraph (e) establishes that, as determined in accordance with Appendix S of 40 CFR part 50, attainment of the annual primary standard is achieved when the annual average NO_2 concentration in a calendar year is less than or equal to 53 ppb, while paragraph (f) establishes that the one-hour primary standard is attained when the three-year average of the 98th percentile of the daily maximum one-hour average concentration is less or equal to 100 ppb.

The additions of paragraph (e) and (f) result in the original paragraph (c) being moved to become paragraph (g). Paragraph (g) is altered to address the secondary NO_2 standard by making minor wording changes.

These changes more closely align the rule with the SIP-approved state rule at 15A NCAC 02D .0407—*Nitrogen Dioxide* and are consistent with EPA's primary and secondary NAAQS for oxides of nitrogen (with nitrogen dioxide as the indicator) specified at 40 CFR 50.11.

7. Rule 2.0408—*Lead* is altered to make minor edits to punctuation and wording for clarification, which more closely aligns the rule with the SIP-approved state rule at 15A NCAC 02D

[1] The Mecklenburg County, North Carolina revision that is dated April 24, 2020, and received by EPA on June 19, 2020, is comprised of three previous submittals—one dated January 21, 2016; one dated October 25, 2017; and one dated January 14, 2019.

[2] EPA notes that the April 24, 2020, submittal was received by EPA on June 19, 2020.

[3] The April 24, 2020, submittal contains changes to other Mecklenburg LIP-approved rules that are not addressed in this notice. EPA will be acting on those rules in separate actions.

[4] Although not shown by underlined text as a change in the January 21, 2016, submission, the addition of the word ''and'' was a change, and the only change, that was made to the existing federally approved Rule 2.0403.

.0408—*Lead* and is consistent with EPA's primary and secondary NAAQS for lead specified at 40 CFR 50.16.

8. Rule 2.0410—*$PM_{2.5}$ Particulate Matter* is added as a new rule to address EPA's primary annual and 24-hour NAAQS for $PM_{2.5}$. This rule is consistent with EPA's annual and 24-hour $PM_{2.5}$ standard at 40 CFR 50.18 and corresponds with the North Carolina SIP's analog rule at 15A NCAC 02D .0410—*$PM_{2.5}$ Particulate Matter.*

EPA is proposing to approve the incorporation of the aforementioned MCAPCO rules into the Mecklenburg LIP because these rules add clarity to the LIP and are consistent with the CAA and applicable regulations.

III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference the Mecklenburg County Pollution Control Ordinance Rules 2.0401—*Purpose;* 2.0402—*Sulfur Oxides;* 2.0404—*Carbon Monoxide;* 2.0405—*Ozone;* 2.0407—*Nitrogen Dioxide;* 2.0408—*Lead;* and 2.0410—*$PM_{2.5}$ Particulate Matter,* all which have an effective date of December 18, 2018; as well as Rule 2.0403—*Total Suspended Particulates,* with an effective date of December 15, 2015. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the ''For Further Information Contact'' section of this preamble for more information).

IV. Proposed Action

EPA is proposing to approve and incorporate into the LIP changes to MCAPCO Rules 2.0401—*Purpose;* 2.0402—*Sulfur Oxides;* 2.0404—*Carbon Monoxide;* 2.0405—*Ozone;* 2.0407—*Nitrogen Dioxide;* and 2.0408—*Lead,* as well as the addition of Rule 2.0410—*$PM_{2.5}$ Particulate Matter,* all which have an effective date of December 18, 2018. Additionally, EPA is proposing to approve and incorporate into the LIP Rule 2.0403—*Total Suspended Particulates* with an effective date of December 15, 2015. EPA has determined that these changes and additions meet the applicable requirements of Section 110 of the CAA and the applicable regulatory requirements at 40 CFR part 51.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. See 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 they meet the criteria of the CAA. This proposed action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Sulfur oxides, Volatile organic compounds.

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

Dated: September 20, 2021.

John Blevins,

Acting Regional Administrator, Region 4.

[FR Doc. 2021–20647 Filed 9–23–21; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 86, No. 183
Friday, September 24, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Southern Arizona Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Southern Arizona Resource Advisory Committee (RAC) will hold a virtual meeting by phone and/or video conference. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act (FACA). The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act for the Maricopa, Cochise, Pima, Pinal, and Santa Cruz counties in Arizona. Secure Rural Schools program information can be found at the following website: *https://www.fs.usda.gov/working-with-us/secure-rural-schools.*

DATES: The meeting will be held on Tuesday, October 19, 2021 from 8:00 a.m. to 6:00 p.m. Mountain Daylight Time. If additional time is needed, a second meeting be held on Wednesday, October 20, 2021 from 8:00 a.m. Mountain Daylight Time until all business is concluded.

All RAC meetings are subject to cancellation. For status of the meeting(s) prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting(s) will be held virtually via Microsoft Teams: Participants may join the meeting via the following *Meeting Link.* All RAC meetings are subject to cancellation.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request at the Supervisor's Office of Coronado National Forest, 300 West Congress Street, Tucson, Arizona 85701.

FOR FURTHER INFORMATION CONTACT: Dana Backer, RAC Coordinator, by phone at 520–419–9567 or via email at *dana.backer@usda.gov.*

Individuals who use telecommunication devices for the deaf/hard-of-hearing (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The purpose of the meeting(s) is to:

1. Make final evaluations of Title II proposals; and

2. Recommend Title II proposals to the Designated Federal Officer.

The meeting(s) will be open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement at any of the meetings should make a request in writing by Friday, October 1, 2021 to be scheduled on the agenda for that particular meeting. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee coordinator before or after the meeting. Written comments and requests for time for oral comments must be sent to Dana Backer, RAC Coordinator, 300 West Congress Street, 6th Floor, Tucson, Arizona 85701 or by email to *dana.backer@usda.gov* or via facsimile to 520–388–8305.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make a request in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Dated: September 20, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021–20728 Filed 9–23–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Wrangell-Petersburg Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Wrangell-Petersburg Resource Advisory Committee (RAC) will hold two virtual meetings by phone and/or video conference. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act for the Tongass National Forest within the vicinity of the communities of Wrangell, Petersburg and Kake, Alaska. Secure Rural Schools program information can be found at the following website: *https://www.fs.usda.gov/working-with-us/secure-rural-schools.*

DATES: The meetings will be held on October 13 and 14, 2021 at 6:30 p.m.–10:30 p.m., Alaska Daylight Time.

All RAC meetings are subject to cancellation. For status of the meetings prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meetings will be held virtually via telephone and/or video conference. Those who would like to join the meetings should contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

FOR FURTHER INFORMATION CONTACT: Linda Slaght, RAC Coordinator, by phone at 907–772–5948 or via email at *linda.slaght@usda.gov.*

Individuals who use telecommunication devices for the deaf/hard-of-hearing (TDD) may call the Federal Relay Service (FRS) at 1–800–

877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The purpose of the meetings are to:

1. Hear from Title II project proponents and discuss project proposals;
2. Make funding recommendations on Title II projects;
3. Review progress of previously funded projects;
4. Approve meeting minutes; and
5. Schedule the next meeting.

The meetings are open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement at either of the meetings should make a request in writing by Friday, October 8, 2021, to be scheduled on the agenda for that particular meeting. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meetings. Written comments and requests for time for oral comments must be sent to Linda Slaght, RAC Coordinator, P.O Box 1328, Petersburg, Alaska 99833 or by email to *linda.slagsht@usda.gov* or via facsimile to 907–772–5995.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make a request in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodation. For access to proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Dated: September 20, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021–20724 Filed 9–23–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Trinity County Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Trinity County Resource Advisory Committee (RAC) will meet virtually via Microsoft Teams. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following website: *https://www.fs.usda.gov/main/stnf/workingtogether/advisorycommittees.*

DATES: The meetings will be held on:

- Monday, October 11, 2021, at 4:30 p.m.–8:30 p.m., Pacific Daylight Time; and
- Monday, October 25, 2021, at 4:30 p.m.–8:30 p.m., Pacific Daylight Time.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held virtually via Microsoft Teams. Details for how to join the meeting are listed in the above website link under **SUMMARY**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Weaverville Ranger Station. Please call ahead at 530–623–2121 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Lejon Hamann, RAC Coordinator, by phone at 530–410–1935 or via email at *lejon.hamann@usda.gov.*

Individuals who use telecommunication devices for the deaf/hard-of-hearing (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, 24 hours per day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review the following:

1. Roll call;
2. Comments from the Designated Federal Officer (DFO);
3. Approve minutes from last meeting;
4. Discuss, recommend, approve projects;
5. Public comment period; and
6. Closing comments from the DFO.

The meetings are open to the public. The agendas will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing by the Thursday before each of the scheduled meetings, to be scheduled on the agenda for that particular meeting. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Lejon Hamann, RAC Coordinator, 3644 Avtech Parkway, Redding, California 96002 or by email to *lejon.hamann@usda.gov.*

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make a request in advance for sign language interpreter service, assistive listening devices, or other reasonable accommodation. For access to proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Dated: September 20, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021–20726 Filed 9–23–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Shasta County Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Shasta County Resource Advisory Committee (RAC) will meet virtually via Microsoft Teams. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following website: *https://www.fs.usda.gov/main/stnf/workingtogether/advisorycommittees.*

DATES: The meetings will be held on:

- Wednesday, October 13, 2021, at 9:30 a.m.–1:30 p.m., Pacific Daylight Time; and
- Wednesday, October 27, 2021, at 9:30 a.m.–1:30 p.m., Pacific Daylight Time.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meetings will be held virtually via Microsoft Teams. Details for how to join the meeting are listed in the above website link under **SUMMARY.**

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Shasta Lake Ranger Station. Please call ahead at 530–275–1587 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Lejon Hamann, RAC Coordinator, by phone at 530–410–1935 or via email at *lejon.hamann@usda.gov.*

Individuals who use telecommunication devices for the deaf/hard-of-hearing (TDD) may call the Federal Information Relay Service (FRS) at 1–800–877–8339, 24 hours per day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The purpose of the meetings is to review the following:

1. Roll call;
2. Comments from the Designated Federal Officer (DFO);
3. Approve minutes from last meeting;
4. Discuss, recommend, approve projects;
5. Public comment period; and
6. Closing comments from the DFO.

The meetings are open to the public. The agendas will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing by the Friday before each of the scheduled meetings to be scheduled on the agenda for that particular meeting. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Lejon Hamann, RAC Coordinator, 3644 Avtech Parkway, Redding, California 96002 or by email to *lejon.hamann@usda.gov.*

Meeting Accommodations: Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case-by-case basis.

Dated: September 20, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021–20723 Filed 9–23–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Siskiyou County Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Siskiyou County Resource Advisory Committee (RAC) will meet virtually via Microsoft Teams. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following website: *https://www.fs.usda.gov/main/klamath/workingtogether/advisorycommittees.*

DATES: Meetings will be held on:

- Thursday, October 14, 2021, at 11:00 a.m.–3:00 p.m., Pacific Daylight Time; and
- Thursday, October 28, 2021, at 11:00 a.m.–3:00 p.m., Pacific Daylight Time.

All RAC meetings are subject to cancellation. For status of the meetings prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: The meeting will be held virtually via Microsoft Teams. Details for how to join the meeting are listed in the above website link under **SUMMARY.**

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Mt. Shasta Ranger Station. Please call ahead at 530–926–4511 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Lejon Hamann, RAC Coordinator, by phone at 530–410–1935 or via email at *lejon.hamann@usda.gov.*

Individuals who use telecommunication devices for the deaf/hard-of-hearing (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours per day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The purpose of the meetings is to review the following:

1. Roll call;
2. Comments from the Designated Federal Officer (DFO);
3. Approve minutes from last meeting;
4. Discuss, recommend, approve projects;
5. Public comment period; and
6. Closing comments from the DFO.

The meetings are open to the public. The agendas will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing by the Tuesday before each of the scheduled meetings to be scheduled on the agenda for that particular meeting. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Lejon Hamann, RAC Coordinator, 3644 Avtech Parkway, Redding, California 96002 or by email to *lejon.hamann@usda.gov.*

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make a request in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodation. For access to proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case-by-case basis.

Dated: September 20, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021–20725 Filed 9–23–21; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Georgia Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Georgia Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a meeting on Monday, October 25, 2021, at 3:00pm Eastern time. The Committee will discuss civil rights concerns in the state.

DATES: The meeting will take place on Monday, October 25, 2021, from 3:00pm –4:00pm Eastern time.

Online Regisration (Audio/Visual): *https://bit.ly/3z6neJb*

Telephone (Audio Only): Dial 800–360–9505 USA Toll Free; Access code: 2761 825 7834

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to these discussions. Committee meetings are available to the public through the above call-in number. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Individuals who are 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 also 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 Liliana Schiller at *lschiller@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

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 *www.facadatabase.gov* under the Commission on Civil Rights, Georgia 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

Welcome and Roll Call
Civil Rights Discussion
Public Comment
Next Steps
Adjournment

Dated: September 21, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–20747 Filed 9–23–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 210915–0189]

RIN 0694–XC084

Notice of Request for Public Comments on Risks in the Semiconductor Supply Chain

AGENCY: Bureau of Industry and Security, Office of Technology Evaluation, U.S. Department of Commerce.

ACTION: Notice of request for public comments.

SUMMARY: The Department of Commerce (''Department'') (Bureau of Industry (''BIS'')) led the 100-Day Supply Chain Review of semiconductors and advanced packaging that was mandated by Presidential Executive Order. On February 24, 2021, President Biden issued an Executive Order on ''America's Supply Chains,'' which directs several federal agency actions to secure and strengthen America's supply chains. This review, included in the White House Report ''Building Resilient Supply Chains, Revitalizing American Manufacturing, and Fostering Broad-Based Growth'', identified numerous areas of supply chain vulnerabilities. The ongoing shortages in the semiconductor product supply chain are having an adverse impact on a wide range of industry sectors. With the goal of accelerating information flow across the various segments of the supply chain, identifying data gaps and bottlenecks in the supply chain, and potential inconsistent demand signals, the Department is seeking responses from interested parties (including domestic and foreign semiconductor design firms, semiconductor manufacturers, materials and equipment suppliers, as well as semiconductor intermediate and end-users) to the questions set forth in this notice.

DATES: The due date for filing comments is November 8, 2021.

ADDRESSES: *Submissions:* You may submit comments, identified by docket number BIS 2021–0036 or RIN 0694–XC084, through the *Federal eRulemaking Portal: http://www.regulations.gov*. To submit comments via *https://www.regulations.gov,* enter docket number BIS–2021–0036 on the home page and click ''search.'' The site will provide a search results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled ''Comment Now!'' (For further information on using *https://www.regulations.gov,* please consult the resources provided on the website by clicking on ''How to Use This Site.'') BIS requires commenters submitting comments via *https://www.regulations.gov* to first download a fillable form from the BIS website at *https://bis.doc.gov/semiconductorFRN2021* and to then submit the filled out electronic form in *https://www.regulations.gov* when submitting comments in response to docket number BIS 2021–0036 or RIN 0694–XC084.

FOR FURTHER INFORMATION CONTACT: David Boylan, Defense Industrial Base Division, Office of Technology Evaluation, Bureau of Industry and Security, at 202–482–7816, *SemiconductorStudy@bis.doc.gov*.

SUPPLEMENTARY INFORMATION:

Background

BIS led the Department's 100 Day Supply Chain Review of semiconductors and advanced packaging that was mandated by Presidential Executive Order (E.O.) 14017. On February 24, 2021, President Biden issued E.O. 14017 on ''America's Supply Chains,'' which directs several federal agency actions to secure and strengthen America's supply chains.

This review, included in the White House Report ''Building Resilient Supply Chains, Revitalizing American Manufacturing, and Fostering Broad-Based Growth'' (available at: *https://www.whitehouse.gov/wp-content/uploads/2021/06/100-day-supply-chain-review-report.pdf*) (last accessed September 3, 2021), identified numerous areas of supply chain vulnerabilities. In addition to the longer-term goals such as strengthening the domestic semiconductor manufacturing ecosystem and promoting U.S. leadership, this report called upon the Department to partner with industry to facilitate information flow between semiconductor producers and suppliers and end-users to address the current semiconductor shortage. The ongoing shortage of semiconductor products is having an adverse impact on a wide range of industry sectors.

With the goal of facilitating the flow of information across the various segments of the supply chain, identifying data gaps and bottlenecks in the supply chain, and potential inconsistent demand signals, the Department is seeking responses from interested parties (including domestic and foreign semiconductor design firms, semiconductor and microelectronics manufacturers, materials and equipment suppliers, as well as semiconductor

product intermediate and end-users) to the questions set forth in this notice.

Information submitted in response to this request may contain business proprietary information, which will not be published and will be protected from disclosure, provided the submitters follow the instructions below for submitting confidential business information in the public comments.

Written Comments

Interested parties are invited to submit written comments, data, analyses, or information pertinent to this request to BIS's Office of Technology Evaluation no later than November 8, 2021.

While the Department invites input from all interested parties, it is particularly interested in obtaining information from foreign and domestic entities that actively participate in the semiconductor product supply chain at any level (*e.g.,* semiconductor design, front end semiconductor wafer fabrication, semiconductor assembly test and packaging, microelectronics assembly, intermediate and end-users of semiconductors and microelectronics, distributors of such products, as well as entities supporting semiconductor and microelectronics manufacturing as providers of materials and equipment). To allow for aggregation and comparison of data from multiple respondents, the Department has posted a fillable form on the BIS website that commenters must download and fill out for submission to *https://www.regulations.gov*. See the **ADDRESSES** section of this notice for where to find the fillable forms.

The Department is specifically seeking the following information and data:

1. *For semiconductor product design, front and back-end manufacturers and microelectronics assemblers, and their suppliers and distributors:*

a. Identify your company's role in the semiconductor product supply chain.

b. Indicate the technology nodes (in nanometers), semiconductor material types, and device types that this organization is capable of providing (design and/or manufacture).

c. For any integrated circuits you produce—whether fabricated at your own facilities or elsewhere—identify the primary integrated circuit type, product type, relevant technology nodes (in nanometers), and actuals or estimates of annual sales for the years 2019, 2020, and 2021 based on anticipated end use.

d. For the semiconductor products that your organization sells, identify those with the largest order backlog. Then for the total and for each product, identify the product attributes, sales in the past month, and location of fabrication and package/assembly.

i. List each product's top three current customers and the estimated percentage of that product's sales accounted for by each customer.

e. For each phase of the production process, identify whether your organization carries out the step internally or externally. For your organization's top semiconductor products, estimate each product's (a) 2019 lead time and (b) current lead time (in days), both overall and for each phase of the production process. Provide an explanation of any current delays or bottlenecks.

f. For your organization's top semiconductor products, list each product's typical and current inventory (in days), for finished product, in-progress product, and inbound product. Provide an explanation for any changes in inventory practices.

g. What are the primary disruptions or bottlenecks that have affected your ability to provide products to customers in the last year?

h. What is your organization's book-to-bill ratio for the past three years? Explain any changes.

i. If the demand for your products exceeds your capacity, what is the primary method by which your organization allocates the available supply?

j. Does your organization have available capacity? If yes, what is preventing the filling of that capacity?

k. Is your organization considering increasing its capacity? If yes, in what ways, over what timeframe, and what impediments exist to such an increase? What factors does your organization consider when evaluating whether to increase capacity?

l. Has your organization changed its material and/or equipment purchasing levels or practices in the past three years?

m. What single change (and to which portion of the supply chain) would most significantly increase your ability to supply semiconductor products in the next six months?

2. *Questions for intermediate users and end users of semiconductor products or integrated circuits:*

a. Identify your type of business and the types of products you sell.

b. What are the (general) applications for the semiconductor products and integrated circuits that you purchase?

c. For the semiconductor products that your organization purchases, identify those that present the greatest challenge for your organization to acquire. Then for each product, identify the product attributes and purchases in 2019 and 2021, as well as average monthly orders in 2021. Then estimate the quantity of each product your organization would purchase in the next six months barring any production constraints as well as the amount your organization expects to actually be able to purchase. For each of your organization's top semiconductor products, estimate each product's lead times and your organization's inventory for (a) 2019 and (b) currently (in days). Provide an explanation of any current delays or bottlenecks.

d. What are the primary disruptions or bottlenecks that have affected your ability to provide products to customers in the last year?

e. Is your organization limiting production due to lack of available semiconductors? Explain.

f. What percentage of your current production has your organization had to defer, delay, reject, or suspend in the past year? Explain.

g. Is your organization considering or carrying out new investments to mitigate semiconductor sourcing difficulties? Explain.

h. What semiconductor product types are most in short supply and by what estimated percentage relative to your demand? What is your view of the root cause?

i. Has your organization changed its material and/or equipment purchasing levels or practices in the past three years?

j. What single change (and to which portion of the supply chain) would most significantly increase your ability to purchase semiconductors in the next six months?

k. What percentage of your orders are fulfilled by distributors versus through direct purchase orders to semiconductor product manufacturers?

l. For the semiconductor products your organization purchases, how long (in months) are the typical purchase commitments? How, if at all, do your organization's purchase commitments differ for products in short supply?

m. Has your organization faced ''de-commits'' (defined as a notification from a supplier that expected or committed supply will not be delivered in the agreed-upon time and quantity) in recent months? If this is a significant issue, please explain (*e.g.,* nature of product, supplier, impact).

Requirements for Written Comments

The *https://www.regulations.gov* website allows users to provide comments by filling in a ''Type Comment'' field, or by attaching a document using an ''Upload File'' field.

As noted above, commenters will be required to use the BIS fillable form available on the BIS website when submitting comments in *https://www.regulations.gov*. The Department prefers that any additional comments be provided in a separate attached document. The Department prefers supplemental submissions in Microsoft Word (.doc files) or Adobe Acrobat (.pdf files). If the submission is in an application format other than Microsoft Word, Microsoft Excel, or Adobe Acrobat, please indicate the name of the application in the ''Type Comment'' field. Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter within the comments. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file, so that the submission consists of one supplemental file instead of multiple additional files. Comments (both public comments and non-confidential versions of comments containing business confidential information) will be placed in the docket and open to public inspection. Comments may be viewed on *https://www.regulations.gov* by entering docket number BIS–2021–0036 in the search field on the home page.

All filers should name their files using the name of the person or entity submitting the comments. Anonymous comments are also accepted. Communications from agencies of the United States Government will not be made available for public inspection.

Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential version of the submission. The BIS fillable form available on the BIS website referenced above will allow for an indication at the top of each page for whether it contains business confidential information. Users submitting a form that contains business confidential information, will need to submit a non-confidential version of the same form that does not contain the confidential business information. The non-confidential version of the submission will be placed in the public file on *https://www.regulations.gov*. For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC''. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. The non-confidential version must be clearly marked ''PUBLIC''. The file name of the non-confidential version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments or rebuttal comments. If a public hearing is held in support of this assessment, a separate **Federal Register** notice will be published providing the date and information about the hearing.

BIS does not maintain a separate public inspection facility. Requesters should first view the BIS's web page, which can be found at *https://efoia.bis.doc.gov/* (see ''Electronic FOIA'' heading). If requesters cannot access the website, they may call 202–482–0795 for assistance. The records related to this assessment are made accessible in accordance with the regulations published in part 4 of title 15 of the Code of Federal Regulations (15 CFR 4.1 through 4.11).

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2021–20348 Filed 9–23–21; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–849]

Emulsion Styrene-Butadiene Rubber From Brazil: Final Results of Antidumping Duty Administrative Review; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) has continued to base the dumping margin for the sole respondent under review, ARLANXEO Brasil S.A. (ARLANXEO Brasil), on total adverse facts available (AFA), pursuant to sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act). The period of review (POR) is September 1, 2019, through August 31, 2020.

DATES: Applicable September 24, 2021.

FOR FURTHER INFORMATION CONTACT: Drew Jackson, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4406.

SUPPLEMENTARY INFORMATION:

Background

On June 8, 2021, Commerce published the *Preliminary Results*.[1] This administrative review covers one producer/exporter of subject merchandise, ARLANXEO Brasil. We invited interested parties to comment on the *Preliminary Results*.[2] No party submitted comments on the *Preliminary Results*. Accordingly, the final results remain unchanged from the *Preliminary Results*.

On August 9, 2021, after the issuance of the *Preliminary Results,* Commerce invited interested parties to comment on emulsion styrene-butadiene rubber (ESB rubber) grading, an issue raised by interested parties in the 2019–2020 administrative review of ESB rubber from Mexico.[3] Between August 19 and 20, 2021, interested parties submitted comments on product grading.[4] However, Commerce has applied total AFA in determining ARLANXEO Brasil's weighted-average dumping margin in the instant administrative review. As such, the issue of product grading, which affects model matching in margin calculations, is moot because Commerce performed no margin calculations in this review.[5] Therefore, Commerce has not addressed the issue of product grading in these final results of review.

Commerce conducted this review in accordance with section 751(a)(1)(B) and (2) of the Act.

Scope of the Order

The merchandise covered by the *Order* is certain ESB rubber from

[1] *See Emulsion Styrene-Butadiene Rubber From Brazil: Preliminary Results of Antidumping Duty Administrative Review; 2019–2020,* 86 FR 30401 (June 8, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *Id.*

[3] Commerce placed on the record of this proceeding excerpts of the questionnaire response of Industrias Negromex S.A. de C.V. (Negromex), a respondent in the 2019–2020 administrative review emulsion styrene-butadiene rubber from Mexico. The excerpts of the questionnaire response related to Negromex's claim that its merchandise classified as ''Grade E1778R'' is equivalent to the International Institute of Synthetic Rubber Producers Grade E1763 merchandise. *See* Memorandum, ''Soliciting Comments on Product Grading,'' dated August 9, 2021.

[4] *See* Lion Elastomers, LLC (the petitioner)'s Letter, ''Antidumping Review of the Antidumping Duty Order on Emulsion Styrene Butadiene Rubber (E–SBR) from Brazil and Mexico: Lion Elastomers, LLC's Comments on Product Grading,'' dated August 19, 2021; *see also* Negromex and its affiliated U.S. importer, Dynasol, LLC's Letter, ''Emulsion Styrene Butadiene Rubber from Brazil and Mexico Comments on Product Grading,'' dated August 20, 2021.

[5] *See Preliminary Results,* 86 FR 30401, and accompanying PDM at 2–6.

Brazil.[6] The merchandise subject to this order is currently classifiable under subheadings 4002.19.0015 and 4002.19.0019 of the Harmonized Tariff Schedule of the United States (HTSUS). ESB rubber is described by Chemical Abstract Services (CAS) Registry No. 9003–55–8. This CAS number also refers to other types of styrene butadiene rubber. Although the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.[7]

Use of Adverse Facts Available

Pursuant to sections 776(a) and (b) of the Act, Commerce continues to base ARLANXEO Brasil's dumping margin on total AFA, because it withheld requested information by declining to respond to our initial questionnaire.[8] We have continued to use an AFA rate of 67.99 percent, which is the highest dumping margin alleged in the petition.[9]

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 of review and we have not prepared an Issues and Decision Memorandum to accompany this **Federal Register** notice.

As a result of this review, Commerce determines that the following weighted-average dumping margin exists for the period September 1, 2019, through August 31, 2020:

Exporter/producer	Weighted-average margin (percent)
ARLANXEO Brasil S.A.	67.99

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the final results of an administrative review within five days of its public announcement or, if there is no public announcement, 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, because Commerce applied total AFA to the mandatory respondent under review in accordance with section 776 of the Act, there are no calculations to disclose.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for ARLANXEO Brasil S.A. will be equal to the rate listed for ARLANXEO Brasil in the table above; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of this proceeding, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review or the original less-than-fair-value (LTFV) investigation, but the producer is, then the cash deposit rate will be the rate established for the most recently completed segment for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 19.61 percent *ad valorem,* the all-others cash deposit rate established in the LTFV investigation.[10] These cash deposit requirements, when imposed, shall remain in effect until further notice.

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 POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice serves as the only reminder to 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), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/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

We are issuing and publishing these results of administrative review in accordance with sections 751(a) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: September 20, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2021–20748 Filed 9–23–21; 8:45 am]

BILLING CODE 3510–DS–P

[6] *See Emulsion Styrene-Butadiene Rubber from Brazil, the Republic of Korea, Mexico, and Poland: Antidumping Duty Orders,* 82 FR 42790 (September 12, 2017) (*Order*).

[7] For a full description of the scope of the *Order, see* the *Preliminary Results* PDM at 2.

[8] *See Preliminary Results* PDM at 2–6.

[9] *Id.* at 5–6.

[10] *See Emulsion Styrene-Butadiene Rubber from Brazil: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances,* 82 FR 33048 (July 19, 2019).

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; StormReady, TsunamiReady, TsunamiReady Supporter, and StormReady Supporter Application Forms

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 April 21, 2021 (86 FR 20662) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration, Commerce.

Title: StormReady, TsunamiReady, TsunamiReady Supporter, and StormReady Supporter Application Forms.

OMB Control Number: 0648–0419.

Form Number(s): None.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 285.

Average Hours per Response: StormReady/TsunamiReady applications: 2 hours; StormReady/TsunamiReady Supporter applications: 1 hour.

Total Annual Burden Hours: 525.

Needs and Uses: This is a request for extension of an existing information collection.

The National Weather Service (NWS) established the StormReady program in 1999 and the TsunamiReady program in 2002 to help communities, counties, Indian nations, universities and colleges, military bases, government sites, commercial enterprises and other groups reduce the potential for weather-related and tsunami hazards through advanced planning, education and awareness. The program encourages communities to take a new, proactive approach to improving local hazardous weather operations by providing emergency managers with clear-cut guidelines on how to improve their hazardous weather operations. By participating in this program, local agencies earn recognition for their jurisdiction by meeting guidelines established by the NWS in partnership with federal, state, and local emergency management professionals. Information and details on the StormReady and TsunamiReady programs are located at *https://www.weather.gov/stormready/* and *https://www.weather.gov/tsunamiready/.*

A Supporter is an organization, business, facility, or local government entity actively engaged in weather safety and preparedness that is unable to meet all the requirements of the full StormReady or TsunamiReady program. Sites may be eligible based on the bylaws of the local NWS StormReady Advisory Board and endorsement of local emergency management. A local StormReady Advisory Board has final approval for Supporter designation.

StormReady/TsunamiReady are voluntary programs that provide guidance and incentive to officials interested in improving their hazardous weather operations. The government will use the information collected by the StormReady/TsunamiReady application to determine whether a community has met all of the guidelines to receive StormReady/TsunamiReady recognition.

Affected Public: Business or other for profit organizations; not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

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 0648–0419.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–20796 Filed 9–23–21; 8:45 am]

BILLING CODE 3510–KE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB448]

Meeting of the Marine Fisheries Advisory Committee

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of open public meeting.

SUMMARY: This notice sets forth the proposed schedule and agenda of a forthcoming meeting of the Marine Fisheries Advisory Committee (MAFAC). The members will meet the new Assistant Administrator for Fisheries and hear Administration priorities. They will also discuss building resilient fisheries, the seafood sector, and coastal communities reliant on marine resources; the Subcommittee on Aquaculture strategic plans; and climate science and the Next-Gen Data Acquisition Plan. Status updates will be provided on the fiscal year (FY) 2022 budget outlook, operations, facilities, and workforce management issues, as well as progress reports from MAFAC's Recreational Electronic Reporting Task Force and planning for the 2022 Recreational Fisheries Summit.

DATES: The meeting will be October 12, 13, and 14, 2021 from 12 p.m.–5 p.m., Eastern Time.

ADDRESSES: Meeting is by webinar and teleconference.

FOR FURTHER INFORMATION CONTACT: Heidi Lovett; NOAA Fisheries Office of Policy; (301) 427–8034; email: *Heidi.Lovett@noaa.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given of a meeting of MAFAC. The MAFAC was established by the Secretary of Commerce (Secretary), and, since 1971, advises the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. The MAFAC charter and summaries of prior MAFAC meetings are located online at *https://www.fisheries.noaa.gov/topic/partners#marine-fisheries-advisory-committee.*

Matters To Be Considered

This meeting time and agenda are subject to change. The members will meet the new Assistant Administrator for Fisheries and hear Administration priorities. They will also discuss building resilient fisheries, the seafood sector, and coastal communities reliant on marine resources; the Subcommittee on Aquaculture strategic plans; and climate science and the Next-Gen Data Acquisition Plan. Status updates will be provided on the FY2022 budget outlook, operations, facilities, and workforce management issues, as well as progress reports from MAFAC's Recreational Electronic Reporting Task Force and planning for the 2022 Recreational Fisheries Summit. MAFAC members will discuss various administrative and organizational matters, and meetings of subcommittees will convene.

Time and Date

The meeting is scheduled for October 12, 13, and 14, 2021 from 12 p.m.–5 p.m., Eastern Time by webinar and conference call. Access information for the public will be posted at *https://*

www.fisheries.noaa.gov/national/partners/marine-fisheries-advisory-committee-meeting-materials-and-summaries by October 4, 2021.

Dated: September 21, 2021.

Jennifer L. Lukens,

Federal Program Officer, Marine Fisheries Advisory Committee, National Marine Fisheries Service.

[FR Doc. 2021–20782 Filed 9–23–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2021–0049]

Grant of Interim Extension of the Term of U.S. Patent No. 7,259,184; Vernakalant Hydrochloride

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of interim patent term extension.

SUMMARY: The United States Patent and Trademark Office has issued an order granting a one-year interim extension of the term of U.S. Patent No. 7,259,184 ('184 patent).

FOR FURTHER INFORMATION CONTACT: Ali Salimi, Senior Legal Advisor, Office of Patent Legal Administration, by telephone at 571–272–0909 or by email to *ali.salimi@uspto.gov.*

SUPPLEMENTARY INFORMATION: 35 U.S.C. 156 generally provides that the term of a patent may be extended for a period of up to five years, if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review. 35 U.S.C. 156(d)(5) generally provides that the term of such a patent may be extended for no more than five interim periods of up to one year each, if the approval phase of the regulatory review period is reasonably expected to extend beyond the expiration date of the patent.

On July 14, 2020, Correvio International Sàrl, the owner of record of the '184 patent, timely filed an application under 35 U.S.C. 156(d)(5) for an interim extension of the term of the '184 patent. The '184 patent claims a method of using the product vernakalant hydrochloride. The application for interim patent term extension indicates that New Drug Application No. 22–034 for vernakalant hydrochloride was submitted to the Food and Drug Administration (FDA) on December 19, 2006, and that the FDA's review thereof is ongoing.

Review of the interim patent term extension application indicates that, except for permission to market or use the product commercially, the '184 patent would be eligible for an extension of the patent term under 35 U.S.C. 156. Because it appears the approval phase of the regulatory review period will continue beyond the extended expiration date of the patent, *i.e.,* October 6, 2021, interim extension of the '184 patent's term under 35 U.S.C. 156(d)(5) is appropriate.

An interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 7,259,184 is granted for a period of one year from the extended expiration date of the '184 patent.

Robert Bahr,

Deputy Commissioner for Patents, United States Patent and Trademark Office.

[FR Doc. 2021–20764 Filed 9–23–21; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2021–0050]

Grant of Interim Extension of the Term of U.S. Patent No. 7,524,879; Vernakalant Hydrochloride

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of interim patent term extension.

SUMMARY: The United States Patent and Trademark Office has issued an order granting a one-year interim extension of the term of U.S. Patent No. 7,524,879 ('879 patent).

FOR FURTHER INFORMATION CONTACT: Ali Salimi, Senior Legal Advisor, Office of Patent Legal Administration, by telephone at 571–272–0909 or by email to *ali.salimi@uspto.gov.*

SUPPLEMENTARY INFORMATION: 35 U.S.C. 156 generally provides that the term of a patent may be extended for a period of up to five years, if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review. 35 U.S.C. 156(d)(5) generally provides that the term of such a patent may be extended for no more than five interim periods of up to one year each, if the approval phase of the regulatory review period is reasonably expected to extend beyond the expiration date of the patent.

On July 14, 2020, Correvio International Sàrl, the owner of record of the '879 patent, timely filed an application under 35 U.S.C. 156(d)(5) for an interim extension of the term of the '879 patent. The '879 patent claims a method of using the product vernakalant hydrochloride. The application for interim patent term extension indicates that New Drug Application No. 22–034 for vernakalant hydrochloride was submitted to the Food and Drug Administration (FDA) on December 19, 2006, and that the FDA's review thereof is ongoing.

Review of the interim patent term extension application indicates that, except for permission to market or use the product commercially, the '879 patent would be eligible for an extension of the patent term under 35 U.S.C. 156. Because it appears the approval phase of the regulatory review period will continue beyond the extended expiration date of the patent, *i.e.,* October 6, 2021, interim extension of the '879 patent's term under 35 U.S.C. 156(d)(5) is appropriate.

An interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 7,5242,879 is granted for a period of one year from the extended expiration date of the '879 patent.

Robert Bahr,

Deputy Commissioner for Patents, United States Patent and Trademark Office.

[FR Doc. 2021–20765 Filed 9–23–21; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2021–0048]

Grant of Interim Extension of the Term of U.S. Patent No. 7,057,053; Vernakalant Hydrochloride

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of interim patent term extension.

SUMMARY: The United States Patent and Trademark Office has issued an order granting a one-year interim extension of the term of U.S. Patent No. 7,057,053 ('053 patent).

FOR FURTHER INFORMATION CONTACT: Ali Salimi, Senior Legal Advisor, Office of Patent Legal Administration, by telephone at 571–272–0909 or by email to *ali.salimi@uspto.gov.*

SUPPLEMENTARY INFORMATION: 35 U.S.C. 156 generally provides that the term of a patent may be extended for a period of up to five years, if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review. 35 U.S.C. 156(d)(5) generally provides that the term of such a patent may be

extended for no more than five interim periods of up to one year each, if the approval phase of the regulatory review period is reasonably expected to extend beyond the expiration date of the patent.

On July 14, 2020, Correvio International Sàrl, the owner of record of the '053 patent, timely filed an application under 35 U.S.C. 156(d)(5) for an interim extension of the term of the '053 patent. The '053 patent claims the product vernakalant hydrochloride. The application for interim patent term extension indicates that New Drug Application No. 22–034 for vernakalant hydrochloride was submitted to the Food and Drug Administration (FDA) on December 19, 2006, and that the FDA's review thereof is ongoing.

Review of the interim patent term extension application indicates that, except for permission to market or use the product commercially, the '053 patent would be eligible for an extension of the patent term under 35 U.S.C. 156. Because it appears the approval phase of the regulatory review period will continue beyond the extended expiration date of the patent, *i.e.,* October 16, 2021, interim extension of the '053 patent's term under 35 U.S.C. 156(d)(5) is appropriate.

An interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 7,057,053 is granted for a period of one year from the extended expiration date of the '053 patent.

Robert Bahr,

Deputy Commissioner for Patents, United States Patent and Trademark Office.

[FR Doc. 2021–20761 Filed 9–23–21; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the procurement list.

SUMMARY: The Committee is proposing to delete product(s) and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Comments must be received on or before:* October 24, 2021.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 785–6404, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following product(s) and service(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s): 6520–00–086–6554—Dental Kit, Child
Designated Source of Supply: North Jersey Friendship House, Inc., Hackensack, NJ
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA
NSN(s)—Product Name(s): 6545–01–539–2734—Pouch, First Aid Kit, USMC
Designated Source of Supply: Chautauqua County Chapter, NYSARC, Jamestown, NY
Contracting Activity: COMMANDER, QUANTICO, VA
NSN(s)—Product Name(s): 6545–01–539–2734—Pouch, First Aid Kit, USMC
6545–01–530–9451—Individual First Aid Kit (IFAK), AFSOC, USAF
Designated Source of Supply: Chautauqua County Chapter, NYSARC, Jamestown, NY
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA
NSN(s)—Product Name(s): 6545–01–530–9451—Individual First Aid Kit (IFAK), AFSOC, USAF
Designated Source of Supply: Chautauqua County Chapter, NYSARC, Jamestown, NY
Contracting Activity: FA7014 AFDW PK, ANDREWS AFB, MD

Service(s)

Service Type: Janitorial/Custodial
Mandatory for: Air Traffic Control Tower: 6100 E.M. Dirksen Street, NULL, Peoria, IL
Designated Source of Supply: Community Workshop and Training Center, Inc., Peoria, IL
Contracting Activity: TRANSPORTATION, DEPARTMENT OF, DEPT OF TRANS

Michael R. Jurkowski,

Acting Director, Business Operations.

[FR Doc. 2021–20758 Filed 9–23–21; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Global Markets Advisory Committee

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of meeting.

SUMMARY: The Commodity Futures Trading Commission (CFTC) announces that on October 25, 2021, from 8:45 a.m. to 12:30 p.m. (Eastern Daylight Time), the Global Markets Advisory Committee (GMAC) will hold a public meeting via teleconference. At this meeting, the GMAC will discuss various issues related to the U.S. Treasury market which, given market interconnections, is vitally important to the proper functioning of the derivatives markets overseen by the CFTC. In that regard, the GMAC will hear presentations regarding the recent stresses in the U.S. Treasury market and proposals for Treasury market reforms to mitigate against future stresses. The GMAC will also hear presentations related to the implementation of recent Dodd-Frank Act reforms, including issues related to (1) swap data reporting; (2) uncleared margin; and (3) swap dealer capital substituted compliance.

DATES: The meeting will be held on October 25, 2021, from 8:45 a.m. to 12:30 p.m. (Eastern Daylight Time). Members of the public who wish to submit written statements in connection with the meeting should submit them by November 1, 2021.

ADDRESSES: The meeting will take place via teleconference. You may submit public comments, identified by ''Global Markets Advisory Committee,'' via the CFTC's website, *http://comments.cftc.gov.* If you are unable to submit comments via the CFTC's website, contact Andrée Goldsmith, Designated Federal Officer, via the contact information listed below to discuss alternate means of submitting your comments. Any statements submitted in connection with the committee meeting will be made available to the public, including publication on the CFTC's website, *http://www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Andrée Goldsmith, GMAC Designated Federal Officer, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; (202) 418–6624; *agoldsmith@cftc.gov.*

SUPPLEMENTARY INFORMATION: Members of the public may listen to the meeting by telephone by calling a domestic toll-free telephone or international toll or toll-free number to connect to a live, listen-only audio feed. Call-in participants should be prepared to provide their first name, last name, and affiliation.

Domestic Toll Free: 1–877–951–7311.

International Toll and Toll Free: Will be posted on the CFTC's website, *http://www.cftc.gov,* on the page for the meeting, under Related Links.

Pass Code/Pin Code: 2278107.

The meeting time and agenda may change to accommodate other GMAC priorities. For time and agenda updates, please visit the GMAC committee's website at: *https://www.cftc.gov/About/CFTCCommittees/GlobalMarketsAdvisory/gmac_meetings.html.*

After the meeting, a transcript of the meeting will be published through a link on the CFTC's website at: *http://www.cftc.gov.* All written submissions provided to the CFTC in any form will also be published on the CFTC's website. Persons requiring special accommodations to attend the meeting because of a disability should notify the contact person above.

(Authority: 5 U.S.C. app. 2.)

Dated: September 21, 2021.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2021–20790 Filed 9–23–21; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Legislative Environmental Impact Statement Addressing Land Withdrawal Extension at Fort Wainwright, Alaska

AGENCY: Department of the Army, DOD.

ACTION: Notice of intent.

SUMMARY: The Department of the Army (Army) announces its intent to conduct public scoping under the National Environmental Policy Act (NEPA) and solicit public comments to gather information to prepare a Legislative Environmental Impact Statement (LEIS) to address continued military use of the Yukon Training Area, near Fort Wainwright, and Donnelly Training Area East and Donnelly Training Area West, near Delta Junction, Alaska. The scoping process will help identify reasonable alternatives, potential environmental impacts, and key issues of concern to be evaluated in the LEIS. Information presented in the LEIS will inform proposed legislation presented to Congress and ultimately Congress's decision regarding the proposed action. The current land withdrawal will expire on November 6, 2026, unless Congress enacts legislation to extend it. The Army is requesting identification of potential alternatives, information sources, and analysis relevant to the proposed action. The scoping period will last 30 days and will include a virtual public meeting.

DATES: Comments must be received by October 25, 2021.

ADDRESSES: Please send written comments to Laura Sample, NEPA Program Manager at: Directorate of Public Works, ATTN: AMIM–AKP–E (L. Sample), 1046 Marks Road #4500, Fort Wainwright, AK 99703–4500, email: *usarmy.wainwright.id-pacific.mbx.lwe-leis@mail.mil.*

FOR FURTHER INFORMATION CONTACT: Please contact Grant Sattler, Public Affairs Office, AMIM–AKG–PA (Sattler), 1060 Gaffney Road #5900, Fort Wainwright, AK 99703–5900; telephone (907) 353–6701; email: *alan.g.sattler.civ@mail.mil*

SUPPLEMENTARY INFORMATION: In October 1999 Congress, through the Military Lands Withdrawal Act (Pub. L. [Pub. L.] 106–65), withdrew 869,862 acres of public land comprising Yukon Training Area, Donnelly Training Area East, and Donnelly Training Area West from all forms of appropriation under public land laws and reserved them for use by the Army. The withdrawal extended to November 6, 2026. The Army has determined there is a continuing military need for this land and is requesting to extend its use of the three training areas, which remain officially under the management of the U.S. Bureau of Land Management (BLM).

The Engle Act (Pub. L. 85–337, 43 United States Code § 155ff) requires land withdrawals in excess of 5,000 acres be authorized by Congress through legislation. The U.S. Department of the Interior (DOI) has authority to process federal land withdrawal applications (43 Code of Federal Regulations [CFR] Part 2300). The Military Lands Withdrawal Act requires the Army to notify the Secretary of the Interior and Congress whether there is a continuing military need of the withdrawn land. Subsequently, the Army and DOI shall submit a legislative proposal for the proposed action to Congress not later than May 1, 2025. The BLM, a subordinate agency within the DOI, has agreed to participate as a cooperating agency in the preparation of the LEIS as part of the legislative proposal.

Fort Wainwright, Alaska is in the interior of Alaska in the Fairbanks North Star Borough and is home to the U.S. Army Garrison Alaska and units of U.S. Army Alaska. The Yukon Training Area covers approximately 246,277 acres and is located approximately 16 miles east-southeast of Fairbanks and immediately east of Eielson Air Force Base. Donnelly Training Areas East and West are located near Fort Greely in the Tanana River valley in central Alaska approximately 80 miles southeast from Fort Wainwright, near the city of Delta Junction in the Southeast Fairbanks Census Area. Donnelly Training Area East is approximately 51,590 acres and Donnelly Training Area West is approximately 571,995 acres.

The purpose of the proposed action is to obtain an extension of the land withdrawal of the three training areas for 25 years or more, or have the land assigned to the control of the Secretary of the Army until such time as the Army determines it no longer needs the land for military purposes. The Army requires the continued use of the training areas on withdrawn land to execute and fulfill its mission in Alaska. Access to the withdrawn land enables the Army to produce a force trained to mobilize, deploy, fight, and win anywhere in the world. Army training conditions must match or closely resemble all possible environments throughout the world, including arctic and subarctic conditions. In addition to Army training needs, the U.S. Air Force plans, conducts, and coordinates air operations in the restricted airspace over the withdrawn land.

To understand the environmental consequences of the decision to be made, the LEIS will evaluate the reasonably foreseeable effects resulting from the project alternatives. Alternatives to be considered include (1) extending the land withdrawal for 25 years or more, or assigning control of the land to the Secretary of the Army until such time as the Army determines it no longer needs the land for military purposes, and (2) a No Action alternative, under which the withdrawal would not be extended and uncontaminated portions of the withdrawn land would be returned to the management of the DOI. Other reasonable alternatives raised during the scoping process and capable of meeting the project's purpose and need may be considered for evaluation in the LEIS.

The Army will analyze potential impacts for the following resource areas: Recreational uses of the withdrawn land; subsistence uses according to the Alaska National Interest Lands Conservation Act Section 810; air quality; noise; soil; water quality; wildlife; timber management; archaeological sites and districts; traffic and transportation; and hazardous materials. The LEIS will also identify mitigation measures that would reduce or eliminate adverse impacts. The environmental analysis will include consultation with the U.S. Fish and Wildlife Service and the Alaska State Historic Preservation Office and other

Federal, state, and tribal entities. Significant impacts may include economic impacts to the communities of Delta Junction and Fairbanks, recreational and military use of airspace, including currently restricted airspace, utilities and infrastructure, and hazardous and toxic materials and waste.

Following the 30-day scoping period, and after consideration of comments received during scoping, the Army will prepare a Draft LEIS. The U.S. Environmental Protection Agency will announce the availability of the Draft LEIS in the **Federal Register**. The Army will also announce the release of the Draft LEIS in local media outlets, kicking off a public comment period during which it will hold public meetings. In accordance with 40 CFR 1506.8 a Final LEIS is not required for the legislative EIS process, and it will not be prepared for this action. Public comments on the Draft LEIS will be submitted as part of the legislative proposal.

Federal, state, and local agencies, Alaska Native tribes, Alaska Native tribal organizations, and the public are invited to be involved in the scoping process for the preparation of this LEIS by participating in a scoping meeting and submitting written comments. To assist the Army in the development of this LEIS, the Army encourages submission of comments on potential alternatives, potential environmental impacts, information, and analyses relevant to the proposed action. Written comments must be sent within 30 days of publication of this Notice of Intent in the **Federal Register**. In the interest of public health, scoping meetings will be held in a virtual environment and the date(s) will be posted online at *https://home.army.mil/alaska/index.php/fort-wainwright/NEPA*. Date(s) and time(s) for the public meeting will also be advertised in local area newspapers.

The Draft LEIS is anticipated to be published in summer 2022. The decision for this action will be made by Congress.

James W. Satterwhite Jr.,

Army Federal Register Liaison Officer.

[FR Doc. 2021–20661 Filed 9–23–21; 8:45 am]

BILLING CODE 5061–AP–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Availability of Draft Construction and Demonstration of a Prototype Mobile Microreactor Environmental Impact Statement

AGENCY: Strategic Capabilities Office (SCO), Office of the Secretary, Department of Defense (DoD).

ACTION: Notice of availability and public hearings; request for comment.

SUMMARY: The DoD, acting through SCO and with the United States (U.S.) Department of Energy (DOE) serving as a cooperating agency, announces the availability of the *Draft Construction and Demonstration of a Prototype Mobile Microreactor Environmental Impact Statement.* SCO is also announcing a public comment period and public hearings on the Draft EIS. SCO prepared the Draft EIS to evaluate the potential environmental impacts of alternatives for constructing and operating a prototype mobile microreactor capable of producing 1 to 5 megawatts of electrical power (MWe).

DATES: Comments are due by November 8, 2021.

Public hearings:

1. October 20, 2021, 3:00 p.m. to 5:00 p.m. Mountain time, Fort Hall, ID (livestreamed)
2. October 20, 2021, 6:00 p.m. to 8:00 p.m. Mountain time, Fort Hall, ID (livestreamed)

ADDRESSES: You may submit written comments on the Draft EIS by any of the following methods:

Mail: Mobile Microreactor EIS Comment, c/o Leidos, 2109 Air Park Rd SE, Suite 200, Albuquerque, NM 87106.

Email: PELE_NEPA@sco.mil.

Online: https://www.mobilemicroreactoreis.com.

The Draft EIS is available for review online at the website listed above. Send requests to be placed on the Draft EIS distribution list to receive future updates to the email listed above.

FOR FURTHER INFORMATION CONTACT: Dr. Jeff Waksman, Program Manager; Mail: Strategic Capabilities Office, 1155 Defense Pentagon, Washington, DC 20301–1155; Email: *PELE_NEPA@sco.mil.*

SUPPLEMENTARY INFORMATION:

Background

The DoD consumes around 30 terawatt hours of electricity per year and more than 10 million gallons of fuel per day. Additionally, military operational projections predict that energy demand will continue to increase significantly over the next few years. Prioritizing climate change considerations in national security will require explorations of energy-generating resources that create a sustainable climate pathway. Energy delivery and management continues to be a critical defensive risk. The challenge is to develop more sustainable methods to provide reliable, abundant, and continuous energy. Inherent dangers, logistical complexities, and overwhelming costs of sustaining power demands at Forward Operating Bases, Remote Operating Bases, and Expeditionary Bases using diesel generators continue to constrain operations and fundamental strategic planning. Additionally, technologies currently under development, such as unmanned aerial vehicles, new radar systems, new weapon systems, and the electrification of the non-tactical vehicle fleet, will require even greater energy demands. The Defense Science Board, commissioned by the DoD, recommended further engineering development and prototyping of very small modular reactors with an output less than 10 MWe. Before this technology can be deployed, a prototype mobile microreactor must be tested to ensure it can meet DoD specifications and requirements.

A related Notice of Intent to Prepare an EIS for Construction and Demonstration of a Prototype Advanced Mobile Nuclear Microreactor was previously published in the **Federal Register**, 85 FR 12274 (March 2, 2020).

On March 22, 2021, SCO announced two teams—led by BWXT Advanced Technologies, LLC, Lynchburg, Virginia, and X-energy, LLC, Rockville, Maryland—would proceed with development of a final design for a mobile microreactor under Project Pele. The two teams were selected from a preliminary design competition, and each continues design development independently. After a final design review in early 2022 and completion of this EIS under the National Environmental Policy Act (NEPA) of 1969, as amended, one of the two companies may be selected to build and demonstrate a mobile microreactor.

Alternatives

SCO evaluated a range of reasonable alternatives for the Proposed Action (mobile microreactor construction and demonstration) in this EIS, including a No Action Alternative that serves as a basis for comparison with the action alternatives. The Idaho National Laboratory (INL Site) was identified as the preferred location for the Proposed

Action based on siting requirements for the mobile microreactor. Other sites, including the Oak Ridge National Laboratory (ORNL) did not meet all of the siting criteria. Specifically, these sites either lacked sufficient supporting infrastructure or lacked an independent electrical distribution system capable of scheduling and operation independent of and isolated from the local commercial utility grid.

Proposed Action

The Proposed Action in the Draft EIS consists of constructing and demonstrating a prototype mobile microreactor at the INL site that would be capable of producing 1 to 5 MWe. The mobile microreactor is expected to be a small, advanced gas-cooled reactor using high-assay low-enriched uranium (HALEU) tristructural isotropic (TRISO) fuel. TRISO fuel is encapsulated and has been demonstrated to be capable of withstanding temperatures up to 1,800 degrees Celsius (°C), allowing for a reactor design that relies primarily on simple passive features and inherent physics to ensure safety.

Mobile microreactor fuel loading, final assembly, and demonstration would be performed at the INL Site using DOE technical expertise and facilities at the Materials and Fuels Complex (MFC) and Critical Infrastructure Test Range Complex (CITRC). Reactor fuel would be produced from DOE stockpiles of highly enriched uranium (HEU) located at DOE's Y–12 plant in Oak Ridge, Tennessee that would be converted to an oxide form at the Nuclear Fuel Services (a subsidiary of BWXT) facility in Erwin, Tennessee, and down blended to HALEU and fabricated into TRISO fuel at the BWXT facility in Lynchburg, Virginia.

Demonstration Activities at the INL Site

The Project Pele activities to be performed at the CITRC and MFC facilities on the INL Site, would involve demonstration that the proposed mobile microreactor could produce reliable electric power onto an electrical grid that is separate from the public utility grid and that the mobile microreactor can be safely disassembled and moved. At the end of an approximately 3-year demonstration, current plans are that the mobile microreactor would be shut down and placed into a safe storage mode at the INL Site.

The mobile microreactor would arrive at the INL Site for installation at MFC without reactor fuel. The possible locations to perform the fueling of the mobile microreactor are either the Transient Reactor Test Facility (TREAT) or the Hot Fuel Examination Facility (HFEF). Final assembly of the mobile microreactor modules would be performed at the site of the initial startup testing. The initial startup testing of the mobile microreactor could be performed at the Demonstration of Operation Microreactor Experiments (DOME) facilities in the Experimental Breeder Reactor II (EBR II) building.

Improvements to the DOME are planned in support of other programs at the INL Site. These improvements to the DOME, while not a part of Project Pele, are necessary for the DOME to be capable of supporting the initial startup testing phase of the mobile microreactor demonstration. Should these improvements not be made in time to support Project Pele schedule, final assembly and startup testing would be performed at CITRC. At either location, final assembly entails connecting the mobile microreactor modules. The modules within the CONEX containers would be attached via cables, conduit, and pipes that would have been transported with the mobile microreactor to the INL Site. During this phase of the demonstration, the mobile microreactor would not be connected to an electrical distribution grid. Startup testing would be performed to verify that the mobile microreactor would perform as designed. The startup and initial testing phase is anticipated to take 6 months to complete.

Disassembly and transport would occur between the startup testing phase and the operational testing phase at CITRC regardless of where startup testing would be performed. In either case, the disassembly and transport would provide proof-of-concept of the mobility of the mobile microreactor. The mobile microreactor would be disassembled at the startup testing site with minimal temporary laydown requirements. The mobile microreactor would be placed in a safe shutdown mode in which decay heat would be removed via the passive heat removal systems. This phase is anticipated to take around 5 weeks to complete.

Mobile Microreactor Activities at CITRC

CITRC is part of the INL's 61-mile 138-kilovolt (kV) power loop electric test bed and supports critical infrastructure research and testing. CITRC includes a configurable and controllable substation and a 13.8-kV distribution network. Four test pads are located at CITRC within the CITRC distribution grid. Some testing connects multiple test pads using the CITRC microgrid distribution infrastructure. These graveled/paved test pads furnish areas to place test equipment (*e.g.,* transformers, circuit breakers, switches). Test pads also serve as parking areas for personnel performing setup and testing. Preparation of the CITRC site would be performed over the course of up to 6 months prior to the arrival of the mobile microreactor at the site. Preparation would involve construction of a 200-foot by 200-foot concrete pad about 8 inches thick to create a level surface for the CONEX containers.

Upon arrival at CITRC test pad area B, C, or D, the mobile microreactor would be offloaded from the transports to the new concrete pad at the test pad area and the mobile microreactor modules reconnected. The temporary shielding, consisting of concrete T-walls, steel-reinforced concrete roof panels, concrete wall blocks, steel bladders for water shielding, and HESCO® bags, would be installed. The completed shielding structure would be about 5,000 square feet and up to 30 feet tall around the microreactor module. A limited version of the startup tests performed at DOME (or CITRC) would be performed to verify that no modules were damaged during transport.

At CITRC, the mobile microreactor system would be connected to the CITRC microgrid which is separate and distinct from the INL/commercially supplied electrical grid. Diesel generators and load banks would be attached to the microgrid. The generators and load banks would apply realistic loads and supplies to the microgrid to test the mobile microreactor in a realistic setting. Additional pads would be used to house the load banks and diesel generators to simulate a microgrid (electrical power loads for the mobile microreactor) during testing.

At-power testing, performed according to test procedures yet to be developed, would verify the ability of the mobile microreactor to operate at its rated power level for an extended period under normal, off-normal (but expected), and upset (not expected but anticipated) conditions. Transient tests performed would demonstrate mobile microreactor features, not push it to damage conditions. Transient testing would demonstrate upset conditions that would last at most a couple of days but more likely hours. In addition, the CITRC site would require a mobile office trailer that could contain a restroom, potable water, donning/doffing facilities, equipment storage, charging stations, etc. The mobile microreactor operations phase at CITRC is anticipated to take around 2.5 years to complete.

Temporary Storage

After operational testing, the mobile microreactor would be disassembled and placed in temporary storage, awaiting eventual disposition. There are two options for temporary storage of the mobile microreactor system (within their CONEX containers) at the INL Site: the RSWF receiving area (MFC–771) and ORSA (MFC–797). A reinforced concrete pad would be constructed at either of the temporary storage locations, and minor upgrades in fencing and instrumentation would be required if stored at ORSA.

Post-Irradiation Examination and Disposition

After the mobile microreactor's useful life is complete and after a period of temporary storage, all of the materials would be disposed. The mobile microreactor components would be disposed of through the appropriate waste streams. It is anticipated that the mobile microreactor would be deconstructed and parts and/or fuel removed to aggregate like-class wastes. After deconstruction, irradiated materials would be safely stored with other similar DOE-irradiated materials and experiments at MFC, most likely in the HFEF or the RSWF. Ultimate disposal of the irradiated materials that have been declared waste would occur along with similar DOE-owned irradiated materials and experiments currently at MFC.

Public Hearings

SCO will host two public hearings regarding the Draft EIS. Meetings will be held in-person with simultaneous livestream over the internet. A toll-free number will be available for commenters not at the in-person meeting. Interested parties are invited to join either or both of the public hearings, each with identical presentation content, planned to be held at the Shoshone Bannock Hotel and Event Center, 777 Bannock Trail, Fort Hall, Idaho 83203. An American Sign Language interpreter will be present. A recording of the public hearings will be made available to the public at the online website listed above. Individuals attending the hearings in person will be required to wear appropriate face coverings and to follow social distancing guidelines. Ongoing health concerns as a result of the evolving COVID–19 restrictions could result in changes or cancellation of the in person public hearings. Further public announcements will be made in the event of a postponement or cancellation. In the event of cancellation of the in-person hearings, the online virtual hearings would still occur on the scheduled dates and at the scheduled times.

The hearings will begin with a presentation providing an overview of the project, information on the NEPA process, and highlights of the Draft EIS content and analysis. Following the presentation, individuals participating both in-person and remotely will be offered an opportunity to provide oral comments on the Draft EIS. The hearings will conclude after two hours or when there are no additional commenters, whichever occurs first. Public comments will be addressed in the Final EIS. You may pre-register to comment by sending an email to *PELE_NEPA@sco.mil.* A court reporter will be present to transcribe all comments.

Dated: September 17, 2021.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2021–20546 Filed 9–23–21; 8:45 am]

BILLING CODE 5001–06–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sunshine Act Meetings

TIME AND DATE: 1 p.m., September 30, 2020.

PLACE: This meeting will be held via teleconference.

STATUS: Closed. During the closed meeting, the Board Members will discuss issues dealing with potential Recommendations to the Secretary of Energy. The Board invoked the Exemption to close a meeting described in 5 U.S.C. 552b(c)(3) and 10 CFR 1704.4(c). The Board determined that it was necessary to close the meeting since conducting an open meeting is likely to disclose matters that are specifically exempted from disclosure by statute. In this case, the deliberations pertain to potential Board Recommendations which, under 42 U.S.C. 2286d(b) and (h)(3), may not be made publicly available until after they have been received by the Secretary of Energy or the President, respectively.

MATTERS TO BE CONSIDERED: The meeting will proceed in accordance with the closed meeting agenda that is posted on the Board's public website at *www.dnfsb.gov.* Technical staff may present information to the Board. The Board Members are expected to conduct deliberations regarding potential Recommendations to the Secretary of Energy.

CONTACT PERSON FOR MORE INFORMATION: Tara Tadlock, Associate Director for Board Operations, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2901, (800) 788–4016. This is a toll-free number.

Dated: September 22, 2021.

Joyce Connery,

Chair.

[FR Doc. 2021–20910 Filed 9–22–21; 4:15 pm]

BILLING CODE 3670–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2021–SCC–0139]

Agency Information Collection Activities; Comment Request; Eligibility of Students at Institutions of Higher Education for Funds Under the CARES Act

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before November 23, 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–0139. 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* 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 Karen Epps, 202–453–6337.

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: Eligibility of Students at Institutions of Higher Education for Funds under the CARES Act.

OMB Control Number: 1840–0857.

Type of Review: An extension without change of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments; Private Sector; Individuals and Households.

Total Estimated Number of Annual Responses: 16,016,491.

Total Estimated Number of Annual Burden Hours: 1,306,588.

Abstract: The U.S. Department of Education is requesting clearance of this extension information collection request to allow for outreach to institutions of higher education to meet the requirements of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116–136 (March 27, 2020). This will help to ensure that the distribution of the CARES Act funds is managed by institutions in accordance with the clarification discussed in the Final Rule. This information collection was previously approved as an emergency by the Office of Management and Budget (OMB) on May 11, 2021; this extension to the collection has no change to the current form.

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. 2021–20779 Filed 9–23–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2021–SCC–0080]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Voluntary Decline of Higher Education Emergency Relief Funds Form

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before October 25, 2021.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov*.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Karen Epps, (202) 453–6337.

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: Voluntary Decline of Higher Education Emergency Relief Funds Form.

OMB Control Number: 1840–0856.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 125.

Total Estimated Number of Annual Burden Hours: 63.

Abstract: Funding for the Higher Education Emergency Relief Fund (HEERF) is provided by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Pub. L. 116–136), the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA) (Pub. L. 116–260) and the American Rescue Plan Act of 2021 (Pub. L. 117–2). Institutions eligible for funding under these statutes may elect to voluntarily decline all or a portion of their HEERF grant awards, in which case the U.S. Department of Education (the Department) will then deobligate the funds from the institution's G5 account and will later redistribute the funds to other institutions with greater needs due to the coronavirus. In order to process the deobligation and redistribution of these funds more efficiently, the Department is requesting an extension of approval of a short form that will allow these institutions to provide the Department with information regarding the funds being declined.

Dated: September 21, 2021.

Kate Mullen,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–20720 Filed 9–23–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Notice.

SUMMARY: The Department of Energy has submitted an information collection package to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The package requests a three-year extension of its ''Annual Alternative Fuel Vehicle Acquisition Report for State and Alternative Fuel Provider Fleets,'' OMB Control Number 1910–5101. This information collection package covers information necessary to ensure the compliance of regulated fleets with the alternative fueled vehicle acquisition requirements of the Energy Policy Act of 1992, as amended, (EPAct).

DATES: Comments regarding this collection must be received on or before October 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, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4718.

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: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mr. Mark Smith, Office of Energy Efficiency and Renewable Energy (EE–3V), U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0121, (202) 287–5151, *Mark.Smith@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of DOE, including whether the information shall have practical utility; (b) the accuracy of DOE's estimate of the burden of the proposed collection of information, including the validity of the methodology and 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.

This information collection request contains:

(1) *OMB No.:* 1910–5101;

(2) *Information Collection Request Title:* Annual Alternative Fuel Vehicle Acquisition Report for State Government and Alternative Fuel Provider Fleets;

(3) *Type of Review:* Extension;

(4) *Purpose:* The information is required so that DOE can determine whether alternative fuel provider and State government fleets are in compliance with the alternative fueled vehicle acquisition mandates of sections 501 and 507(o) of the Energy Policy Act of 1992, as amended, (EPAct), whether such fleets should be allocated credits under section 508 of EPAct, and whether fleets that opted into the alternative compliance program under section 514 of EPAct are in compliance with the applicable requirements. The information collection instrument is completed online, via a password protected web page; for review purposes, the same instrument is available online at *http://www1.eere.energy.gov/vehiclesandfuels/epact/docs/reporting_spreadsheet.xls*

(5) *Annual Estimated Number of Respondents:* 303;

(6) *Annual Estimated Number of Total Responses:* 335;

(7) *Annual Estimated Number of Burden Hours:* 1,970;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $120,000.

Statutory Authority: Statutory Authority: 42 U.S.C. 13251 *et seq.*

Signing Authority

This document of the Department of Energy was signed on September 9, 2021, by Kelly Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 21, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–20755 Filed 9–23–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

President's Council of Advisors on Science and Technology

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open virtual meeting.

SUMMARY: This notice announces an open meeting of the President's Council of Advisors on Science and Technology (PCAST). The Federal Advisory Committee Act (FACA) requires that public notice of these meetings be announced in the **Federal Register**.

DATES:

Tuesday, September 28, 2021; 10 a.m.–4 p.m. ET

Wednesday, September 29, 2021; 10 a.m.–5 p.m. ET

ADDRESSES: Information to participate virtually can be found on the PCAST website closer to the meeting at: *www.whitehouse.gov/PCAST.*

FOR FURTHER INFORMATION CONTACT: Dr. Sarah Domnitz, Designated Federal Officer, PCAST, email: *PCAST@ostp.eop.gov* or telephone: (202) 881–6399.

SUPPLEMENTARY INFORMATION: PCAST is an advisory group of the nation's leading scientists and engineers, appointed by the President to augment the science and technology advice available to him from the White House, cabinet departments, and other Federal agencies. See the Executive Order at *whitehouse.gov.* PCAST is consulted on and provides analyses and recommendations concerning a wide range of issues where understanding of science, technology, and innovation may bear on the policy choices before the President. The Designated Federal Officer is Dr. Sarah Domnitz. Information about PCAST can be found at: *www.whitehouse.gov/PCAST.*

Tentative Agenda: PCAST will hear from invited speakers on and discuss various aspects of U.S. international and economic competitiveness in science and technology, and the on-going response to the COVID–19 pandemic. Additional information and the meeting agenda, including any changes that arise, will be posted on the PCAST

website at: *www.whitehouse.gov/PCAST.*

Public Participation: The meeting is open to the public. It is the policy of the PCAST to accept written public comments no longer than 10 pages and to accommodate oral public comments, whenever possible. The PCAST expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

The public comment period for this meeting will take place on Wednesday, September 29, 2021, at a time specified in the meeting agenda. This public comment period is designed only for substantive commentary on PCAST's work, not for business marketing purposes.

This meeting is being published less than 15 days prior to the scheduled meeting to allow the PCAST to convene swiftly in light of the on-going public health crisis and associated supply chain shortages.

Oral Comments: To be considered for the public speaker list at the meeting, interested parties should register to speak at *PCAST@ostp.eop.gov,* no later than 5 p.m. Eastern Time on Monday, September 27, 2021. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of up to 10 minutes. If more speakers register than there is space available on the agenda, PCAST will select speakers on a first-come, first-served basis from those who registered. Those not able to present oral comments may file written comments with the council.

Written Comments: Although written comments are accepted continuously, written comments should be submitted to *PCAST@ostp.eop.gov* no later than 5 p.m. Eastern Time on Monday, September 27, 2021, so that the comments may be made available to the PCAST members for their consideration prior to this meeting.

PCAST operates under the provisions of FACA, all public comments and/or presentations will be treated as public documents and will be made available for public inspection, including being posted on the PCAST website *www.whitehouse.gov/PCAST.*

Minutes: Minutes will be available within 45 days by emailing *PCAST@ostp.eop.gov.*

Signing Authority

This document of the Department of Energy was signed on September 22, 2021, by Miles Fernandez, Acting Committee Management Officer, Office of Management, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on September 22, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–20960 Filed 9–23–21; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ID–9265–000]

Broder, Joshua B.; Notice of Filing

Take notice that on September 17, 2021, Joshua B. Broder submitted for filing, application for authority to hold interlocking positions, pursuant to section 305(b) of the Federal Power Act, 16 U.S.C. 825d (b) and Part 45.8 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR part 45.8.

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. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

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.

The Commission strongly encourages electronic filings of comments, 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.

Comment Date: 5:00 p.m. Eastern Time on October 12, 2021.

Dated: September 20, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–20775 Filed 9–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–113–000]

Alliance Pipeline, L.P. ; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Three Rivers Interconnection Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document, that will discuss the environmental impacts of the Three Rivers Interconnection Project involving construction and operation of facilities by Alliance Pipeline, L.P. (Alliance) in Grundy County, Illinois. The Commission will use this environmental document in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National

Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the *NEPA Process and Environmental Document* section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on October 19, 2021. Comments should be submitted in written form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all comments during the preparation of the environmental document.

If you submitted comments on this project to the Commission before the opening of this docket on April 1, 2021, you will need to file those comments in Docket No. CP21–113–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

Alliance provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (*www.ferc.gov*) under the Natural Gas Questions or Landowner Topics link.

Public Participation

There are three methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the eComment feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP21–113–000) on your letter. 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.

Additionally, the Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Summary of the Proposed Project

Alliance proposes to construct and operate about 2.9 miles of 20-inch-diameter natural gas transmission pipeline and associated facilities. This pipeline would connect Alliance's existing interstate natural gas transmission system with the CPV Three Rivers Energy Center; and would be capable of transporting up to 0.21 billion cubic feet per day. According to Alliance, the project is necessary to provide the CPV Three Rivers Energy Center with access to an additional natural gas supply source. The general location of the project is shown in appendix 1.[1]

Land Requirements for Construction

Constructing the project would require the temporary use of about 42.8 acres of land. Following construction, Alliance would restore about 25.1 acres of land and would permanently maintain about 17.7 acres of land to operate the project.

NEPA Process and the Environmental Document

Any environmental document issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the proposed project under the relevant general resource areas:

- Geology and soils;
- water resources and wetlands;

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary''. For instructions on connecting to eLibrary, refer to the last page of this notice. 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 FERC at *FERCOnlineSupport@ferc.gov* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

- vegetation and wildlife;
- protected species;
- cultural resources;
- land use;
- air quality and noise; and
- reliability and safety.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Following this scoping period, Commission staff will determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the issues. If Commission staff prepares an EA, a Notice of Schedule for the Preparation of an Environmental Assessment will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its decision regarding the proposed project. If Commission staff prepares an EIS, a Notice of Intent to Prepare an EIS/ Notice of Schedule will be issued, which will open up an additional comment period. Staff will then prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary [2] and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the environmental document.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] The environmental document for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to *GasProjectAddressChange@ferc.gov* stating your request. You must include the docket number CP21–113–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached ''Mailing List Update Form'' (appendix 2).

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

Dated: September 20, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–20771 Filed 9–23–21; 8:45 am]

BILLING CODE 6717–01–P

[2] For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Section 1501.8.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14775–004]

Marine Renewable Energy Collaborative of New England; Notice of Intent To File License Application, Filing of Draft Application, Request for Waivers of Integrated Licensing Process Regulations Necessary for Expedited Processing of a Hydrokinetic Pilot Project License Application, and Soliciting Comments

a. *Type of Filing:* Notice of Intent to File a License Application for an Original License for a Hydrokinetic Pilot Project.

b. *Project No.:* 14775–004.

c. *Date Filed:* September 7, 2021.

d. *Submitted By:* Marine Renewable Energy Collaborative of New England (MRECo).

e. *Name of Project:* Bourne Tidal Test Site Project.

f. *Location:* In the Cape Cod Canal near the Town of Bourne, in Barnstable County, MA. The project would be located on approximately one acre of federal land under the jurisdiction of the U.S. Army Corps of Engineers.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Applicant Contact:* John Miller, Executive Director, Marine Renewable Energy Collaborative of New England, P.O. Box 479, Marion, MA 02738; Phone at (508) 728–5825; email at *mrecnewengland@gmail.com*.

i. *FERC Contact:* Robert Haltner at (202) 502–8612, or email at *robert.haltner@ferc.gov*.

j. MRECo has filed with the Commission: (1) A notice of intent (NOI) to file an application for an original license for a hydrokinetic pilot project and a draft license application with monitoring plans; (2) a request for waivers of the integrated licensing process regulations necessary for expedited processing of a hydrokinetic pilot project license application; (3) a proposed process plan and schedule; (4) a request to be designated as the non-federal representative for section 7 of the Endangered Species Act (ESA) consultation; and (5) a request to be designated as the non-federal representative for section 106 consultation under the National Historic Preservation Act (collectively, the pre-filing materials).

k. With this notice, we are soliciting comments on the pre-filing materials listed in paragraph j above, including the draft license application and monitoring plans. All comments should be sent to the address above in paragraph h. The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* 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). 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–14775–004. Any individual or entity interested in submitting comments on the pre-filing materials must do so by October 20, 2021.

l. With this notice, we are approving MRECo's request to be designated as the non-federal representative for section 7 of the ESA and its request to initiate consultation under section 106 of the National Historic Preservation Act; and recommending that it begin informal consultation with: (a) The U.S. Fish and Wildlife Service and the National Marine Fisheries Service as required by section 7 of ESA; and (b) the Massachusetts State Historic Preservation Officer, as required by section 106 of the National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

m. With this notice, we also are asking federal, state, local, and tribal agencies with jurisdiction and/or expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in paragraph k above.

n. This notice does not constitute the Commission's approval of MRECo's request to use the Pilot Project Licensing Procedures. Upon its review of the project's overall characteristics relative to the pilot project criteria, the draft license application contents, and any comments filed, the Commission will determine whether there is adequate information to conclude the pre-filing process.

o. The proposed Bourne Tidal Test Site Project would consist of: (1) An existing 56.2-foot-high, 23-foot-wide support structure; (2) a proposed horizontal axis, open-bladed, 50-kilowatt turbine-generator unit (other in-stream turbine-generators would also be tested at the site) having a 3-meter-diameter sweep area; (3) a proposed 13.2-kilovolt overhead transmission line connecting the turbine-generator unit to the regional grid; and (4) appurtenant facilities. The hydrokinetic project would have an estimated average annual generation of 175-megawatt hours.

p. A copy of the draft license application and all pre-filing materials can be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number (P–14775), excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support.

q. *Pre-filing Process Schedule.* The pre-filing process will be conducted pursuant to the following tentative schedule. Revisions to the schedule below may be made based on staff's review of the draft application and any comments received.

Milestone	Date
Comments on pre-filing materials due.	October 20, 2021.
Issuance of additional information request.	November 4, 2021.
Issuance of meeting notice (if needed).	November 4, 2021.
Public meeting/technical conference (if needed).	December 4, 2021.

r. Register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: September 20, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–20776 Filed 9–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3253–015]

Mad River Power Associates; Notice of Intent To Prepare an Environmental Assessment

On November 3, 2020, Mad River Power Associates filed an application for a subsequent license to continue operating the existing 639-kilowatt Campton Hydroelectric Project No. 3253 (project). The project is located on the Mad River in Grafton County, New Hampshire, and occupies approximately 0.08 acre of federal land administered by the U.S. Forest Service.

In accordance with the Commission's regulations, on July 7, 2021, Commission staff issued a notice that the project was ready for environmental analysis (REA notice). Based on the information in the record, including comments filed on the REA notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an Environmental Assessment (EA) on the application to license the project.

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be

analyzed by staff and considered in the Commission's final licensing decision.

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA.	March 2022.[1]
Comments on EA	May 2022.

Any questions regarding this notice may be directed to Amanda Gill at (202) 502–6773 or *amanda.gill@ferc.gov.*

Dated: September 20, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–20777 Filed 9–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC21–38–000]

Commission Information Collection Activities; (FERC–920, Electric Quarterly Report); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–920 (Electric Quarterly Report (EQR)), which will be submitted to the Office of Management and Budget (OMB) for a review of the information collection requirements.

DATES: Comments on the collection of information are due November 23, 2021.

ADDRESSES: You may submit copies of your comments (identified by Docket No. IC21–38–000 and the specific FERC collection number (FERC–920) 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 to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: All 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 *http://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov* and telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION: *Title:* FERC–920, (Electric Quarterly Reports (EQR)).

OMB Control No.: 1902–0255.

Type of Respondent: Public utilities, and non-public utilities with more than a *de minimis* market presence.

Type of Request: Three-year extension of the FERC–920 information collection with no changes to the current reporting requirements.[1]

Abstract: The Commission originally set forth the EQR filing requirements in Order No. 2001 (Docket No. RM01–8–000) which required public utilities to electronically file EQRs summarizing transaction information for short-term and long-term cost-based sales and market-based rate sales and the contractual terms and conditions in their agreements for all jurisdictional services.[2] The Commission established the EQR reporting requirements to help ensure the collection of information needed to perform its regulatory functions over transmission and sales, while making data more useful to the public and allowing public utilities to better fulfill their responsibility under Federal Power Act (FPA) section 205(c)[3] to have rates on file in a convenient form and place. As noted in Order No. 2001, the EQR data is designed to ''provide greater price transparency, promote competition, enhance confidence in the fairness of the markets, and provide a better means to detect and discourage discriminatory practices.''

Since issuing Order No. 2001, the Commission has provided guidance and refined the reporting requirements, as necessary, to reflect changes in the Commission's rules and regulations.[4] The Commission also adopted an Electric Quarterly Report Data Dictionary, which provides in one document the definitions of certain terms and values used in filing EQR data.[5]

To increase transparency broadly across all wholesale markets subject to the Commission's jurisdiction, the Commission issued Order No. 768 in 2012.[6] Order No. 768 required market participants that are excluded from the Commission's jurisdiction under the FPA section 205 (non-public utilities) and have more than a *de minimis* market presence to file EQRs with the Commission. In addition, Order No. 768 revised the EQR filing requirements to build upon the Commission's prior improvements to the reporting requirements and further enhance the goals of providing greater price transparency, promoting competition, instilling confidence in the fairness of the markets, and providing a better means to detect and discourage anti-competitive, discriminatory, and manipulative practices.

EQR information allows the public to assess supply and demand fundamentals and to price interstate wholesale market transactions. This, in turn, results in greater market confidence, lower transaction costs, and

[1] The Council on Environmental Quality's (CEQ) regulations under 40 CFR 1501.10(b)(1) require that EAs be completed within 1 year of the federal action agency's decision to prepare an EA. This notice establishes the Commission's intent to prepare an EA for the Campton Hydroelectric Project. Therefore, in accordance with CEQ's regulations, the EA must be issued within 1 year of the issuance date of this notice.

[1] This Notice in Docket No. IC21–38 is separate from, and does not address, the activities in Docket No. AD21–8–000.

[2] *Revised Public Utility Filing Requirements,* Order No. 2001, 67 FR 31043 (May 8, 2002), FERC Stats. & Regs. ¶ 31,127, *reh'g denied,* Order No. 2001–A, 100 FERC ¶ 61,074, *reh'g denied,* Order No. 2001–B, 100 FERC ¶ 61,342, *order directing filing,* Order No. 2001–C, 101 FERC ¶ 61,314 (2002), *order directing filing,* Order No. 2001–D, 102 FERC ¶ 61,334, *order refining filing requirements,* Order No. 2001–E, 105 FERC ¶ 61,352 (2003), *order on clarification,* Order No. 2001–F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements,* Order No. 2001–G, 72 FR 56735 (Oct. 4, 2007), 120 FERC ¶ 61,270, *order on reh'g and clarification,* Order No. 2001–H, 73 FR 1876 (Jan. 10, 2008), 121 FERC ¶ 61,289 (2007), *order revising filing requirements,* Order No. 2001–I, 73 FR 65526 (Nov. 4, 2008), 125 FERC ¶ 61,103 (2008).

[3] 16 U.S.C. 824d(c).

[4] *See, e.g., Revised Public Utility Filing Requirements for Electric Quarterly Reports,* 124 FERC ¶ 61,244 (2008) (providing guidance on the filing of information on transmission capacity reassignments in EQRs).

[5] Order No. 2001–G, 120 FERC ¶ 61,270 (2007).

[6] Order No. 768, 77 FR 61896 (Oct. 11, 2012), FERC Stats. & Regs. ¶ 31,336 (2012).

ultimately supports competitive markets. In addition, the data filed in the EQR strengthens the Commission's ability to exercise its wholesale electric rate and electric power transmission oversight and enforcement responsibilities in accordance with the Federal Power Act. Without this information, the Commission would lack some of the data it needs to support its regulatory function over transmission and sales.

Type of Respondent: Public utilities, and non-public utilities with more than a *de minimis* market presence.

Estimate of Annual Burden and Cost:[7] The Commission estimates the annual public reporting burden[8] for the information collection as:

FERC–920: ELECTRIC QUARTERLY REPORT (EQR)

Requirements	Number of respondents	Average annual number of responses per respondent	Total number of responses	Average annual burden hrs. & cost ($) per response (rounded)	Total average annual burden hours & total annual cost ($) (rounded)	Cost per respondent ($) (rounded)
	1	2	(1) * (2) = (3)	4	(3) * (4) = (5)	(5) ÷ (1)
Electric Quarterly Report	2,929	4	11,716	18.1 hrs.; $1,575	212,060 hrs.; $18,452,700.	$6,300
Total			11,716		212,060 hrs.; $18,452,700.	$6,300

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: September 20, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–20774 Filed 9–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–493–000]

Great Lakes Gas Transmission Limited Partnership; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on September 10, 2021, Great Lakes Gas Transmission Limited Partnership (Great Lakes), 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700, filed in the above referenced docket, a prior notice request to modify the operation of a portion of its natural gas pipeline mainline system to reduce the Maximum Operating Pressure (MOP) in the Bemidji, Minnesota operations area, and to abandon associated system design capacity under authorities granted by its blanket certificate issued in Docket No. CP90–2053–000, all in Federal offshore waters, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Great Lakes requests authorization to modify the operation of its 36-inch mainlines 100, 200, and 300 to reduce the MOP from 974 psig to 812 psig from CS 3 to CS 4, in the Bemidji, Minnesota operations area. Additionally, Great Lakes requests authorization to abandon 252.9 MDth/d of long-term summer capacity and 299.4 MDth/d of long-term winter capacity, from its point of receipt at Emerson in Kittson County, Minnesota to its point of delivery at Fortune Lake in Iron County, Michigan, associated with the Shevlin de-rate. The estimated cost is $100,000.

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 FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this prior notice request should be directed to David A. Alonzo, Manager, Project Authorizations, Great Lakes Gas Transmission Company, 700 Louisiana Street, Suite 1300, Houston, Texas, 77002–2700, at (832) 320–5477 or by email at *david_alonzo@tcenergy.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on November 19, 2021. How to file protests, motions to intervene, and comments is explained below.

[7] The cost is based on FERC's 2021 Commission-wide average salary cost (salary plus benefits) of $87.00/hour. The Commission staff believes the FERC FTE (full-time equivalent) average cost for wages plus benefits is representative of the corresponding cost for the industry respondents.

[8] 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. For further explanation of what is included in the information collection burden, refer to 5 Code of Federal Regulations 1320.3.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is November 19, 2021. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is November 19, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before November 19, 2021. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How to File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP21–493–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [6]

(2) You can file a paper copy of your submission by mailing it to the address below.[7] Your submission must reference the Project docket number CP21–493–000.

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: 700 Louisisana Street, Suite 300, Houston, Texas, 77002–2700 at (832) 320–5477 or email (with a link to the document) at: *David_alonzo@tcenergy.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: September 20, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–20773 Filed 9–23–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP21–492–000]

Rover Pipeline, LLC; Notice of Applications and Establishing Intervention Deadline

Take notice that on September 9, 2021, Rover Pipeline LLC (Rover), 1300 Main Street, Houston, Texas 77002, filed an application pursuant to section 7(c) of the Natural Gas Act (NGA), in Docket No. CP21–492–000, for authorization to construct and operate construct facilities associated with, and to own, and operate a receipt interconnection and a delivery

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

[7] Hand-delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

interconnection on Rover's Mainline in Lenawee County, Michigan (''Rover—Brightmark Receipt and Delivery Meter Station Project'', or ''Interconnection Project'' or ''Project''). The new construction of the interconnection will receive up to 1,600 dekatherms per day from Brightmark to Rover while the delivery interconnection will deliver up to 100 dekatherms per day from Rover to Brightmark. Rover estimates the cost of the project to be $1,662,811 all as more fully set forth in the request which is on file with the Commission and open to public inspection with the Commission and open for public inspection.

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.

Any questions regarding Rover's application may be directed to Blair Lichtenwalter, Senior Director, Regulatory Affairs, Rover Pipeline LLC, 1300 Main Street, Houston, Texas 77002, by telephone at (713) 989–2605 or by email at *Blair.Lichtenwalter@energytransfer.com*.

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on October 12, 2021. How to file comments and motions to intervene is explained below.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before October 12, 2021. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[2] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [3] and the regulations under the NGA [4] by the intervention deadline for the project, which is October 12, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. [For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene.] For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp*.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

How To File Comments and Interventions

There are two ways to submit your comments and motions to intervene to the Commission. In all instances, please reference the Project docket numbers CP21–492–000 in your submission. The Commission encourages electronic filing of submissions.

(1) You may file your comments or motions to intervene electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing'' or ''Intervention''; or

(2) You can file a paper copy of your comments by mailing them to the following address below. Your written comments must reference the Project docket numbers (CP21–492–000).

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory

[1] 18 CFR (Code of Federal Regulations) 157.9.

[2] 18 CFR 385.102(d).

[3] 18 CFR 385.214.

[4] 18 CFR 157.10.

Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852

Motions to intervene must be served on the applicants either by mail or email (with a link to the document) at: Rover Pipeline LLC, 1300 Main Street, Houston, Texas 77002 or at *Blair.Lichtenwalter@energytransfer.com*. Any subsequent submissions by an intervenor must be served on the applicants and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [5] motions to intervene are automatically granted by operation of Rule 214(c)(1).[6] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[7] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the projects will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on October 12, 2021.

[5] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[6] 18 CFR 385.214(c)(1).

[7] 18 CFR 385.214(b)(3) and (d).

Dated: September 20, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–20772 Filed 9–23–21; 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:

Filings Instituting Proceedings

Docket Numbers: RP21–1124–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Enhanced Parking Service Clarification to be effective 10/18/2021.
Filed Date: 9/17/21.
Accession Number: 20210917–5019.
Comment Date: 5 pm ET 9/29/21.

Docket Numbers: RP21–1125–000.
Applicants: Gulf South Pipeline Company, LLC.
Description: § 4(d) Rate Filing: Amendment to Neg Rate Agmt (Colorado Bend 46260 eff 9–17–21) to be effective 9/17/2021.
Filed Date: 9/17/21.
Accession Number: 20210917–5020.
Comment Date: 5 pm ET 9/29/21.

Docket Numbers: RP21–1126–000.
Applicants: Portland Natural Gas Transmission System.
Description: Compliance filing: WXP Phases II & III Compliance Filing to be effective 11/1/2021.
Filed Date: 9/17/21.
Accession Number: 20210917–5073.
Comment Date: 5 pm ET 9/29/21.

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: September 20, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–20770 Filed 9–23–21; 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: EC16–110–002.
Applicants: Fortis Inc., Finn Investment Pte. Ltd., FortisUS Inc., ITC Investment Holdings Inc., Element Acquisition Sub Inc., Enterprise Holdings Pte. Ltd., ITC Holdings Corp.
Description: Informational Report of ITC Holdings Corp.
Filed Date: 9/15/21.
Accession Number: 20210915–5202.
Comment Date: 5 pm ET 10/6/21.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG21–256–000.
Applicants: AP Solar 2, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of AP Solar 2, LLC.
Filed Date: 9/20/21.
Accession Number: 20210920–5015.
Comment Date: 5 pm ET 10/12/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–2497–010.
Applicants: Lawrenceburg Power, LLC.
Description: Compliance filing: Lawrenceburg Reactive Supply Settlement Compliance to be effective 12/1/2018.
Filed Date: 9/20/21.
Accession Number: 20210920–5116.
Comment Date: 5 pm ET 10/12/21.

Docket Numbers: ER21–2282–001.
Applicants: PPL Electric Utilities Corporation, PJM Interconnection, L.L.C.
Description: Tariff Amendment: PPL Electric Utilities Corporation submits tariff filing per 35.17(b): PJM Transmission Owners' Response to FERC Staff's Deficiency Letter to be effective 8/30/2021.
Filed Date: 9/20/21.
Accession Number: 20210920–5076.
Comment Date: 5 pm ET 10/12/21.

Docket Numbers: ER21–2903–000.
Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to WMPA, Service Agreement No. 5696; Queue No. AF1–140 to be effective 6/11/2020.

Filed Date: 9/20/21.

Accession Number: 20210920–5012.

Comment Date: 5 pm ET 10/12/21.

Docket Numbers: ER21–2904–000.

Applicants: MidAmerican Central California Transco, LLC.

Description: Compliance filing: Order No. 864 Compliance Filing to be effective 1/27/2020.

Filed Date: 9/20/21.

Accession Number: 20210920–5036.

Comment Date: 5 pm ET 10/12/21.

Docket Numbers: ER21–2905–000.

Applicants: American Electric Power Service Corporation, Indiana Michigan Power Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: American Electric Power Service Corporation submits tariff filing per 35.13(a)(2)(iii: AEP submits one FA re: ILDSA SA No. 5120 to be effective 11/20/2021.

Filed Date: 9/20/21.

Accession Number: 20210920–5070.

Comment Date: 5 pm ET 10/12/21.

Docket Numbers: ER21–2906–000.

Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: Niagara Mohawk Power Corporation submits tariff filing per 35.13(a)(2)(iii: 205 joint SGIA among NYISO, NMPC, SunEast Hills Solar, SA2646 to be effective 9/7/2021.

Filed Date: 9/20/21.

Accession Number: 20210920–5088.

Comment Date: 5 pm ET 10/12/21.

Docket Numbers: ER21–2907–000.

Applicants: New York Independent System Operator, Inc., Niagara Mohawk Power Corporation.

Description: § 205(d) Rate Filing: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: 205 Joint NYISO National Grid SGIA 2647 with SunEast Fairway to be effective 9/7/2021.

Filed Date: 9/20/21.

Accession Number: 20210920–5090.

Comment Date: 5 pm ET 10/12/21.

Docket Numbers: ER21–2908–000.

Applicants: Georgia Power Company.

Description: Tariff Amendment: Termination of JEA and FP&L Scherer Unit 4 TSAs to be effective 12/31/2021.

Filed Date: 9/20/21.

Accession Number: 20210920–5092.

Comment Date: 5 pm ET 10/12/21.

Docket Numbers: ER21–2909–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: UAMPS Agmt Re Self Supply of Ancillary Serv Sched 5 and/or 6 to be effective 9/17/2021.

Filed Date: 9/20/21.

Accession Number: 20210920–5097.

Comment Date: 5 pm ET 10/12/21.

Docket Numbers: ER21–2910–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: § 205(d) Rate Filing: 2021–09–20–NSP–EREPC-BeaverCreek-SISA–693–0.0.0 to be effective 9/21/2021.

Filed Date: 9/20/21.

Accession Number: 20210920–5112.

Comment Date: 5 pm ET 10/12/21.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES21–81–000.

Applicants: PPL Electric Utilities Corporation.

Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of PPL Electric Utilities Corporation.

Filed Date: 9/17/21.

Accession Number: 20210917–5194.

Comment Date: 5 pm ET 10/8/21.

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: September 20, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2021–20769 Filed 9–23–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9058–01–OAR]

Request for Nominations for the 2022 Clean Air Excellence Awards Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for nominations for Clean Air Excellence Awards.

SUMMARY: This notice announces the competition for the 2022 Clean Air Excellence Awards Program. EPA established the Clean Air Excellence Awards Program in February 2000 to recognize outstanding and innovative efforts that support progress in achieving clean air.

DATES: All submissions of entries for the Clean Air Excellence Awards Program must be postmarked by November 30, 2021.

FOR FURTHER INFORMATION CONTACT: Additional information on this awards program, including the entry form, can be found on EPA's Clean Air Act Advisory Committee (CAAAC) website: *https://www.epa.gov/caaac.* Any member of the public who wants further information may contact the U.S. EPA, Office of Air or Radiation: Catrice Jefferson by telephone at (202) 564–1668 or by email at *jefferson.catrice@epa.gov* and Ruth Morgan by telephone at (202) 564–1326 or by email at *morgan.ruthw@epa.gov.*

SUPPLEMENTARY INFORMATION: Awards Project Notice, Pursuant to 42 U.S.C. 7403(a)(1) and (2) and sections 103(a)(1) and (2) of the Clean Air Act (CAA), notice is hereby given that the EPA's Office of Air and Radiation (OAR) announces the opening of competition for the 2022 Clean Air Excellence Awards Program (CAEAP). The intent of the program is to recognize and honor outstanding, innovative efforts that help to make progress in achieving cleaner air. The CAEAP is open to both public and private entities. Entries are limited to efforts related to air quality in the United States. There are five general award categories: (1) Clean Air Technology; (2) Community Action; (3) Education/Outreach; (4) State/Tribal/Local Air Quality Policy Innovations; and (5) Transportation Efficiency Innovations. There are also two special award categories: (1) Thomas W. Zosel Outstanding Individual Achievement Award; and (2) Gregg Cooke Visionary Program Award. Awards are given periodically and are for recognition only.

Entry Requirements: All applicants are asked to submit their entry on a CAEAP entry form, contained in the CAEAP Entry Package, which may be obtained from the CAAAC website at *https://www.epa.gov/caaac.* Applicants can also contact Catrice Jefferson, by telephone at (202) 564–1668 or by email at *jefferson.catrice@epa.gov* or Ruth Morgan by telephone at (202) 564–1326 or by email at *morgan.ruthw@epa.gov.*

The entry form is a simple, four-part form asking for general information on the applicant; a narrative description of the project; up to three (3) independent references for the proposed entry; and your knowledge of EPA awards programs and resources. Applicants should also submit additional support documentation as necessary. Specific directions and information on filing an entry form are included in the Entry Package.

Judging and Award Criteria: EPA staff will use a screening process, with input from outside subject experts, as needed. Members of the CAAAC will provide advice to EPA on the entries. The EPA Assistant Administrator for the Office of Air and Radiation will make the final award decisions. Entries will be judged using both general criteria and criteria specific to each individual category. These criteria are listed in the 2022 Entry Package.

Dated: September 20, 2021.

Catrice Jefferson,

Management Analyst, Office of Air and Radiation, Environmental Protection Agency.

[FR Doc. 2021–20628 Filed 9–23–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9058–5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed September 13, 2021 10 a.m. EST Through September 20, 2021 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20210141, Draft, DOD, ID, Construction and Demonstration of a Prototype Mobile Microreactor, Comment Period Ends: 11/09/2021, Contact: Jeff Waksman 703–812–1980.

EIS No. 20210142, Draft, USFWS, WA, Thurston County Habitat Conservation Plan, Thurston County, Washington, Comment Period Ends: 11/08/2021, Contact: Curtis Tanner 360–753–9440.

EIS No. 20210143, Final, FHWA, IN, I–69 Ohio River Crossing Project, Contact: Michelle Allen 317–226–7344.

Under 23 U.S.C. 139(n)(2), FHWA has issued a single document that consists of a final environmental impact statement and record of decision. Therefore, the 30-day wait/review period under NEPA does not apply to this action.

EIS No. 20210144, Draft, USCG, Other, Waterways Commerce Cutter Acquisition, Comment Period Ends: 11/08/2021, Contact: LCDR Sarah Krolman 202–475–3104.

EIS No. 20210145, Final, USACE, MT, Fort Peck Dam Test Release, Review Period Ends: 10/25/2021, Contact: Aaron Quinn 402–995–2669.

Amended Notice

EIS No. 20200239, Draft, MARAD, USCG, TX, Texas Gulflink Deepwater Port License Application, Comment Period Ends: 11/08/2021, Contact: Brad McKitrick 202–372–1443.

Revision to FR Notice Published 02/12/2021; USCG and MARAD have reopened the comment period to end on 11/08/2021.

EIS No. 20210092, Draft, USAF, ID, Airspace Optimization for Readiness for Mountain Home Air Force Base, Comment Period Ends: 10/25/2021, Contact: Robin Divine 210–925–2730.

Revision to FR Notice Published 07/09/2021; Extending the Comment Period from 09/22/2021 to 10/25/2021.

EIS No. 20210118, Draft Supplement, NHTSA, REG, Model Year 2024–2026 Corporate Average Fuel Economy Standards, Comment Period Ends: 10/26/2021, Contact: Vinay Nagabhushana 202–366–1452.

Revision to FR Notice Published 08/20/2021; Extending the Comment Period from 10/04/2021 to 10/26/2021.

Dated: September 20, 2021.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2021–20742 Filed 9–23–21; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice: EIB–2021–0005]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of $100 Million: AP089391XX

AGENCY: Export-Import Bank of the United States.

ACTION: Notice.

SUMMARY: This Notice is to inform the public, in accordance with Section 3(c)(10) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635a(c)(10)), that the Export-Import Bank of the United States (''EXIM'') has received an application for final commitment for a long-term loan or financial guarantee in excess of $100 million. Comments received within the comment period specified below will be presented to the EXIM Board of Directors prior to final action on this Transaction.

Reference: AP089391XX.

Purpose and use:

Brief description of the purpose of the transaction: To support the export of U.S.-manufactured commercial aircraft to Panama.

Brief non-proprietary description of the anticipated use of the items being exported: To be used for passenger air transport between various countries in the Americas.

To the extent that EXIM is reasonably aware, the item(s) being exported are not expected to produce exports or provide services in competition with the exportation of goods or provision of services by a United States industry.

Parties:

Principal Supplier: The Boeing Company.

Obligor: Compania Panamena de Aviacion, S.A., Panama.

Guarantor(s): Copa Holdings, S.A; AeroRepublica, Colombia; Oval Financing Leasing, Ltd., British Virgin Islands; and La Nueva Aerolinea, S.A., Panama.

Description of items being exported: Boeing commercial jet aircraft.

Information on decision: Information on the final decision for this transaction will be available in the ''Summary Minutes of Meetings of Board of Directors'' on *http://exim.gov/newsandevents/boardmeetings/board/.*

Confidential information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

DATES: Comments must be received on or before October 19, 2021 to be assured of consideration before final consideration of the transaction by the Board of Directors of EXIM.

ADDRESSES: Comments may be submitted through *Regulations.gov* at *www.regulations.gov.* To submit a comment, enter EIB–2021–0005 under

the heading ''Enter Keyword or ID'' and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB–2021–0005 on any attached document.

Joyce B. Stone,

Assistant Corporate Secretary.

[FR Doc. 2021–20781 Filed 9–23–21; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK

[Public Notice: EIB–2021–0006]

Application for Final Commitment for a Long-Term Loan or Financial Guarantee in Excess of $100 Million: AP700317XX

AGENCY: Export-Import Bank.

ACTION: Notice.

SUMMARY: This Notice is to inform the public the Export-Import Bank of the United States (''EXIM'') has received an application for final commitment for long-term loans or financial guarantees in excess of $100 million. Comments received within the comment period specified below will be presented to the EXIM Board of Directors prior to final action on these Transactions.

DATES: Comments must be received on or before October 19, 2021 to be assured of consideration before final consideration of the transactions by the Board of Directors of EXIM.

ADDRESSES: Comments may be submitted through *Regulations.gov* at *www.regulations.gov.* To submit a comment, enter EIB–2020–0006 under the heading ''Enter Keyword or ID'' and select Search. Follow the instructions provided at the Submit a Comment screen. Please include your name, company name (if any) and EIB–2020–0006 on any attached document.

SUPPLEMENTARY INFORMATION: *Reference:* AP700317XX.

Purpose and use:

Brief description of the purpose of the transactions: Rural Electrification within Senegal.

Brief non-proprietary description of the anticipated use of the items being exported: Expansion of national electric grid and electrification of off-grid rural villages.

Parties:

Principal Supplier: Weldy Lamont Associates.

Obligor: Republic of Senegal acting by and through the Senegal National Electricity Agency.

Guarantor: Republic of Senegal acting by and through the Ministry of the Economy, Planning and Cooperation.

Description of items being exported: Utility Poles, Transformers, Cabling, Utility Grade Batteries.

Information on decision: Information on the final decision for these transactions will be available in the ''Summary Minutes of Meetings of Board of Directors'' on *http://exim.gov/newsandevents/boardmeetings/board/.*

Confidential information: Please note that this notice does not include confidential or proprietary business information; information which, if disclosed, would violate the Trade Secrets Act; or information which would jeopardize jobs in the United States by supplying information that competitors could use to compete with companies in the United States.

Authority: Section 3(c)(10) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635a(c)(10)).

Joyce B. Stone,

Assistant Corporate Secretary.

[FR Doc. 2021–20778 Filed 9–23–21; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1286; FR ID 49761]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

The Commission 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 comments and recommendations for the proposed information collection should be submitted on or before October 25, 2021.

ADDRESSES: Comments should be sent 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 comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) 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; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) 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. Pursuant to the Small Business

Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–1286.

Title: Emergency Connectivity Fund Program.

Form Number: FCC Forms 471, 472, 474, and 500.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, state, local or tribal government institutions, and other not-for-profit institutions.

Number of Respondents and Responses: 23,000 respondents; 132,100 responses.

Estimated Time per Response: 4.5 hours for FCC Form 471 (4 hours for response; 0.5 hours for recordkeeping); 1.5 hours for FCC Forms 472/474 (1 hour for response; 0.5 hours for recordkeeping); 1.5 hours for Emergency Connectivity Fund Post-Commitment Change Request (streamlines collection based on the FCC Form 500 and FCC Form 471 for use in the Emergency Connectivity Fund Program) (1 hour for response; 0.5 hours for recordkeeping)).

Frequency of Response: On occasion and annual reporting requirements; recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in in sections 1, 4(i), 4(j), 201–205, 214, 254, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 201–205, 218–220, 254, 303(r), 403 and 405 and section 7402 of the American Rescue Plan Act, Public Law 117–2, 135 Stat. 4.

Total Annual Burden: 315,450 hours.

Total Annual Cost: No Cost.

Needs and Uses: The requirements contained herein are necessary to implement and administer the Congressional mandate for the Emergency Connectivity Fund. The information collected herein provides the Commission and USAC with the necessary information to administer the Emergency Connectivity Fund Program, determine the amount of support entities seeking funding are eligible to receive, determine if entities are complying with the Commission's rules, and to prevent waste, fraud, and abuse. The information will also allow the Commission to evaluate the extent to which the Emergency Connectivity Fund is meeting the statutory objectives specified in section 7402 of the American Rescue Plan Act, the Commission's performance goals set forth in the *Emergency Connectivity Fund Report and Order,* and to evaluate the need for and feasibility of any future revisions to program rules. The name, address, DUNS number and business type will be disclosed in accordance with the Federal Funding Accountability and Transparency Act/Digital Accountability and Transparency Act (FFATA/DATA Act) reporting requirements. Emergency Connectivity Fund Program application, commitment, and disbursement data will also be publicly available.

Federal Communications Commission.

Marlene Dortch,

Secretary. Office of the Secretary.

[FR Doc. 2021–20800 Filed 9–23–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than October 25, 2021.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23219. Comments can also be sent electronically to or *Comments.applications@rich.frb.org.*

1. *Southern Bancshares (N.C.), Inc., Mount Olive, North Carolina;* to acquire up to 19.9 percent of the voting shares of Old Point Financial Corporation, and thereby indirectly acquire voting shares of The Old Point National Bank of Phoebus, both of Hampton, Virginia.

B. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291.

1. *MidCountry Acquisition Corp., Minneapolis, Minnesota;* to acquire The Tysan Corporation, Minneapolis, Minnesota, and thereby indirectly acquire Pine Country Bank, Little Falls, Minnesota, and Lake Community Bank, Long Lake, Minnesota.

Board of Governors of the Federal Reserve System, September 21, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–20757 Filed 9–23–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1759–N]

Medicare Program; Town Hall Meeting on the FY 2023 Applications for New Medical Services and Technologies Add-On Payments

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

ACTION: Notice of meeting.

SUMMARY: This notice announces a Town Hall Meeting in accordance with the Social Security Act (the Act) to discuss fiscal year (FY) 2023 applications for add-on payments for new medical services and technologies under the hospital inpatient prospective payment system (IPPS). The United States is responding to an outbreak of respiratory disease caused by the virus ''SARS–CoV–2'' and the disease it causes ''coronavirus disease 2019'' (abbreviated ''COVID–19''). Due to the COVID–19 pandemic, the Town Hall Meeting will be held virtually rather than as an in-person meeting. Interested parties are invited to this meeting to present their comments, recommendations, and data regarding whether the FY 2023 new medical services and technologies applications meet the substantial clinical improvement criterion.

DATES:

Meeting dates: The Town Hall Meeting announced in this notice will be held virtually on Tuesday, December 14, 2021 and Wednesday, December 15, 2021 (the number of new technology applications submitted will determine if a second day for the meeting is necessary; see the **SUPPLEMENTARY INFORMATION** section for details regarding the second day of the meeting and the posting of the preliminary meeting agenda). The Town Hall Meeting will begin each day at 9 a.m. Eastern Standard Time (e.s.t.) and check-in via online platform will begin at 8:30 a.m. e.s.t.

Deadline for requesting special accommodations: The deadline to submit requests for special accommodations is 5 p.m., e.s.t. on Monday, November 22, 2021.

Deadline for registration of presenters at the Town Hall Meeting: The deadline to register to present at the Town Hall Meeting is 5 p.m., e.s.t. on Monday, November 22, 2021.

Deadline for submission of agenda item(s) or written comments for the Town Hall Meeting: Written comments and agenda items (public comments to be delivered at the Town Hall Meeting) for discussion at the Town Hall Meeting, including agenda items by presenters (presentation slide decks), must be received by 5 p.m. e.s.t. on Monday, November 29, 2021.

Deadline for submission of written comments after the Town Hall Meeting for consideration in the Fiscal Year (FY) 2023 Hospital Inpatient Prospective Payment System/Long Term Care PPS (IPPS/LTCH PPS) proposed rule: Individuals may submit written comments after the Town Hall Meeting, as specified in the **ADDRESSES** section of this notice, on whether the service or technology represents a substantial clinical improvement. These comments must be received by 5 p.m. e.s.t. on Monday, December 27, 2021, for consideration in the FY 2023 IPPS/LTCH PPS proposed rule.

ADDRESSES:

Meeting location: The Town Hall Meeting will be held virtually via live stream technology or webinar and listen-only via toll-free teleconference. Live stream or webinar and teleconference dial-in information will be provided through an upcoming listserv notice and will appear on the final meeting agenda, which will be posted on the New Technology website when available at: *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/newtech.html.* Continue to check the website for updates.

Registration and special accommodations: Individuals wishing to present at the meeting must follow the instructions located in section III. of this notice. Individuals who need special accommodations should send an email to *newtech@cms.hhs.gov.*

Submission of agenda item(s) or written comments for the Town Hall Meeting: Each presenter must submit an agenda item(s) regarding whether a FY 2023 application meets the substantial clinical improvement criterion. Agenda items, written comments, questions or other statements must not exceed three single-spaced typed pages and may be sent via email to *newtech@cms.hhs.gov* .

FOR FURTHER INFORMATION CONTACT:

Michelle Joshua, (410) 786–6050, *michelle.joshua@cms.hhs.gov* or *newtech@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Add-On Payments for New Medical Services and Technologies Under the IPPS

Sections 1886(d)(5)(K) and (L) of the Social Security Act (the Act) require the Secretary to establish a process of identifying and ensuring adequate payments to acute care hospitals for new medical services and technologies under Medicare. Effective for discharges beginning on or after October 1, 2001, section 1886(d)(5)(K)(i) of the Act requires the Secretary to establish (after notice and opportunity for public comment) a mechanism to recognize the costs of new services and technologies under the hospital inpatient prospective payment system (IPPS). In addition, section 1886(d)(5)(K)(vi) of the Act specifies that a medical service or technology will be considered ''new'' if it meets criteria established by the Secretary (after notice and opportunity for public comment). (See the fiscal year (FY) 2002 IPPS proposed rule (66 FR 22693, May 4, 2001) and final rule (66 FR 46912, September 7, 2001) for a more detailed discussion.)

As finalized in the FY 2020 IPPS/LTCH PPS final rule, technologies which are eligible for the alternative new technology pathway for transformative new devices or the alternative new technology pathway for Qualified Infectious Disease Products (QIDPs) do not need to meet the requirement under 42 CFR 412.87(b)(1) that the technology represent an advance that substantially improves, relative to technologies previously available, the diagnosis or treatment of Medicare beneficiaries. These medical devices or products will also be considered new and not substantially similar to an existing technology for purposes of new technology add-on payment under the IPPS. (See the FY 2020 IPPS/LTCH PPS final rule (84 FR 42292 through 42297) for additional information.)

As finalized in the FY 2021 IPPS/LTCH final rule, we expanded our alternative new technology add-on payment pathway to include products approved through FDA's Limited Population Pathway for Antibacterial and Antifungal Drugs (LPAD pathway). Under this policy, for applications received for consideration of new technology add-on payments for FY 2022 and subsequent fiscal years, if an antimicrobial product is approved through FDA's LPAD pathway, it will be considered new and not substantially similar to an existing technology for purposes of the new technology add-on payment under the IPPS, and will not need to meet the requirement that it represent an advance that substantially improves, relative to technologies previously available, the diagnosis or treatment of Medicare beneficiaries. Under current policy, a new technology must receive FDA marketing authorization by July 1 to be considered in the IPPS final rule in order to allow complete review and consideration of all the information to determine if the technology meets the new technology add-on payment criteria at the beginning of the fiscal year (that is, October 1st).

Under the previously described policy, cases involving eligible antimicrobial products could begin receiving the new technology add-on payment sooner, effective for discharges the quarter after the date of FDA marketing authorization provided that the technology receives FDA marketing authorization by July 1 of the particular fiscal year for which the applicant applied for new technology add-on payments. (See the FY 2021 IPPS/LTCH PPS final rule (85 FR 58737 through 58739) for additional information.)

In the FY 2020 IPPS/LTCH PPS final rule (84 FR 42289 through 42292), we codified in our regulations at § 412.87 the following aspects of how we evaluate substantial clinical improvement for purposes of new technology add-on payments under the IPPS in order to determine if a new technology meets the substantial clinical improvement requirement:

- The totality of the circumstances is considered when making a determination that a new medical service or technology represents an advance that substantially improves, relative to services or technologies

previously available, the diagnosis or treatment of Medicare beneficiaries.

• A determination that a new medical service or technology represents an advance that substantially improves, relative to services or technologies previously available, the diagnosis or treatment of Medicare beneficiaries means—

++ The new medical service or technology offers a treatment option for a patient population unresponsive to, or ineligible for, currently available treatments;

++ The new medical service or technology offers the ability to diagnose a medical condition in a patient population where that medical condition is currently undetectable or offers the ability to diagnose a medical condition earlier in a patient population than allowed by currently available methods, and there must also be evidence that use of the new medical service or technology to make a diagnosis affects the management of the patient; or

++ The use of the new medical service or technology significantly improves clinical outcomes relative to services or technologies previously available as demonstrated by one or more of the following:

—A reduction in at least one clinically significant adverse event, including a reduction in mortality or a clinically significant complication.

—A decreased rate of at least one subsequent diagnostic or therapeutic intervention (for example, due to reduced rate of recurrence of the disease process).

—A decreased number of future hospitalizations or physician visits.

—A more rapid beneficial resolution of the disease process treatment including, but not limited to, a reduced length of stay or recovery time; an improvement in one or more activities of daily living; an improved quality of life; or, a demonstrated greater medication adherence or compliance.

++ The totality of the circumstances otherwise demonstrates that the new medical service or technology substantially improves, relative to technologies previously available, the diagnosis or treatment of Medicare beneficiaries.

• Evidence from the following published or unpublished information sources from within the United States or elsewhere may be sufficient to establish that a new medical service or technology represents an advance that substantially improves, relative to services or technologies previously available, the diagnosis or treatment of Medicare beneficiaries: Clinical trials, peer reviewed journal articles; study results; meta-analyses; consensus statements; white papers; patient surveys; case studies; reports; systematic literature reviews; letters from major healthcare associations; editorials and letters to the editor; and public comments. Other appropriate information sources may be considered.

• The medical condition diagnosed or treated by the new medical service or technology may have a low prevalence among Medicare beneficiaries.

• The new medical service or technology may represent an advance that substantially improves, relative to services or technologies previously available, the diagnosis or treatment of a subpopulation of patients with the medical condition diagnosed or treated by the new medical service or technology.

Section 1886(d)(5)(K)(viii) of the Act requires that as part of the process for evaluating new medical services and technology applications, the Secretary shall do the following:

• Provide for public input regarding whether a new service or technology represents an advance in medical technology that substantially improves the diagnosis or treatment of Medicare beneficiaries before publication of a proposed rule.

• Make public and periodically update a list of all the services and technologies for which an application is pending.

• Accept comments, recommendations, and data from the public regarding whether the service or technology represents a substantial improvement.

• Provide for a meeting at which organizations representing hospitals, physicians, manufacturers and any other interested party may present comments, recommendations, and data to the clinical staff of CMS as to whether the service or technology represents a substantial improvement before publication of a proposed rule.

The opinions and presentations provided during this meeting will assist us as we evaluate the new medical services and technology applications for FY 2023. In addition, they will help us to evaluate our policy on the IPPS new technology add-on payment process before the publication of the FY 2023 IPPS proposed rule.

II. Town Hall Meeting Format and Conference Call/Live Streaming Information

A. Format of the Town Hall Meeting

As noted in section I. of this notice, we are required to provide for a meeting at which organizations representing hospitals, physicians, manufacturers and any other interested party may present comments, recommendations, and data to the clinical staff of CMS concerning whether the service or technology represents a substantial clinical improvement. This meeting will allow for a discussion of the substantial clinical improvement criterion for the FY 2023 new medical services and technology add-on payment applications. Information regarding the applications can be found on our website at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/newtech.html.*

The majority of the meeting will be reserved for presentations of comments, recommendations, and data from registered presenters. The time for each presenter's comments will be approximately 10 to 15 minutes and will be based on the number of registered presenters. Individuals who would like to present must register and submit their agenda item(s) via email to *newtech@cms.hhs.gov* by the date specified in the **DATES** section of this notice.

Depending on the number of applications received, we will determine if a second meeting day is necessary. A preliminary agenda will be posted on the CMS website at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/newtech.html* by November 22, 2021, to inform the public of the number of days of the meeting.

In addition, written comments will also be accepted and presented at the meeting if they are received via email to *newtech@cms.hhs.gov* by the date specified in the **DATES** section of this notice. Written comments may also be submitted after the meeting for our consideration. If the comments are to be considered before the publication of the FY 2023 IPPS proposed rule, the comments must be received via email to *newtech@cms.hhs.gov* by the date specified in the **DATES** section of this notice.

B. Conference Call, Live Streaming, and Webinar Information

As noted previously, the Town Hall Meeting will be held virtually due to the COVID–19 pandemic. There will be an option to participate in the Town Hall

Meeting via live streaming technology or webinar and a toll-free teleconference phone line. Information on the option to participate via live streaming technology or webinar and a teleconference dial-in will be provided through an upcoming listserv notice and will appear on the final meeting agenda, which will be posted on the New Technology website at: *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/newtech.html.* Continue to check the website for updates.

C. Disclaimer

We cannot guarantee reliability for live streaming technology or a webinar.

III. Registration Instructions

The Division of New Technology in CMS is coordinating the meeting registration for the Town Hall Meeting on substantial clinical improvement. While there is no registration fee, individuals planning to present at the Town Hall Meeting must register to present.

Registration for presenters may be completed by sending an email to *newtech@cms.hhs.gov.* Please include your name, address, telephone number, email address and fax number.

Registration for attendees not presenting at the meeting is not required.

IV. Collection of Information

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Lynette Wilson, who is the **Federal Register** Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: September 21, 2021.

Lynette Wilson,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2021–20811 Filed 9–23–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10531 and CMS–10501]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

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

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by October 25, 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.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

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. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Transcatheter Valve Therapy (TVT) Registry; *Use:* The data collection is required by the Centers for Medicare & Medicaid Services (CMS) National Coverage Determination (NCD) entitled, ''Transcatheter Edge-to-Edge Repair (TEER) for Mitral Valve Regurgitation'' and was previously entitled ''Transcatheter Mitral Valve Repair (TMVR)''. Effective January 19, 2021, CMS updated this NCD to expand coverage to functional mitral regurgitation (MR). Previously, coverage was limited to degenerative MR. To more precisely define the treatment addressed in this NCD, we replaced the term TMVR with TEER. The TEER device is only covered when specific conditions are met including that the heart team and hospital are submitting data in a prospective, national, audited registry. The data includes patient, practitioner and facility level variables that predict outcomes such as all-cause mortality and quality of life. In order to remove the data collection requirement under this coverage with evidence development (CED) NCD or make any other changes to the existing policy, we must formally reopen and reconsider the policy. We are continuing to review and analyze the data collected since the original NCD was effective in 2014 and following the update in 2021.

The data collected and analyzed in the TVT Registry will be used by CMS to determine if TEER is reasonable and necessary (*e.g.,* improves health outcomes) for Medicare beneficiaries

under Section 1862(a)(1)(A) of the ACT. Furthermore, data from the Registry will assist the medical device industry and the Food and Drug Administration (FDA) in surveillance of the quality, safety and efficacy of new medical devices to treat MR. *Form Number:* CMS–10531 (OMB control number: 0938–1274); *Frequency:* Annually; *Affected Public:* Private sector (Business or other for-profits); *Number of Respondents:* 8,649; *Total Annual Responses:* 34,596; *Total Annual Hours:* 12,974. (For policy questions regarding this collection contact Sarah Fulton at 410–786–2749.)

2. *Title of Information Collection:* Healthcare Fraud Prevention Partnership (HFPP) Data Sharing and Information Exchange; *Type of Information Collection Request:* Revision; *Use:* Section 1128C(a)(2) of the Social Security Act (42 U.S.C. 1320a–7c(a)(2)) authorizes the Secretary and the Attorney General to consult, and arrange for the sharing of data with, representatives of health plans for purposes of establishing a Fraud and Abuse Control Program as specified in Section 1128(C)(a)(1) of the Social Security Act. The result of this authority has been the establishment of the HFPP. The HFPP was officially established by a Charter in the fall of 2012 and signed by HHS Secretary Sibelius and US Attorney General Holder. In December 2020, President Trump signed into law H.R.133—Consolidated Appropriations Act, 2021, which amended Section 1128C(a) of the Social Security Act (42 U.S.C. 1320a–7c(a)) providing explicit statutory authority for the Healthcare Fraud Prevention Partnership including the potential expansion of the public-private partnership analyses.

Data sharing within the HFPP primarily focuses on conducting studies for the purpose of combatting fraud, waste, and abuse. These studies are intended to target specific vulnerabilities within the payment systems in both the public and private healthcare sectors. The HFPP and its committees design and develop studies in coordination with the TTP. The core function of the TTP is to manage and execute the HFPP studies within the HFPP. *Form Number:* CMS–10501 (OMB control number: 0938–1251); *Frequency:* Occasionally; *Affected Public:* Private sector (Business or other for-profits); *Number of Respondents:* 28; *Number of Responses:* 28; *Total Annual Hours:* 120. (For questions regarding this collection, contact Marnie Dorsey at (410–786–5942).

Dated: September 21, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–20722 Filed 9–23–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10786 and CMS–R–153]

Agency Information Collection Activities: Proposed Collection; Comment Request

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

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by November 23, 2021.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10786 Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act Section 1003 Demonstration Evaluation

CMS–R–153 Medicaid Drug Use Review (DUR) Program

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* New collection (Request for a new OMB Control Number); *Title of Information Collection:* Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment

(SUPPORT) for Patients and Communities Act Section 1003 Demonstration Evaluation; *Use:* Section 1003 of the SUPPORT Act authorizes the Secretary of HHS, in consultation with the Director of the Agency for Healthcare Research and Quality (AHRQ) and the Assistant Secretary for Mental Health and Substance Use from the Substance Abuse and Mental Health Services Administration (SAMHSA), to conduct a 54-month demonstration project (hereinafter, ''the Demonstration'') which is designed to increase the capacity of Medicaid providers to deliver substance use disorder (SUD) treatment and recovery services.

Section 1003 also requires an evaluation of the demonstration. The evaluation is designed to assess:

- The effectiveness of the Demonstration in increasing the capacity of providers participating under the Medicaid state plan (or a waiver of such plan) to provide substance use disorder treatment or recovery services under such plan (or waiver);
- The activities carried out under the planning grants and demonstration project;
- The extent to which participating states have achieved the stated goals; and
- The strengths and limitations of the planning grants and demonstration project.

This collection of information request is intended to satisfy the reporting requirements, defined in the statute, regarding the impact of the Demonstration. The evaluation of the Demonstration will assess the extent to which the participating states achieved the goals they established to increase substance use treatment or recovery provider capacity under the Medicaid program. This includes both the planning and post-planning periods of the demonstration, as evaluation during both phases will enable CMS and stakeholders to assess the effects of the additional support provided to states during the post-planning period, relative to the planning period only.

Primary data collection will occur in two rounds in year two and year four of the evaluation. In both rounds, data collection will consist of: (1) A survey of providers in all 15 Planning Grant states who are eligible to prescribe and/or administer either buprenorphine or methadone medication for opioid use disorder (OUD), and (2) focus groups of providers in five post-planning period states (two focus groups per state, with six to eight participants in each group) who treat SUD, including OUD.

The survey will gather information on provider experiences related to Medicaid provider enrollment, SUD service delivery, and changes in OUD medication treatment, including barriers and enablers of prescribing and dispensing.

The focus groups will examine the impact of key aspects of implementation, such as perceived burdens associated with Medicaid enrollment or MAT delivery, access to referral placements, value of state-provided TA, and benefits and unanticipated outcomes experienced by providers during the Demonstration.

Form Number: CMS–10786 (OMB control number: 0938–NEW); *Frequency:* Biennial; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 28,810; *Total Annual Responses:* 14,405; *Total Annual Hours:* 3,689. (For policy questions regarding this collection contact Melanie Brown at 410–786–1095.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicaid Drug Use Review (DUR) Program; *Use:* States must provide for a review of drug therapy before each prescription is filled or delivered to a Medicaid patient. This review includes screening for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse/misuse. Pharmacists must make a reasonable effort to obtain, record, and maintain Medicaid patient profiles. These profiles must reflect at least the patient's name, address, telephone number, date of birth/age, gender, history, *e.g.,* allergies, drug reactions, list of medications, and pharmacist's comments relevant to the individual's drug therapy.

The States must conduct RetroDUR which provides for the ongoing periodic examination of claims data and other records in order to identify patterns of fraud, abuse, inappropriate or medically unnecessary care. Patterns or trends of drug therapy problems are identified and reviewed to determine the need for intervention activity with pharmacists and/or physicians. States may conduct interventions via telephone, correspondence, or face-to-face contact.

Annual reports are submitted to CMS for the purposes of monitoring compliance and evaluating the progress of States' DUR programs. The information submitted by States is reviewed and results are compiled by CMS in a format intended to provide information, comparisons, and trends related to States' experiences with DUR. States benefit from the information and may enhance their programs each year based on State reported innovative practices that are compiled by CMS from the DUR annual reports.

In this 2021 collection of information request, we revised certain FFS, MCO, and Abbreviated MCO survey questions. While a few questions were added to the surveys to address GAO (U.S. Government Accountability Office) recommendations, other aspects of the survey changes include grammar and formatting edits. Overall, we are not revising our currently approved burden estimates.

Form Number: CMS–R–153 (OMB control number: 0938–0659); *Frequency:* Yearly, quarterly, and occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 51; *Total Annual Responses:* 663; *Total Annual Hours:* 41,004. (For policy questions regarding this collection contact Mike Forman at 410–786–2666.)

Dated: September 21, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–20727 Filed 9–23–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Mother and Infant Home Visiting Program Evaluation (MIHOPE): Long-Term Follow-Up, Kindergarten Data Collection (MIHOPE–K) (OMB #0970–0402)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF), in partnership with the Health Resources and Services Administration (HRSA), both of the U.S. Department of Health and Human Services (HHS), is proposing to extend data collection activity as part of the kindergarten phase of the Mother and Infant Home Visiting Program Evaluation Long-Term Follow-Up project (MIHOPE–K). The purpose of MIHOPE–K is to conduct a follow-up study that assesses the long-term impact of the Maternal, Infant, and

Early Childhood Home Visiting (MIECHV) Program when the participating children are in kindergarten. This **Federal Register** notice is seeking to extend data collection for the kindergarten follow-up. The original **Federal Register** notices for the MIHOPE–K data collection were titled under MIHOPE-Long-Term Follow-Up (MIHOPE–LT).

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 *OPREinfocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: This request for an extension is to complete the following data collection activities for MIHOPE–K: (1) A survey with the child's primary caregiver (who will be the mother if she is available), (2) direct assessments of child development, (3) surveys with the child's teacher, (4) a direct assessment of the caregiver, (5) videotaped interactions between the caregiver and child, (6) a caregiver website to provide current contact information, (7) state child welfare records, and (8) school records. In addition to collecting these data, the MIHOPE–K project will continue to maintain up-to-date consent forms for the collection of administrative data. Future information collection requests and related **Federal Register** notices will describe future data collection efforts for this project.

Data collected during the kindergarten follow-up study is being used to estimate the effects of MIECHV-funded programs on the following seven domains: (1) Maternal health, (2) child health, (3) child development and school performance, (4) child maltreatment, (5) parenting, (6) crime or domestic violence, and (7) family economic self-sufficiency.

Respondents: The respondents in this extension will include 1,391 families who have not yet participated in the kindergarten follow-up study activities. We have assumed that only 25 percent of respondents will complete the caregiver website. We will also obtain child welfare data from 11 MIHOPE states and school records data from state and local agencies. We have assumed that we will obtain data from 11 states and 5 local education agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Avg. burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Burden for previously approved, ongoing data collection					
Survey of caregivers	1,391	1	0.99	1,377	689
Direct assessments of children	1,391	1	1.33	1,850	925
Survey of the focal children's teachers	1,391	1	0.5	696	348
Direct assessments of caregivers	1,391	1	0.17	236	118
Videotaped caregiver-child interactions	2,782	1	0.25	696	348
Caregiver website	348	1	0.17	59	30
State child welfare records: data file submission	11	2	15	330	165
School records: data file submission	16	2	22.5	720	360

Estimated Total Annual Burden Hours: 2,983.

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: Social Security Act Title V 511 [42 U.S.C. 711]. As extended by the Bipartisan Budget Act of 2018 (Pub. L. 115–123) through FY22.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–20798 Filed 9–23–21; 8:45 am]

BILLING CODE 4184–74–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0441]

Cardiovascular and Renal Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Cardiovascular and Renal Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on

regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on December 8, 2021, from 9:30 a.m. to 5 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2021–N–0441. The docket will close on December 7, 2021. Submit either electronic or written comments on this public meeting by December 7, 2021. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 7, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 7, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before November 23, 2021, will be provided to the committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–N–0441 for ''Cardiovascular and Renal Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Joyce Yu, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–837–7126, Fax: 301–847–8533, email: *CRDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION: *Agenda:* The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. The committee will discuss new drug application (NDA) 215484, for the Nrf2 activator, bardoxolone methyl capsules, submitted by Reata Pharmaceuticals, Inc. The proposed indication is to slow the progression of chronic kidney disease caused by Alport syndrome in patients 12 years of age and older.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's

website at the time of the advisory committee meeting. Background material and the link to the online teleconference meeting room will be available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before November 23, 2021, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 2:30 p.m. and 3:30 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 15, 2021. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 16, 2021.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Joyce Yu (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 17, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–20733 Filed 9–23–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0973]

Revocation of Three Authorizations of Emergency Use of In Vitro Diagnostic Devices for Detection and/or Diagnosis of COVID–19; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation of the Emergency Use Authorizations (EUAs) (the Authorizations) issued to Gravity Diagnostics, LLC (Gravity) for the Gravity Diagnostics COVID–19 Assay, Materials and Machines Corporation of America (DBA MatmaCorp, Inc.) (Matmacorp) for the MatMaCorp COVID–19 2SF Test, and Guardant Health Inc. (Guardant) for the Guardant-19. FDA revoked Gravity's Authorization on July 21, 2021, Matmacorp's Authorization on August 3, 2021, and Guardant's Authorization on August 6, 2021, under the Federal Food, Drug, and Cosmetic Act (FD&C Act). The revocations, which include an explanation of the reasons for each revocation, are reprinted in this document.

DATES: Gravity's Authorization is revoked as of July 21, 2021. Matmacorp's Authorization is revoked as of August 3, 2021. Guardant's Authorization is revoked as of August 6, 2021.

ADDRESSES: Submit written requests for single copies of the revocations to the Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4338, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request or include a Fax number to which the revocations may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the revocations.

FOR FURTHER INFORMATION CONTACT: Jennifer J. Ross, Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4332, Silver Spring, MD 20993–0002, 240–402–8155 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb-3) allows FDA to strengthen the public health protections against biological, chemical, nuclear, and radiological agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations. On June 1, 2020, FDA issued an EUA to Gravity for the Gravity Diagnostics COVID–19 Assay. Notice of the issuance of this Authorization was published in the **Federal Register** on November 20, 2020 (85 FR 74346), as required by section 564(h)(1) of the FD&C Act. On August 21, 2020, FDA issued an EUA to Guardant for the Guardant-19. Notice of the issuance of this Authorization was published in the **Federal Register** on November 20, 2020 (85 FR 74346), as required by section 564(h)(1) of the FD&C Act. On December 17, 2020, FDA issued an EUA to Matmacorp, for the MatMaCorp COVID–19 2SF Test. Notice of the issuance of this Authorization was published in the **Federal Register** on April 23, 2021 (86 FR 21749), as required by section 564(h)(1) of the FD&C Act. The authorization of a device for emergency use under section 564 of the FD&C Act may, pursuant to section 564(g)(2) of the FD&C Act, be revoked when the criteria under section 564(c) of the FD&C Act for issuance of such authorization are no longer met (section 564(g)(2)(B) of the FD&C Act), or other circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the FD&C Act).

II. EUA Revocation Requests

On March 11, 2021, and reconfirmed July 12, 2021, Gravity requested the revocation of, and on July 21, 2021, FDA revoked, the Authorization for the Gravity Diagnostics COVID–19 Assay. Because Gravity notified FDA that it is no longer using the Gravity Diagnostics COVID–19 Assay and requested FDA revoke the Authorization, FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization. On July 29, 2021, Matmacorp requested the revocation of, and on August 3, 2021, FDA revoked, the Authorization for the MatMaCorp COVID–19 2SF Test. Because Matmacorp notified FDA that it

will no longer be distributing the MatMaCorp COVID–19 2SF Test as of July 31, 2021, and requested FDA revoke the Authorization effective that day, FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization. On August 2, 2021, Guardant requested the revocation of, and on August 6, 2021, FDA revoked, the Authorization for the Guardant-19. Because Guardant requested that FDA revoke the Authorization, FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization.

III. Electronic Access

An electronic version of this document and the full text of the revocations are available on the internet at *https://www.regulations.gov/, https://www.fda.gov/media/151030/download, https://www.fda.gov/media/151349/download,* and *https://www.fda.gov/media/151378/download.*

IV. The Revocations

Having concluded that the criteria for revocation of the Authorizations under section 564(g)(2)(C) of the FD&C Act are met, FDA has revoked the EUAs for Gravity's Gravity Diagnostics COVID–19 Assay, Matmacorp's MatMaCorp COVID–19 2SF Test, and Guardant's Guardant-19. The revocations in their entirety follow and provide an explanation of the reasons for each revocation, as required by section 564(h)(1) of the FD&C Act.

BILLING CODE 4164–01–P

U.S. FOOD & DRUG ADMINISTRATION

July 21, 2021

James P. Canner Ph.D.
VP, Regulatory, Clinical, and Research Programs
Gravity Diagnostics, LLC
632 Russell Street
Covington, KY 41011
Re: Revocation of EUA200031

Dear Dr. Canner:

This letter is in response to Gravity Diagnostics, LLC's (Gravity's) email request originally received March 11, 2021, and reconfirmed July 12, 2021, that the U.S. Food and Drug Administration (FDA) revoke the Emergency Use Authorization (EUA200031) for the Gravity Diagnostics COVID-19 Assay issued on June 1, 2020, and amended on June 30, 2020, and September 21, 2020. Gravity confirmed that it is no longer using the Gravity Diagnostics COVID-19 Assay at Gravity's laboratory, having transitioned to another EUA-authorized test.

The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). Because Gravity has notified FDA that it is longer using the Gravity Diagnostics COVID-19 Assay and requests FDA revoke the authorization, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization. Accordingly, FDA hereby revokes EUA200031 for the Gravity Diagnostics COVID-19 Assay, pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, the Gravity Diagnostics COVID-19 Assay is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

Sincerely,

/s/

RADM Denise M. Hinton
Chief Scientist
Food and Drug Administration

U.S. FOOD & DRUG ADMINISTRATION

August 3, 2021

Dustin Petrik, Ph.D.
Regulatory Liaison
Materials and Machines Corporation of America (DBA MatmaCorp, Inc.)
6400 Cornhusker Hwy, Suite 300
Lincoln, NE 68507

Re: Revocation of EUA202648

Dear Dr. Petrik,

This letter is in response to MatmaCorp, Inc.'s (Matmacorp) request dated July 29, 2021, that the U.S. Food and Drug Administration (FDA) revoke the Emergency Use Authorization (EUA202648) for the MatMaCorp COVID-19 2SF Test issued on December 17, 2020. In its July 29 letter, Matmacorp requested revocation of the MatMaCorp COVID-19 2SF Test effective July 31, 2021.

The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). Because Matmacorp has notified FDA that it will no longer be distributing the MatMaCorp COVID-19 2SF Test as of July 31, 2021, and requests FDA revoke the authorization effective that day, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization. Accordingly, FDA hereby revokes EUA202648 for MatMaCorp COVID-19 2SF Test, pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, the MatMaCorp COVID-19 2SF Test is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

Sincerely,

/s/

RADM Denise M. Hinton
Chief Scientist
Food and Drug Administration

U.S. FOOD & DRUG ADMINISTRATION

August 6, 2021

Dr. Katie Bessette
Sr. Director, Regulatory Affairs
Guardant Health, Inc.
505 Penobscot Drive
Redwood City, CA 94063

Re: Revocation of EUA201847

Dear Dr. Bessette,

This letter is in response to Guardant Health Inc.'s (Guardant) request, dated August 2, 2021, that the U.S. Food and Drug Administration (FDA) revoke the Emergency Use Authorization (EUA201847) for Guardant-19 issued on August 21, 2020 and amended on December 28, 2020. In its August 2 letter, Guardant requested revocation of the Guardant-19 effective July 16, 2021.

The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). Because Guardant has requested that FDA revoke the authorization, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization. Accordingly, FDA hereby revokes EUA201847 for Guardant-19, pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, the Guardant-19 is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

Sincerely,

/s/

RADM Denise M. Hinton
Chief Scientist
Food and Drug Administration

Dated: September 17, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–20754 Filed 9–23–21; 8:45 am]

BILLING CODE 4164–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0897]

Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Oncologic Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on December 2, 2021, from 9 a.m. to 5 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://*

www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2021–N–0897. The docket will close on December 1, 2021. Submit either electronic or written comments on this public meeting by December 1, 2021. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before December 1, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 1, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before November 18, 2021, will be provided to the committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–N–0897 for ''Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: She-Chia Chen and Rhea Bhatt, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 240–402–5343, Fax: 301–847–8533, *ODAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. The committee will hear updates on new drug applications (NDAs) approved under 21 CFR 314.500 (subpart H, accelerated approval regulations) that have not verified clinical benefit. This update will provide information on: (1) The status and results of confirmatory clinical studies for a given indication and (2) any ongoing and planned trials. Confirmatory studies are post-marketing studies to verify and describe the clinical benefit of a drug after it receives accelerated approval. Based on the updates provided, the committee will have a general discussion focused on next steps for each product including whether the indications should remain on the market while additional trial(s) are conducted.

Specifically, the committee will receive updates on the following products: (1) NDA 205353, FARYDAK (panobinostat) capsules, submitted by Secura Bio, Inc., indicated in combination with bortezomib and dexamethasone, for the treatment of patients with multiple myeloma who have received at least two prior regimens, including bortezomib and an immunomodulatory agent and (2) NDA

202497, MARQIBO (vincristine sulfate LIPOSOME injection) for intravenous infusion, submitted by Acrotech Biopharma LLC, indicated for the treatment of adult patients with Philadelphia chromosome negative (Ph-) acute lymphoblastic leukemia in second or greater relapse or whose disease has progressed following two or more anti-leukemia therapies.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference meeting room will be available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before November 18, 2021, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 11:15 a.m. to 11:45 a.m. and 3:45 p.m. to 4:15 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 8, 2021. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 9, 2021.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact She-Chia Chen and Rhea Bhatt (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 17, 2021.

Lauren K. Roth,

Acting Principal Associate Commissioner for Policy.

[FR Doc. 2021–20740 Filed 9–23–21; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Bureau of Health Workforce Performance Data Collection, OMB No. 0915–0061—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than November 23, 2021.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Samantha Miller, the HRSA Information Collection Clearance Officer at (301) 443–9094.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Bureau of Health Workforce Performance Data Collection, OMB No. 0915–0061—Revision.

Abstract: Over 40 Bureau of Health Workforce (BHW) programs award grants to health professions schools and training programs across the United States to develop, expand, and enhance training, and to strengthen the distribution of the health workforce. These programs are governed by the Public Health Service Act (42 U.S.C. 201 *et seq.*), specifically Titles III, VII, and VIII. Performance information is collected in the HRSA Performance Report for Grants and Cooperative Agreements. Data collection activities consisting of an annual progress and annual performance report satisfy statutory and programmatic requirements for performance measurement and evaluation (including specific Title III, VII and VIII requirements), as well as Government Performance and Results Act of 1993 and the Government Performance and Results Act Modernization Act of 2010 requirements. The performance measures were last revised in 2019 to ensure they addressed programmatic changes, met evolving program management needs, and responded to emerging workforce concerns. As these changes were successful, BHW will continue with its current performance management strategy and make only minor changes that reduce burden, simplify reporting, and reflect new Department of Health and Human Services and HRSA priorities as well as elements to enable longitudinal analysis of program performance. An Excel upload feature will be implemented for a majority of programs, discipline-related questions will be split into two parts to make it easier for respondents to find the appropriate answer, COVID-related questions are being added, additional information is being collected for telehealth, and additional loan repayment questions are being added.

Need and Proposed Use of the Information: The purpose of the proposed data collection is to continue analysis and reporting of grantee training activities and education, identify intended practice locations, and report outcomes of funded initiatives.

Data collected from these grant programs will also provide a description of the program activities of approximately 1,630 reporting grantees to inform policymakers on the barriers, opportunities, and outcomes involved in health care workforce development. The proposed measures focus on five key outcomes:

(1) Increasing the workforce supply of diverse well-educated practitioners in needed professions,

(2) increasing the number of practitioners that practice in underserved and rural areas,

(3) enhancing the quality of education,

(4) increasing the recruitment, training, and placement of under-represented groups in the health workforce, and

(5) supporting educational infrastructure to increase the capacity to train more health professionals in high demand areas.

Likely Respondents: Respondents are awardees of BHW health professions grant programs.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Direct Financial Support Program	699	1	699	2.7	1887.3
Infrastructure Program	142	1	142	6.2	880.4
Multipurpose or Hybrid Program	789	1	789	3.4	2682.6
Total	1630		1630		5450.3

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021–20650 Filed 9–23–21; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces that the Secretary's Centers for Disease Control and Prevention (CDC)/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment (CHAC) has scheduled a public meeting. Information about CHAC and the agenda for this meeting can be found on the CHAC website at *https://www.cdc.gov/maso/facm/facmCHACHSPT.html* and the meeting website at *https://www.chacfall2021.org/.*

DATES: November 3, 2021, 12:30 p.m.–5:00 p.m. Eastern Time and November 4, 2021, 12:30 p.m.–5:00 p.m. Eastern Time.

ADDRESSES: This meeting will be held virtually by webinar. Advance registration is required to attend. Please visit the meeting website above to register. The registration deadline is Friday, October 29, 2021, at 12:00 p.m. Prior to the meeting, each individual registrant will receive a registration confirmation along with an access link to the virtual meeting location.

- Meeting website link: *https://www.chacfall2021.org/.*

FOR FURTHER INFORMATION CONTACT: Theresa Jumento, Senior Public Health Advisor, HIV/AIDS Bureau, HRSA, (301) 443–5807; or *tjumento@hrsa.gov.*

SUPPLEMENTARY INFORMATION: CHAC provides advice and recommendations to the Secretary of HHS (Secretary) on policy, program development, and other matters of significance concerning the activities under Section 222 of the Public Health Service (PHS) Act, 42 U.S.C. 217a.

The purpose of CHAC is to advise the Secretary of HHS, the Director of CDC, and the HRSA Administrator regarding objectives, strategies, policies, and priorities for HIV, viral hepatitis, and other STDs; prevention and treatment efforts, including surveillance of HIV infection, viral hepatitis, and other STDs, and related behaviors; epidemiologic, behavioral, health services, and laboratory research on HIV, viral hepatitis, and other STDs; identification of policy issues related to HIV/viral hepatitis/STD professional education, patient health care delivery, and prevention services; agency policies about prevention of HIV, viral hepatitis and other STDs; treatment, health care delivery, and research and training; strategic issues influencing the ability of CDC and HRSA to fulfill their missions of providing prevention and treatment services; programmatic efforts to prevent and treat HIV, viral hepatitis, and other STDs; and support to the CDC and HRSA in their developoment of responses to emerging health needs related to HIV, viral hepatitis, and other STDs.

During the November 3–4, 2021 meeting, CHAC will discuss issues related to engagement in care among people living with HIV using telemedicine; improving STI screenings in people with HIV through the Ryan White HIV/AIDS program; providing housing services at the intersection of substance use disorder, mental health

and HIV; and patient centered, integrated care with emphasis on quality of life and emotional well-being, along with issues related to pending committee reports. Agenda items are subject to change as priorities dictate. Refer to the CHAC meeting information page for any updated information concerning the meeting.

Members of the public will have the opportunity to provide comments. Public participants may also submit written statements as further described below. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to submit a written statement or make oral comments to CHAC should be sent via the meeting website at *https://www.chacfall2021.org/* by Friday, October 29, 2021, at 5:00 p.m. Visit the meeting information page for additional details at *https://www.chacfall2021.org/.*

Individuals who plan to attend and need special assistance or another reasonable accommodation should notify Theresa Jumento at the email address and/or phone number listed above at least 10 business days prior to the meeting.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021–20646 Filed 9–23–21; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Advanced Nursing Education Program Specific Form OMB No. 0915–0375—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than October 25, 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: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Advanced Nursing Education (ANE) Program Specific Form OMB No. 0915–0375—Revision.

Abstract: HRSA provides advanced nursing education grants to educational institutions to increase the supply, distribution, quality of, and access to advanced education nurses through the ANE Programs. The ANE Programs are authorized by Section 811 of the Public Health Service Act (42 U.S.C. 296j), as amended. This clearance request is for continued approval of the information collection OMB No. 0915–0375 with revisions.

This revision request includes a title change from the Advanced Nursing Education Workforce (ANEW) Program-Specific Data Collection Forms to ANE Program Specific Form. This revision also merges forms used by the ANEW Program and adds several other new forms from the ANE Programs, including the Advanced Nursing Education Nurse Practitioner Residency (ANE–NPR) Program, Advanced Nursing Education Nurse Practitioner Residency Integration Program (ANE–NPRIP), Nurse Anesthetist Traineeship (NAT) Program, and Advanced Nursing Education Sexual Assault Nurse Examiners (ANE–SANE) Program. The revision of the ANE Program Specific Form incorporates elements from these four programs (ANE–NPR, ANE–NPRIP, NAT, and ANE–SANE) into the ANE Program Specific Form.

A 60-day notice published in the **Federal Register** on July, 13 2021 vol. 86, No. 131; pp. 36756–57. There were no public comments.

Need and Proposed Use of the Information: Section 811 of the Public Health Service Act provides the Secretary of HHS with the authority to award grants to and enter into contracts with eligible entities to meet the costs of—(1) projects that support the enhancement of advanced nursing education and practice; and (2) traineeships for individuals in advanced nursing education programs. Under this section, HRSA makes awards to entities who train and support nurses characterized as ''advanced education nurses.'' In awarding such grants, funding preference is given to applicants with projects that will substantially benefit rural or underserved populations, or help meet public health nursing needs in state or local health departments; special consideration is given to an eligible entity that agrees to extend the award to train advanced education nurses who will practice in designated health professional shortage areas.

The ANE Program Specific Form will allow HRSA to effectively target funding and measure the impact of the ANE Programs in meeting the legislative intent and program goals of supporting the enhancement of advanced nursing education, creating opportunities for individuals in advanced nursing education programs, and increasing the number of advanced practice nurses in rural and underserved areas. The proposed updates to this information collection will assist HRSA in: Streamlining the application submission process across programs; enabling an efficient award determination process; and facilitating HRSA's ability to monitor the use of funds and analyze program outcomes. Additionally, collecting this data assists HRSA in carrying out the most impactful program and ensuring resources are used responsibly.

More specifically, the changes include the following:

- Form name change from ANEW to ANE Program Specific Form.
- Additional instructions for applicants are provided in each funding opportunity.
- Modifications to both Table #1 and Table #2:
  - Revision to instructions to incorporate elements for added programs. Instructions about completion of each table are included within the electronic application materials.
  - Table titles are rephrased for clarity.
  - New ''Additional Specialty'' column is created to yield a flexible data collection option.
- Table #1 rows are numbered for clarity and more rows are added to:
  - Capture auto-tabulation, and

○ Reformat/separate Statutory Funding Preference data from Special Consideration data.

• Table #2 has:

○ ''Students'' reworded to ''participants/trainees;''

○ One column labeled, ''Budget Year,'' to identify the project budget year;

○ One column to create a space for entering the sum for each row;

○ Rows to more clearly indicate the budget year for up to 5 years; and,

○ One final row to create a space for entering the total for each column.

• Frequency of data collection: Data is collected (through the two tables) once during the application period for each funding announcement.

• Information determines:

○ If applicants meet the funding preference or special consideration for funding, and

○ Projected target and baseline numbers of trainees/participants to be supported throughout the project period.

Likely Respondents: Likely respondents will be current ANE Programs awardees and new applicants to the ANE Programs.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name (includes the ANE program specific tables and attachments)	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
ANEW	236	1	236	7	1,652
NAT	115	1	115	7	805
ANE–NPR	101	1	101	7	707
ANE–NPRIP	15	1	15	7	105
ANE–SANE	54	1	54	7	378
Total	521		521		3,647

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021–20653 Filed 9–23–21; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

OIG Modernization Initiative To Improve Its Publicly Available Resources—Request for Information

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Request for information.

SUMMARY: This request for information seeks input from the public on OIG resources and how OIG could enhance the usefulness and timeliness of such resources and improve their accessibility and usability.

DATES: Please submit comments electronically at *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions and refer to file code OIG–0922–N. Comments must be received no later than January 31, 2022, to ensure consideration. In light of the broad scope of the RFI and to provide adequate opportunity for input from a wide range of stakeholders, we are providing an extended comment period for this RFI. Thank you in advance for your valued input. For information on viewing public comments, please see the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Susan Edwards, (202) 619–0335.

SUPPLEMENTARY INFORMATION: Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that website to view public comments.

I. Introduction

The Department of Health and Human Services (HHS) Office of Inspector General (OIG) is working to modernize the accessibility and usability of our publicly available resources, including guidance, program integrity resources, publicly available data, and advisory opinions (collectively, resources). Given the significant passage of time since many of our resources launched and corresponding advancements in technology, we are looking holistically at where we can make improvements to delivering publicly available resources effectively and efficiently. We want to continue producing useful and timely resources that, among other things, advance the health care industry's voluntary compliance and help prevent fraud, waste, and abuse. Further, we are mindful that stakeholders increasingly use new technologies to ingest, manage, and operationalize data and information, and we are interested in delivering data and information in ways that are compatible with the technologies used by stakeholders. To modernize our publicly available resources, we anticipate a multistep, multiyear process that prioritizes high-value changes. Input collected from this RFI will help inform decisions about which areas to address first. By tailoring our resources in response to stakeholder

input, and making it easier to use OIG's resources, we hope to spur improved compliance and innovative approaches within the health care industry.

Through this Request for Information (RFI), OIG seeks input from the health care industry and the public, including:

- Health care providers and suppliers, pharmaceutical and medical device manufacturers, compliance professionals, attorneys, boards of directors, payors, health technology companies and professionals, companies and individuals providing health care-related services (such as social services or case management), industry associations, and health care compliance software vendors;
- State officials who administer or oversee Medicaid and other State health care programs;
- Tribal officials and providers and suppliers serving American Indian and Alaska Native communities;
- health care consumers and their advocates; and
- health care researchers and policy analysts.

While our focus is generally on resources related to health care, we also offer resources related to HHS's human services programs, including programs administered through grants and contracts, and would welcome input from stakeholders about resources related to those programs. Any changes we make will continue to ensure that our content and information remain 508 compliant.

We want to know whether and how you currently use the OIG resources listed below, and how we could enhance the value and timeliness of such resources and improve their accessibility and usability. We also are interested in input on additional types of OIG resources that would be useful, or additional subject areas for OIG resources. Specifically, we seek feedback on:

- Advisory opinions;
- fraud alerts (including special fraud alerts);
- special advisory bulletins;
- compliance program guidance;
- frequently asked questions (FAQs), including COVID–19 FAQs;
- other compliance guidance and resources;
- corporate integrity agreements (CIAs);
- the list of excluded individuals/entities (LEIE); and
- audits and evaluations.

II. RFI Objectives

For 45 years, OIG has provided objective, independent information to the public to foster an improved understanding of program integrity risks in HHS programs, enhance compliance practices by industry stakeholders participating in HHS programs, and protect against fraud and abuse. OIG issues audit and evaluation reports that contain findings and recommendations; conducts investigations; and provides compliance guidance, fraud alerts, and other information to promote program integrity and compliance. Through this RFI, we seek feedback from respondents about how they use OIG's resources (and the related benefits and challenges of such uses) to improve the value and timeliness of, access to, and the usability of, such resources.

This feedback will inform our efforts to modernize our publicly available resources. Our goals are to: (i) Continue producing useful and timely resources, (ii) deliver data and information to the public using modern technology, and (iii) spur improved compliance and innovative approaches that adapt to changes in the health care system and keep pace with technological change.

The health care industry will continue to face many changes. More specifically, the health care delivery system is undergoing structural changes resulting from, for example, the COVID–19 public health emergency; the entrance of new health care stakeholders, such as digital health technology companies; the development and continuing proliferation of innovative treatments; and the evolution and increasing complexity of financial relationships within the health care industry. Ensuring that OIG's publicly available resources continue to meet stakeholders' needs as these and other changes unfold is important. Modernizing OIG's publicly available resources will further OIG's mission to promote the economy, efficiency, effectiveness, and integrity of HHS programs, as well as the health and welfare of the people they serve.

This RFI is an opportunity for a range of stakeholders to suggest ways to improve the usefulness, timeliness, accessibility, and usability of OIG's resources by: (i) Providing insights into how they use OIG resources, (ii) identifying the successes and challenges organizations have had using OIG resources, and (iii) identifying other potential opportunities for OIG to provide information to the public and other stakeholders. We recognize that many of the issues raised by this RFI may cross different professional disciplines or functions, and we encourage respondents to incorporate a broad perspective, as applicable.

Through this RFI, we intend to elicit a more complete and nuanced understanding of how OIG resources are used by different stakeholders and how we may best improve upon them and their accessibility. We hope that respondents provide candid feedback, including examples of challenges related to any category of OIG resource listed in this RFI, as well as new opportunities for OIG to provide information and data more effectively. Feedback that we receive will inform OIG's consideration and prioritization of potential updates to existing resources, modifications of processes for developing resources, changes in how data and information are provided to the public, and development of new materials or data sets, as appropriate.

Notably, this RFI is just one action we are taking to gather input. We intend to conduct roundtables and are considering other ways to collect feedback, such as performing user surveys regarding targeted aspects of our data. We also are launching a new page on our website to provide information regarding this initiative.

After reviewing comments submitted in response to this RFI and feedback received through any other mechanisms, OIG will consider what changes, if any, should be made to our resources and how to prioritize and implement those changes. Certain changes to the advisory opinion process may require amendments to OIG regulations that would be implemented via notice-and-comment rulemaking. Updated resources, new materials, or modified processes would be introduced incrementally and not according to any specific timeline. We anticipate that this initiative could be a multiyear undertaking. We will prioritize the highest value actions.

III. Request for Information

Historically, OIG has provided extensive publicly available resources across a range of compliance and program integrity topics and information types. For example, some resources provide guidance to the health care industry related to the Federal anti-kickback statute,[1] OIG's administrative enforcement authorities, such as the civil monetary penalty (CMP) provision prohibiting inducements to beneficiaries (the Beneficiary Inducements CMP),[2] and other compliance and program integrity considerations. In addition, the purpose and goals of OIG's resources vary: Some address trends in the health care industry that pose a fraud and abuse risk (*e.g.,* fraud alerts), others

[1] Section 1128B(b) of the Social Security Act (the Act).

[2] Section 1128A(a)(5) of the Act.

provide information to encourage compliance best practices (*e.g.,* compliance program guidance documents (CPGs) and compliance-focused toolkits), and others are intended to explain OIG's legal interpretations of the Federal anti-kickback statute and the agency's administrative enforcement authorities or to describe our enforcement priorities (*e.g.,* policy statements). Some resources, such as the LEIE, provide data that industry stakeholders use for their own operations or compliance programs. Other resources, such as audit and evaluation reports, provide both findings and recommendations specific to a Federal agency, grantee, health care provider, or other entity, alongside broader takeaways that other stakeholders may use to improve their own operations.

We recognize that the variety of purposes and goals of OIG's resources mean that stakeholders access and use this information in a variety of ways. Respondents interested in providing information broadly across the categories should read the general questions in section III.A. Those questions solicit information on OIG's general approach for providing publicly available resources and issues that may improve the usefulness, timeliness, usability, and accessibility of OIG's resources. In addition, to ensure that we receive specific feedback relevant to each category of OIG resources described here, sections III.B through III.J each have two parts. First, we summarize each category of OIG resources to establish a common understanding. Second, we pose specific questions relevant to each category. For some categories, the RFI asks questions to assess how stakeholders access and use OIG's resources, as well as questions to assess whether new or updated resources are needed. For other categories, such as OIG audit and evaluation reports, we ask questions only about the format of such information but do not request ideas for specific products (*e.g.,* audits or evaluations).

Respondents are urged to address those questions most relevant to them and do not need to respond to every question.

To aid OIG's review of responses, it would be helpful if respondents structured their responses using the same lettering and numbering system we use here.

A. OIG Resources: General Questions

The following questions seek input about OIG's general approach to providing publicly available resources that may improve the usefulness, timeliness, usability, and accessibility of OIG's resources across categories. Questions 1 through 8 relate to OIG's current resources and web page. Questions 9 through 11 relate to how technology or modern approaches to data analysis could enhance the usability and accessibility of OIG's public data and information. Subsequent sections of this RFI seek information about particular OIG resources, as described in each section.

1. What OIG resources have you or your organization found most useful, and why are they most useful? Why have you and your organization found some resources more useful than others?

2. What types of arrangements or practices, topical areas, or industry segments should OIG consider addressing in future resources? From your perspective, which of these are most important or urgent for OIG to address?

3. What other forms or formats should OIG consider adopting in future compliance resources? Possible form and format of guidance and resource materials could include, for example, interactive content tools, guidance published in the **Federal Register**, video trainings, or podcasts. What do you suggest are effective ways for OIG to seek input from industry stakeholders and the public when developing resource materials?

4. In addition to OIG's annual solicitation of new safe harbors and special fraud alerts, do you have any suggestions for another formal mechanism for industry stakeholders and the public to request OIG guidance or resources on specific topics or for a particular industry sector?

5. What type of data or other information could OIG provide to the health care industry to facilitate compliance and program integrity efforts?

6. Please provide any suggestions to help improve accessibility and usability of our content for individuals with disabilities.

7. OIG currently uses its website, email newsletter, and social media platforms to make the public aware of new resources. Are there any other methods of communication OIG should consider to inform the public regarding new or updated resources?

8. Does your organization currently, or plan to, integrate OIG's publicly available data and information related to compliance with other functional areas of your organization, such as organizational financial information? If so, please describe how OIG's publicly available data and information is or could be most useful for such integration.

9. How is your organization using application programming interfaces (APIs) to automate functions that may relate to compliance or similar issues? For example, have you automated pre-authorization functions using APIs with payors? Would those functions benefit from automated functions related to use of OIG's public data and information?

10. Are there other types of technology that your organization is considering using to improve its compliance program or other related functions, such as using machine learning or artificial intelligence to automate assessment of claims for error before submission? Do these efforts use OIG's public data and information, or would they benefit from such data if made more useable and accessible?

B. OIG Advisory Opinions

Pursuant to section 1128D of the Act, HHS, through OIG, publishes advisory opinions regarding the application of the Federal anti-kickback statute and the safe harbor provisions, as well as OIG's administrative sanction authorities, to parties' proposed or existing arrangements. More specifically, OIG, in consultation with the Department of Justice (DOJ), issues written advisory opinions to requesting parties with regard to: (i) What constitutes prohibited remuneration under the Federal anti-kickback statute; (ii) whether an arrangement or proposed arrangement satisfies the criteria in section 1128B(b)(3) of the Act, or established by regulation (*i.e.,* safe harbors), for activities that do not result in prohibited remuneration; (iii) what constitutes an inducement to reduce or limit services to Medicare or Medicaid program beneficiaries under section 1128A(b) of the Act; and (iv) whether an activity or proposed activity constitutes grounds for the imposition of sanctions under sections 1128, 1128A, or 1128B of the Act.

To implement and interpret section 1128D of the Act, OIG issued an interim final rule with comment period in 1997.[3] We revised and clarified our regulations in a final rule issued in 1998.[4] In 2008, we revised certain procedural requirements for submitting payments for advisory opinion costs.[5]

Since OIG implemented the advisory opinion process in 1997, OIG has issued nearly 400 advisory opinions, modified 21 advisory opinions, terminated 4

[3] 62 FR 7350 (Feb. 19, 1997).

[4] 63 FR 38311 (July 16, 1998).

[5] 73 FR 15937 (Mar. 26, 2008); 73 FR 40982 (July 17, 2008).

opinions, and rescinded 1 opinion. During this time, OIG has received far more advisory opinion requests than these numbers may suggest, over 1,200 requests. For various reasons, including a requestor's withdrawal of a request or OIG's rejection of a request pursuant to its regulatory authority, not all requests submitted ultimately result in a published advisory opinion.

The procedures governing the submission of advisory opinion requests by an individual or entity in accordance with section 1128D of the Act are set forth in part 1008 of title 42 of the Code of Federal Regulations. These regulations impose content-oriented requirements for advisory opinion requests. For example, requests must contain certain information, such as ''[a] complete and specific description of all relevant information bearing on the arrangement,'' and specific certifications.[6] The regulations also describe topics that are not appropriate for an advisory opinion and circumstances in which OIG will not accept a request or will not issue an opinion, such as when the same or substantially the same course of action is under investigation or is or has been the subject of a proceeding involving HHS or another governmental agency.[7]

Section 1128D(b) of the Act provides that advisory opinions will be issued no later than 60 days after the request is received.[8] Notably, however, the regulations governing this process establish triggering events that toll the time period for issuing an advisory opinion.[9] The length of time that it takes for OIG to issue an opinion varies based on a number of factors, including the complexity of the arrangement, the completeness of the request submission, and the promptness of requesting parties in responding to requests for additional information.

As described above, not every request we receive results in an advisory opinion issued by OIG. For example, a requesting party may withdraw a request at any time before OIG issues an advisory opinion.[10] If a request is not withdrawn or rejected, OIG prepares an advisory opinion in consultation with its Government partners, including DOJ. After issuing an opinion to the requesting party, OIG posts a redacted version of the opinion to its website,[11] removing identifying information, such as the names of the parties. After an opinion is published, OIG has the right to reconsider the questions involved in the advisory opinion, and where the public interest requires, to rescind, terminate, or modify the advisory opinion.[12]

1. Please describe your or your organization's experience, if any, with the current advisory opinion process. What has worked well, and what suggestions do you have for improving the process?

2. If you have ever considered submitting an advisory opinion request and elected not to do so, why did you not submit a request? What concerns, if any, do you have about the process and how might OIG address those concerns?

3. OIG advisory opinions currently include a thorough explanation of the facts and circumstances of the proposed or ongoing arrangement and a detailed analysis that comprehensively assesses the arrangement or proposed arrangement under the relevant authorities. In the past, OIG has received informal feedback that the advisory opinion process may be too restrictive, slow, or cumbersome. We are seeking your input on how to balance the value and utility of including detailed analyses in advisory opinions—which necessitates a more involved and time-consuming process—with the value and utility of a more expeditious process that does not necessarily include a detailed legal analysis in each published opinion. Please share your feedback on the approach that would be most valuable for you and your organization. For example, would a short-form advisory opinion that answers the legal questions posed to OIG without providing a comprehensive legal analysis be useful to you and your organization? If so, should OIG implement short-form advisory opinions: (i) For all advisory opinions; (ii) for unfavorable advisory opinions only; (iii) for any request for which the requesting party or parties elected, at the beginning of the advisory opinion process, to receive a short-form opinion; or (iv) for other categories of opinions?

4. Are there types of arrangements or other circumstances in which an FAQ process, similar to the COVID–19 FAQ process, would be a preferable alternative to the advisory opinion process? From your perspective, what types of arrangements or what other circumstances would be amenable to an FAQ process as opposed to the existing advisory opinion process? If OIG implemented an FAQ process that functioned as an alternative to the advisory opinion process, should OIG charge for that process, and if so, how should OIG determine such charges?

5. When requesting parties make significant modifications to the facts presented in the advisory opinion request during the advisory opinion process, such modifications can delay the process and result in the expenditure of additional OIG resources. To address this, OIG could require requesting parties to withdraw (with the opportunity to resubmit) a request when requesting parties make significant modifications to the facts presented in the initial request. Alternatively, OIG could restrict requesting parties from making any modifications to the original advisory opinion request. Please share your perspectives on the benefits or drawbacks of each approach.

6. OIG is considering modifying its advisory opinion fee structure. Revisions could include, for example, a tiered-cost structure, such as set fee amounts for requests of low, medium, or high complexity; requesting a retainer or other initial payment upon submission of a request; and waiving fees for requests withdrawn before a certain point in the process. Please share any feedback or other ideas on how OIG might structure and apply fees for advisory opinions in the future.

7. OIG is considering whether to set ''expiration dates'' for advisory opinions, at which point the advisory opinion would no longer be in effect. Alternatively, OIG could require requesting parties to recertify that the facts presented in an advisory opinion are still true and correct and constitute a complete description of the facts regarding the arrangement for which an advisory opinion was sought, where the failure to submit a recertification would result in the advisory opinion being terminated. Please share your thoughts on the relative benefits or drawbacks of either approach as well as considerations in setting timeframes for expiration or recertification of advisory opinions.

C. Fraud Alerts (Including Special Fraud Alerts)

With respect to special fraud alerts, pursuant to section 1128D(c) of the Act, ''any person may present a request at any time to [OIG] for a [special fraud alert that would inform] the public of practices [that OIG] considers to be suspect or of particular concern under Medicare or a State health care program.'' OIG may elect to issue special fraud alerts in response to such requests, or otherwise, at OIG's discretion. For the most part, special fraud alerts have focused on national

[6] 42 CFR 1008.36.

[7] 42 CFR 1008.15(c).

[8] Section 1128D(b)(5)(B)(1) of the Act.

[9] 42 CFR 1008.33, 1008.39, 1008.41, 1008.43.

[10] 42 CFR 1008.40.

[11] *See* 42 CFR 1008.47(a).

[12] 42 CFR 1008.45.

fraud and abuse trends in health care and address potential violations of the Federal anti-kickback statute and Beneficiary Inducements CMP. In developing these special fraud alerts, we rely on a number of sources, such as studies or management and program evaluations conducted by OIG's Office of Evaluation and Inspections (OEI). In addition, we may consult with experts in the subject field, including those within OIG, other HHS agencies, other Federal and State agencies, and others in the health care industry. Most recently, OIG released an alert in 2020 highlighting the fraud and abuse risks associated with the offer, payment, solicitation, or receipt of remuneration relating to speaker programs by pharmaceutical and medical device companies.[13]

In addition to the foregoing, section 1128D(a) of the Act requires HHS to develop and publish an annual notification in the **Federal Register**, which it does through OIG, formally soliciting proposals for the development of new special fraud alerts or adding to or modifying existing safe harbors to the Federal anti-kickback statute.

OIG also issues a variety of other fraud alerts, including alerts that warn the public about fraud schemes OIG has identified (*e.g.,* COVID–19 scams).[14]

1. Which fraud alerts, if any, have you or your organizations used as a resource, and how have you used them?

2. What could OIG do differently to make our fraud alerts more meaningful, useful, or timely?

D. Special Advisory Bulletins

Special advisory bulletins cover a variety of topics, including discussions regarding: (i) Potentially abusive health care industry practices, similar to those described in special fraud alerts, but where OIG may lack the enforcement experience necessary to substantiate a special fraud alert; (ii) the importance of robust compliance measures, as applied to specific types of arrangements; (iii) arrangements that potentially implicate the Federal anti-kickback statute and OIG's administrative enforcement authorities; and (iv) the scope and effect of certain legal prohibitions. Examples include a 2014 notice, issued concurrently with a related report by OEI, regarding pharmaceutical manufacturers' offer of copayment coupons to insured patients[15] and a bulletin in 2013 describing the effect of exclusion from participation in Federal health care programs.[16]

1. Which special advisory bulletins, if any, have you or your organization used as a resource and how have you used them?

2. What could OIG do differently to make our special advisory bulletins more meaningful, useful, or timely?

3. If OIG were to update existing special advisory bulletins or publish additional special advisory bulletins on certain topic areas, how should OIG best obtain stakeholder input on areas in need of new guidance or refinements to existing guidance?

E. Compliance Program Guidance

As a general matter, CPGs set forth OIG's views on the value and fundamental principles of a compliance program, in addition to elements for consideration when developing and implementing an effective compliance program. CPGs are intended to encourage the voluntary development and use of internal controls to monitor adherence to applicable statutes, regulations, and program requirements. Beginning in 1998, OIG developed a series of CPGs directed at a number of different segments of the health care industry, including, for example, nursing facilities, hospitals, and pharmaceutical manufacturers.[17] As stated in each CPG, the suggestions included in the CPGs are not mandatory, and the CPGs are not intended to be an exhaustive discussion of beneficial compliance practices or relevant risk areas.

1. How, if at all, do you or your organization use the CPGs to understand beneficial compliance practices or relevant risk areas?

2. If OIG published additional or supplemental CPGs, or resources similar to CPGs, what industry segments would you find most useful for us to address?

3. If OIG were to update or publish additional or supplemental CPGs, how should OIG best solicit stakeholder input about risk areas or other features to update or supplement?

4. What suggestions, if any, do you have for the form, format, or content for CPGs to make them as useful, relevant, and timely as possible? For example, instead of a static document, would it be more useful, relevant, and timely to have a mobile-friendly web page that is updated at regular intervals to describe compliance best practices and current risk areas?

F. Frequently Asked Questions, Including COVID–19 Frequently Asked Questions

In response to the COVID–19 public health emergency, OIG developed a process to respond to inquiries from health care industry stakeholders regarding the application of the Federal anti-kickback statute and OIG's administrative enforcement authorities to arrangements directly connected to the COVID–19 public health emergency.[18] Through this FAQ process, OIG has received and reviewed questions submitted by a variety of health care stakeholders, and where OIG has determined that it would be appropriate and beneficial, we have provided informal feedback, time limited to the duration of the COVID–19 public health emergency,[19] explaining OIG's assessment of whether a particular arrangement poses a sufficiently low risk of fraud and abuse under the Federal anti-kickback statute, the Beneficiary Inducements CMP, or both. OIG developed this FAQ process consistent with the agency's mission to promote economy, efficiency, and effectiveness in HHS programs and to further OIG's commitment to protecting patients by ensuring that health care providers and others have the regulatory flexibility necessary to adequately respond to COVID–19 concerns. Recognizing the importance of expeditious feedback in the context of a public health emergency, when OIG has

[13] OIG, Special Fraud Alert: Speaker Programs (Nov. 16, 2020), *available at https://oig.hhs.gov/fraud/docs/alertsandbulletins/2020/SpecialFraudAlertSpeakerPrograms.pdf.*

[14] OIG, Fraud Alert: COVID–19 Scams (last updated on Aug. 16, 2021), *available at https://oig.hhs.gov/fraud/consumer-alerts/fraud-alert-covid-19-scams/.*

[15] OIG, Special Advisory Bulletin: Pharmaceutical Manufacturer Copayment Coupons (Sept. 2014), *available at https://oig.hhs.gov/fraud/docs/alertsandbulletins/2014/SAB_Copayment_Coupons.pdf.*

[16] OIG, Updated Special Advisory Bulletin on the Effect of Exclusion from Participation in Federal Health Care Programs (May 8, 2013), *available at https://oig.hhs.gov/exclusions/files/sab-05092013.pdf.*

[17] *E.g.,* OIG Supplemental Compliance Program Guidance for Nursing Facilities, 73 FR 56832 (Sept. 30, 2008); OIG Supplemental Compliance Program Guidance for Hospitals, 70 FR 4848 (Jan. 31, 2005); OIG Compliance Program Guidance for Pharmaceutical Manufacturers, 68 FR 23731 (May 5, 2003).

[18] OIG, FAQs—Application of OIG's Administrative Enforcement Authorities to Arrangements Directly Connected to the Coronavirus Disease 2019 (COVID–19) Public Health Emergency, *available at https://oig.hhs.gov/coronavirus/authorities-faq.asp.*

[19] The Secretary of HHS determined, through a January 31, 2020, determination, pursuant to section 319 of the Public Health Service Act, that a public health emergency exists and has existed since January 27, 2020. *See* U.S. Department of Health and Human Services, Determination that a Public Health Emergency Exists (Jan. 31, 2020), *available at https://www.phe.gov/emergency/news/healthactions/phe/Pages/2019-nCoV.aspx* (COVID–19 Declaration). The Secretary has issued subsequent 90-day renewals of that original determination. The duration of the COVID–19 public health emergency is tied to these determinations.

responded to questions, it has aimed to do so quickly.

1. How, if at all, do you or your organization use the COVID–19 FAQ responses in assessing or structuring arrangements directly connected to the COVID–19 public health emergency that potentially implicate OIG's administrative enforcement authorities? Do you have any feedback on how OIG can make the COVID–19 FAQ responses more useful?

2. Would you or your organization find it valuable if OIG established an FAQ process modeled after the COVID–19 FAQ process that would continue after the COVID–19 public health emergency ends? What suggestions, if any, do you have for the structure of any FAQs, the process for submitting questions, or the topics such process would address?

3. What could OIG do differently to make an FAQ process for public health emergencies or other inquiries more meaningful, useful, or timely in the future?

G. Other Compliance Guidance and Resources

OIG has published numerous other compliance-related documents that target various segments of the health care industry. For example, OIG published ''A Roadmap for New Physicians: Avoiding Medicare and Medicaid Fraud and Abuse'' [20] to help new physicians understand the application of certain Federal fraud and abuse laws, including OIG's administrative enforcement authorities and how they protect Federal health care programs and their beneficiaries from fraud and abuse. We also have developed guidance documents specific to health care boards, including resources jointly published by OIG and professional associations.[21] Although most of OIG's resources are written materials, we also have published video trainings developed as part of the Health Care Fraud Prevention and Enforcement Action Team Provider Compliance Training initiative [22] and podcasts on various compliance topics.[23]

1. How, if at all, do you and your organization use OIG's other compliance resources, like our video trainings and podcasts? If you or your organization do not use these resources, please explain why.

2. What, if anything, could OIG do to make our other compliance resources more useful, relevant, and timely?

H. Corporate Integrity Agreements

OIG negotiates CIAs with individuals and entities as part of the settlement of Federal health care program investigations arising under a variety of civil false claims statutes. Individuals and entities agree to the obligations set forth in the CIAs, and in exchange, OIG agrees not to seek their exclusion from participation in Medicare, Medicaid, or other Federal health care programs under section 1128(b)(7) of the Act. OIG negotiates each CIA with the specific party or parties to the CIA, and each CIA is binding only on the party or parties to the CIA. However, OIG recognizes that industry stakeholders may review CIAs in the development or refinement of a compliance program and to facilitate an understanding of compliance best practices. In addition, OIG's website includes various materials related to CIAs. For example, OIG posts all open CIAs and maintains a list of closed CIAs.[24] In addition, OIG has issued CIA-specific FAQs and has published guidance on the independence and objectivity requirements relating to independent review organizations retained under CIAs.[25] OIG publishes CIA documents on our website so that industry stakeholders can use them as a resource in developing the essential elements of a compliance program. As noted above, each CIA is negotiated as part of an individual civil settlement and is binding only on the parties to the CIA.

1. How do you or your organization use the information in publicly available CIAs?

2. What types of search capabilities for CIA documents (*e.g.,* search by provider type) would be most useful for your or your organization?

I. List of Excluded Individuals/Entities

OIG has the authority to exclude individuals and entities from federally funded health care programs pursuant to section 1128 of the Act (and from Medicare and State health care programs under section 1156 of the Act) and maintains a list of all currently excluded individuals and entities called the LEIE. Anyone who hires an individual or entity on the LEIE may be subject to CMPs. To avoid CMP liability, health care entities need to routinely check the LEIE to ensure that new hires and current employees are not on the excluded list.

The LEIE website receives approximately 26 million visits annually. Users can check the LEIE through two primary means: downloading a spreadsheet or using web queries for up to five providers at a time. We believe that the number of annual visits combined with the mostly manual interaction with the LEIE means there is considerable opportunity to reduce burden and lower costs associated with checking the LEIE. Additionally, modern data sharing practices, such as APIs and better structured data, provide options to improve how users can access and use the LEIE data.

1. How can OIG best provide access to the LEIE? For example, if OIG publishes an API for the LEIE, would that be useful to you or your organization? Are there other access options or data formats that would make using the LEIE easier?

2. What software or application, if any, do you currently use to check the LEIE? Is that software or application developed internally or by a third party? Does the software or application automate the process of checking the LEIE?

3. Do you integrate the results of the LEIE with other information, such as information related to provider onboarding, licensure, credentialing, or privileging? If yes, please explain how.

J. OIG Audits and Evaluations

OIG audits examine the performance of HHS programs and/or its grantees, contractors, or providers in carrying out their respective responsibilities and provide independent assessments of HHS programs and operations. OIG also conducts national evaluations to provide HHS, Congress, the public, and other stakeholders with timely, useful, and reliable assessments of HHS programs and operations. OIG's audits and evaluations provide detailed findings and often include recommendations to Federal and State agencies, health care providers, HHS grantees, contractors, and other entities. In addition, OIG's reports can provide information, data, or methodologies that health care providers and other entities

[20] OIG, A Roadmap for New Physicians: Avoiding Medicare and Medicaid Fraud and Abuse, *available at https://oig.hhs.gov/compliance/physician-education/roadmap_web_version.pdf.*

[21] *E.g.,* HCCA-OIG Compliance Effectiveness Roundtable, Measuring Compliance Program Effectiveness–A Resource Guide (Mar. 27, 2017), *available at https://oig.hhs.gov/compliance/compliance-resource-portal/files/HCCA-OIG-Resource-Guide.pdf.*

[22] OIG, HEAT Provider Compliance Training Videos, *available at https://oig.hhs.gov/newsroom/video/2011/heat_modules.asp.*

[23] *E.g.,* OIG, Podcasts, What Role Does Data Play in Fighting Healthcare Fraud, Waste, and Abuse? (June 7, 2016), *available at https://oig.hhs.gov/newsroom/oig-podcasts/what-role-does-data-play-fighting-healthcare-fraud-waste-and-abuse.*

[24] OIG, Corporate Integrity Agreement Documents, *available at https://oig.hhs.gov/compliance/corporate-integrity-agreements/cia-documents.asp.*

[25] *E.g.,* OIG, Corporate Integrity Agreement FAQ, *available at https://oig.hhs.gov/faqs/corporate-integrity-agreements-faq.asp.*

can use to support their own internal audit and evaluation programs. Most of OIG's reports are made available publicly on OIG's website.

For some reports, OIG makes certain downloadable resources and applications available to the public, and OIG has published supplemental information to enable stakeholders to adapt the audit or evaluation methodology for their own use or to provide access to key data related to our findings. For example, OIG issued toolkits that provide detailed steps and programming code for using prescription drug claims data to analyze patients' opioid levels to identify certain patients at risk of opioid misuse or overdose.[26] In another example, OIG provided an interactive map online that enables users to see, by county, data on the need for opioid treatment services overlaid with data on the availability of buprenorphine services (medication-assisted treatment).[27]

OIG audit and evaluation reports are available on our website and can be downloaded as PDFs. In recent years, OIG has refreshed the format and layout of our reports with the goal of making them more user friendly; for example, most reports start with a ''Report in Brief'' that provides the key findings, recommendations, and context on the first page. We have also used different formats for certain types of reports, such as a ''data brief'' [28] and a ''data snapshot,'' [29] among others, with the intent of making the key results and takeaways clearer and more readily understood.

OIG also publishes other information and resources describing forthcoming reports or summarizing published reports. For example, OIG publishes a Work Plan on our website, which is a searchable repository of our ongoing audits and evaluations, updated monthly, with archived information on completed work plan items that link to their resulting products.[30] OIG also publishes the agency's Semiannual Report to Congress.[31] Finally, OIG is developing a new tracking system for our recommendations. We intend to make available on our website a searchable repository of OIG recommendations from our audits and evaluations, including information about the status of their implementation.

1. How could OIG facilitate better utilization of data and data analysis through its toolkits or other resources?

2. How could OIG use its toolkits or other resources to help providers and others identify compliance risks or improve upon their compliance programs?

3. To facilitate the monitoring and automation of compliance best practices, would it be helpful to share the data methodology or programming codes employed by OIG in certain of its audit or evaluation reports, similar to OIG's Toolkits for Calculating Opioid Levels and Identifying Patients at Risk of Misuse or Overdose? [32]

4. Please share any feedback on accessing OIG audit and evaluation reports. For example, how easy is it for you to find specific reports when you look for them? How well does the downloadable PDF format work for you? Are there other file types or web-based formats that would be more accessible or useful to you?

5. Please share any feedback on the ways we present information in OIG audit and evaluation reports, including our more standard reporting templates and our alternative formats, such as data briefs and data snapshots. For example, what types of information (*e.g.,* key takeaways, findings, recommendations, methodology) are most useful to you? How easy is it to find and understand that information? What suggestions, if any, do you have for making our reports more useful or user friendly in their presentation?

6. Please tell us about your experiences, if any, in using supplemental products such as OIG Toolkits or Interactive Maps that sometimes accompany audit or evaluation reports. What have you found most valuable, if anything, about these supplemental products? What could we improve to make these products more valuable to you? Please also share any ideas for other types of supplemental products for OIG to consider developing that would be useful to you.

7. Please share feedback on your experiences, if any, in accessing and using the OIG Work Plan. For example, how well can you find the information that you are looking for? How, if at all, do you or your organization use the information in our Work Plan?

8. As OIG develops our searchable repository of recommendations for our public website, we would appreciate any feedback you have on how to make this repository most useful to you or your organization. For example, what types of queries would you want to run, what types of information might you be looking for, and what functionalities would you want this system to have?

Please note: This is a request for information only. This RFI is issued solely for information and planning purposes; it does not constitute a request for proposal, application, proposal abstract, or quotation. This RFI does not commit the U.S. Government to contract for any supplies or services or make a grant award. Further, OIG is not seeking proposals through this RFI and will not accept unsolicited proposals. Respondents are advised that the U.S. Government will not pay for any information or administrative costs incurred in response to this RFI; all costs associated with responding to this RFI will be solely at the interested party's expense. Not responding to this RFI does not preclude participation in any future procurement, if conducted. It is the responsibility of the potential responders to monitor this RFI announcement for additional information pertaining to this request. Please note that OIG will not respond to questions about the policy issues raised in this RFI. Contractor support personnel may be used to review RFI responses.

Responses to this RFI are not offers and cannot be accepted by the U.S. Government to form a binding contract or issue a grant. Information obtained as a result of this RFI may be used by the U.S. Government for program planning on a nonattribution basis. Respondents should not include any information that might be considered proprietary or confidential. This RFI should not be construed as a commitment or authorization to incur costs for which reimbursement would be required or sought. All submissions become U.S. Government property and will not be returned. OIG may publicly post the comments received or a summary thereof.

[26] HHS OIG Toolkits for Calculating Opioid Levels and Identifying Patients at Risk of Misuse or Overdose, *available at https://oig.hhs.gov/oei/reports/oei-02-17-00560.asp.*

[27] OIG, *Geographic Disparities Affect Access to Buprenorphine Services for Opioid Use Disorder* (OEI–12–17–00240) (Jan. 2020), *available at https://oig.hhs.gov/oei/reports/oei-12-17-00240.asp.*

[28] *E.g.,* OIG, Concerns Persist About Opioid Overdoses and Medicare Beneficiaries' Access to Treatment and Overdose-Reversal Drugs (OEI–02–20–00401) (Aug. 2021), *available at https://oig.hhs.gov/oei/reports/OEI-02-20-00401.asp.*

[29] *E.g.,* OIG, National Review of Opioid Prescribing in Medicaid Is Not Yet Possible (OEI–05–18–00480) (Aug. 2019), *available at https://oig.hhs.gov/oei/reports/oei-05-18-00480.asp.*

[30] OIG Work Plan, *available at https://oig.hhs.gov/reports-and-publications/workplan/index.asp.*

[31] OIG Semiannual Report to Congress, *available at https://oig.hhs.gov/reports-and-publications/semiannual/index.asp.*

[32] HHS OIG Toolkits for Calculating Opioid Levels and Identifying Patients at Risk of Misuse or Overdose, *available at https://oig.hhs.gov/oei/reports/oei-02-17-00560.asp.*

IV. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements under the Paperwork Reduction Act of 1995 (PRA). However, section III of this document does contain a general solicitation of comments in the form of a request for information. In accordance with the implementing regulations of the PRA, specifically 5 CFR 1320.3(h)(4), this general solicitation is exempt from the PRA. Facts or opinions submitted in response to general solicitations of comments from the public, published in the **Federal Register** or other publications, regardless of the form or format thereof, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition of the agency's full consideration, are not generally considered information collections and therefore not subject to the PRA. Consequently, there is no need for review by the Office of Management and Budget under the authority of the PRA.

V. Response to Comments

Because of the large number of public comments we normally receive in response to **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, if we proceed with a subsequent document, we may respond to the comments in the preamble to that document. Publication of this RFI does not commit OIG to the promulgation of new regulations or issuance of new guidance.

Christi A. Grimm,

Principal Deputy, Inspector General.

[FR Doc. 2021–20558 Filed 9–23–21; 8:45 am]

BILLING CODE 4152–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Diabetes Mellitus Interagency Coordinating Committee Meeting

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The Diabetes Mellitus Interagency Coordinating Committee (DMICC) will hold a meeting on November 8, 2021. The topic for this meeting will be ''Evolving Concepts in the Assessment and Management of Hypoglycemia.'' The meeting is open to the public.

DATES: The meeting will be held on November 8, 2021 from 12:00 p.m. to 3:00 p.m. EDT.

ADDRESSES: The meeting will be held via the Zoom online video conferencing platform. For details, and to register, please contact *dmicc@mail.nih.gov*.

FOR FURTHER INFORMATION CONTACT: For further information concerning this meeting, including a draft agenda, which will be posted when available, see the DMICC website, *www.diabetescommittee.gov,* or contact Dr. William Cefalu, Executive Secretary of the Diabetes Mellitus Interagency Coordinating Committee, National Institute of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Boulevard, Democracy 2, Room 6037, Bethesda, MD 20892, telephone: 301–435–1011; email: *dmicc@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: In accordance with 42 U.S. Code § 285c–3, the DMICC, chaired by the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) comprising members of the Department of Health and Human Services and other federal agencies that support diabetes-related activities, facilitates cooperation, communication, and collaboration on diabetes among government entities. DMICC meetings, held several times a year, provide an opportunity for Committee members to learn about and discuss current and future diabetes programs in DMICC member organizations and to identify opportunities for collaboration. The November 8, 2021 DMICC meeting will focus on ''Evolving Concepts in the Assessment and Management of Hypoglycemia.''

Any member of the public interested in presenting oral comments to the Committee should notify the contact person listed on this notice at least 5 days in advance of the meeting. Interested individuals and representatives or organizations should submit a letter of intent, a brief description of the organization represented, and a written copy of their oral presentation in advance of the meeting. Only one representative of an organization will be allowed to present; oral comments and presentations will be limited to a maximum of 5 minutes. Printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the Committee by forwarding their 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. Because of time constraints for the meeting, oral comments will be allowed on a first-come, first-serve basis.

Members of the public who would like to receive email notification about future DMICC meetings should register for the listserv available on the DMICC website, *www.diabetescommittee.gov.*

Dated: September 21, 2021.

Bruce Tibor Roberts,

Health Science Policy Analyst, Office of Scientific Program and Policy Analysis, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health.

[FR Doc. 2021–20802 Filed 9–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 Mental Health Initial Review Group; Mental Health Services Study Section.

Date: October 21–22, 2021.

Time: October 21, 2021, 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Time: October 22, 2021, 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Aileen Schulte, Ph.D., Scientific Review Officer, Division of

Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6136, MSC 9606, Bethesda, MD 20852, 301–443–1225, *aschulte@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: September 21, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–20785 Filed 9–23–21; 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: Biobehavioral and Behavioral Processes Integrated Review Group; Adult Psychopathology and Disorders of Aging Study Section.

Date: October 21–22, 2021.

Time: 9:00 a.m. to 8:00 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: Benjamin Greenberg Shapero, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7848, Bethesda, MD 20892, (301) 402–4786, *shaperobg@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Collaborative Applications: Clinical Studies of Mental Illness.

Date: October 21, 2021.

Time: 4:00 p.m. to 8:00 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: Benjamin G. Shapero, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, Bethesda, MD 20892, (301) 402–4786, *shaperobg@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–RM–21–023: Integration, Dissemination, and Evaluation (BRIDGE) Center for the NIH Bridge to Artificial Intelligence (Bridge2AI) Program (U54).

Date: October 27–28, 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: Allen Richon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7892, Bethesda, MD 20892, 301–379–9351, *allen.richon@nih.hhs.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Sensory and Motor Neurosciences, Cognition and Perception.

Date: October 27–29, 2021.

Time: 12:00 p.m. to 5:00 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: Cibu P. Thomas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20894, (301) 402–4341, *thomascp@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics: Vision Imaging, Bioengineering and Low Vision Technology Development.

Date: October 28–29, 2021.

Time: 8:30 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: Susan Gillmor, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 240–762–3076, *susan.gillmor@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Neurodevelopment, Synaptic Plasticity and Neurodegeneration.

Date: October 28–29, 2021.

Time: 9:00 a.m. to 7:00 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: Tina Tze-Tsang Tang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Suite 3030, Bethesda, MD 20817, (301) 435–4436, *tangt@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Biophysical, Physiological, Pharmacological and Bioengineering Neuroscience.

Date: October 28–29, 2021.

Time: 9:00 a.m. to 7:00 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: Jennifer Kielczewski, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–1042, *jennifer.kielczewski@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Applied Research of Infectious Diseases.

Date: October 28, 2021.

Time: 1:00 p.m. to 8:00 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: Jingsheng Tuo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3196, Bethesda, MD 20892, 301–451–5953, *tuoj@csr.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: September 21, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–20767 Filed 9–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; 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 of Environmental Health Sciences Special Emphasis Panel; Environmental Health Sciences Core Centers Review Meeting (P30).

Date: October 6–7, 2021.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27713 (Virtual Meeting).

Contact Person: Varsha Shukla, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, Research Triangle Park, NC 27709, (984) 287–3288, *Varsha.shukla@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.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Review of EHS Conferences Grant Applications.

Date: October 26, 2021.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27713 (Virtual Meeting).

Contact Person: Q. Quentin Li, M.D., Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, Research Triangle Park, NC 27709, (240) 858–3914, *liquenti@mail.nih.gov*.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; P42 Superfund Research Grant Applications II.

Date: October 28–29, 2021.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27713 (Virtual Meeting).

Contact Person: Laura A. Thomas, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, Research Triangle Park, NC 27709, 984–287–3328, *laura.thomas@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: September 20, 2021.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–20768 Filed 9–23–21; 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: Biology of Development and Aging Integrated Review Group; Radiation Therapeutics and Biology Study Section.

Date: October 18–19, 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: Bo Hong, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–996–6208, *hongb@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Training in Veterinary and Comparative Medicine.

Date: October 19, 2021.

Time: 2:00 p.m. to 8:00 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: Ronit I. Yarden, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 904B, Bethesda, MD 20892, (202) 552–9939, *yardenri@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR Panel; Alzheimer's Disease Clinical Trials.

Date: October 20, 2021.

Time: 9:30 a.m. to 7:00 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: Sara Louise Hargrave, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, Bethesda, MD 20892, (301) 443–7193, *hargravesl@mail.nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Neural Basis of Psychopathology, Addictions and Sleep Disorders Study Section.

Date: October 21–22, 2021.

Time: 9:00 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: Wei-Qin Zhao, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5181, MSC 7846, Bethesda, MD 20892–7846, 301–827–7238, *zhaow@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Therapeutic Development and Preclinical Studies.

Date: October 21–22, 2021.

Time: 9:00 a.m. to 7:00 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: Richard D. Schneiderman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, Bethesda, MD 20817, 301–402–3995, *richard.schneiderman@nih.gov*.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Cancer, Heart, and Sleep Epidemiology B Study Section.

Date: October 25–26, 2021.

Time: 9:00 a.m. to 8:00 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: Gianina Ramona Dumitrescu, Ph.D., MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4193–C, Bethesda, MD 28092, 301–827–0696, *dumitrescurg@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Risks, Prevention and Health Behavior.

Date: October 25–26, 2021.

Time: 9:00 a.m. to 8:00 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: Martha M. Faraday, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110,

MSC 7808, Bethesda, MD 20892, (301) 435–3575, *faradaym@csr.nih.gov*.

Name of Committee: Biology of Development and Aging Integrated Review Group; Mechanisms of Cancer Therapeutics—2 Study Section.

Date: October 25–26, 2021.

Time: 9:00 a.m. to 7:00 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: Careen K. Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435–3504, *tothct@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Tobacco Regulatory Science A.

Date: October 27, 2021.

Time: 10:30 a.m. to 5:00 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: Sepandarmaz Aschrafi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040D, Bethesda, MD 20892, (301) 451.4251, *Armaz.aschrafi@nih.gov*.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Pregnancy and Neonatology Study Section.

Date: October 28–29, 2021.

Time: 9:00 a.m. to 8:00 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: Andrew Maxwell Wolfe, Ph.D., Scientific Review Officer, Center for Scientific Review, NIH, 6701 Rockledge Dr., Room 6214, Bethesda, MD 20892, 301.402.3019, *andrew.wolfe@nih.gov*.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Virology—A Study Section.

Date: October 28–29, 2021.

Time: 9:30 a.m. to 8:30 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: Kenneth M. Izumi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3204, MSC 7808, Bethesda, MD 20892, 301–496–6980, *izumikm@csr.nih.gov*.

Name of Committee: Oncology 1—Basic Translational Integrated Review Group; Tumor Microenvironment Study Section.

Date: October 28–29, 2021.

Time: 9:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Angela Y. Ng, Ph.D., MBA, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6200, MSC 7804, Bethesda, MD 20892, 301–435–1715, *ngan@mail.nih.gov*.

Name of Committee: Infectious Diseases and Immunology B Integrated Review Group; Transplantation, Tolerance, and Tumor Immunology Study Section.

Date: October 28–29, 2021.

Time: 9:30 a.m. to 8:00 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: Alok Mulky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4203, Bethesda, MD 20892, (301) 435–3566, *mulkya@mail.nih.gov*.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group, Neuroscience of Interoception and Chemosensation Study Section.

Date: October 28–29, 2021.

Time: 10:00 a.m. to 7:00 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: John Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, *bishopj@csr.nih.gov*.

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Xenobiotic and Nutrient Disposition and Action Study Section.

Date: October 28–29, 2021.

Time: 9:30 p.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: Stacey Nicole Williams, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–867–5309, *stacey.williams@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Neurodegeneration and Chronic Disease.

Date: October 29, 2021.

Time: 11:00 a.m. to 8:00 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: Alexei Kondratyev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, 301–435–1785, *kondratyevad@csr.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: September 21, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–20789 Filed 9–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Eye Council.

The meeting will be held as a virtual meeting on October 22, 2021 and is open to the public as indicated below. The open session (event) will be videocast by NIH with closed captioning at: *https://videocast.nih.gov/watch=42708.* To request reasonable accommodations, please contact *Nathan.Brown2@nih.gov* at least 15 days before the event. The agenda can be found at: *https://www.nei.nih.gov/about/advisory-committees/national-advisory-eye-council-naec/national-advisory-eye-council-naec-meetings.*

The portion of this 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 Advisory Eye Council National Institutes of Health.

Date: October 22, 2021.

Open: 10:00 a.m. to 1:30 p.m.

Agenda: Presentation of the NEI Director's report and discussion of Data Sharing and Management as well as NEI programs.

Place: National Eye Institutes, National Institutes of Health, 6700 Rockledge Drive, Suite 3400, Bethesda, MD 20892, (Virtual Meeting).

Closed: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Eye Institutes, National Institutes of Health, 6700 Rockledge Drive,

Suite 3400, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Kathleen C. Anderson, Ph.D., Director, Division of Extramural Activities, National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Room 3440, Bethesda, MD 20892, 301–451–2020, *kanders1@nei.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the contact person listed above before the meeting or within 15 days after the meeting. 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: *https://www.nei.nih.gov/about/advisory-committees/national-advisory-eye-council-naec,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: September 20, 2021.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–20783 Filed 9–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 of Mental Health Special Emphasis Panel; Practice-Based Suicide Prevention Research Centers (P50 Clinical Trial Optional).

Date: October 19, 2021.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Serena Chu, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6000, MSC 9606, Bethesda, MD 20852, 301–500–5829, *serena.chu@nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Pathway to Independence Awards (K99/R00) and Career Transition Awards (K22).

Date: October 20, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Jasenka Borzan, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institutes of Mental Health, 6001 Executive Blvd., Neuroscience Center, Room 6150, Bethesda, MD 20892, 301–435–1260, *jasenka.borzan@nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; BRAIN Initiative: Novel Tools to Probe Cells and Circuits in Human and NHP Brain (UG3/UH3).

Date: October 20, 2021.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: David W. Miller, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–9734, *millerda@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Optimizing Digital Mental Health Interventions.

Date: October 28, 2021.

Time: 1:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Marcy Ellen Burstein, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6143, MSC 9606, Bethesda, MD 20892–9606, 301–443–9699, *bursteinme@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: September 21, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–20786 Filed 9–23–21; 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 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 of Allergy and Infectious Diseases Special Emphasis Panel; Human Immunology Project Consortium (HIPC) (U19 Clinical Trial Not Allowed).

Date: October 28–29, 2021.

Time: 10:00 a.m. to 5:00 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 3G51, Rockville, MD 20892, (Virtual Meeting).

Contact Person: Thomas F. Conway, 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 3G51, Rockville, MD 20852, 240–507–9685, *thomas.conway@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Human Immunology Project Consortium (HIPC) Coordinating Center (U01 Clinical Trial Not Allowed).

Date: October 28–29, 2021.

Time: 10:00 a.m. to 5:00 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 3G41, Rockville, MD 20892, (Virtual Meeting).

Contact Person: Tara Capece, 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 3G41, Rockville, MD 20852, 240–191–4281, *capecet2@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: September 21, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–20787 Filed 9–23–21; 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; Shared Instrumentation: Genome Research.

Date: October 18, 2021.

Time: 10:00 a.m. to 4:00 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: Rebecca Catherine Burgess, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–8034, *rebecca.burgess@nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group; Child Psychopathology and Developmental Disabilities Study Section.

Date: October 18–19, 2021.

Time: 10:00 a.m. to 8:00 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: Karen Elizabeth Seymour, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 1000–E, Bethesda, MD 20892, (301) 443–9485, *karen.seymour@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Child Psychopathology and Developmental Disabilities.

Date: October 18, 2021.

Time: 4:00 p.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: Ananya Paria, MPH, MS, DHSC, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007H Bethesda, MD 20892, (301) 827–6513, *pariaa@mail.nih.gov.*

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group; Emerging Imaging Technologies in Neuroscience Study Section.

Date: October 21–22, 2021.

Time: 9:00 a.m. to 8:00 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: Sharon S. Low, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5104, MSC 7846, Bethesda, MD 20892, 301–237–1487, *lowss@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Aging Systems and Geriatrics Study Section.

Date: October 21–22, 2021.

Time: 9:00 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: Inese Z. Beitins, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7892, Bethesda, MD 20892, 301–435–1034, *beitinsi@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function D Study Section.

Date: October 27–28, 2021.

Time: 10:00 a.m. to 8:00 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: Ian Frederick Thorpe, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–8662, *ian.thorpe@nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neurodifferentiation, Plasticity, Regeneration and Rhythmicity Study Section.

Date: October 27–28, 2021.

Time: 11:00 a.m. to 9:00 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: Jacek Topczewski, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1002A1, Bethesda, MD 20892, (301) 594–7574, *topczewskij2@csr.nih.gov.*

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Innate Immunity and Inflammation Study Section.

Date: October 28–29, 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: Richard G. Kostriken, Ph.D., AB, BA, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 240–519–7808, *kostrikr@csr.nih.gov.*

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Cellular and Molecular Immunology—B Study Section.

Date: October 28–29, 2021.

Time: 9:00 a.m. to 9:00 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: Liying Guo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, (301) 827–7728, *lguo@mail.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Biodata Management and Analysis Study Section.

Date: October 28–29, 2021.

Time: 9:00 a.m. to 8:00 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: E. Bryan Crenshaw, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–7129, *bryan.crenshaw@nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Cancer Prevention Study Section.

Date: October 28–29, 2021.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Svetlana Kotliarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, Bethesda, MD 20892, 301–594–7945, *kotliars@mail.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Digestive and Nutrient Physiology and Diseases Study Section.

Date: October 28–29, 2021.

Time: 9:30 a.m. to 7:00 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: Aster Juan, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301–435–5000, *juana2@mail.nih.gov.*

Name of Committee: Infectious Diseases and Immunology B Integrated Review Group; Immunity and Host Defense Study Section.
Date: October 28–29, 2021.
Time: 9:30 a.m. to 8:00 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: Scott Jakes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, 301–435–1506, *jakesse@mail.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative and Clinical Endocrinology and Reproduction Study Section.
Date: October 28–29, 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: Dianne Hardy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6175, MSC 7892, Bethesda, MD 20892, 301–435–1154, *dianne.hardy@nih.gov.*

Name of Committee: Biology of Development and Aging Integrated Review Group; Developmental Therapeutics Study Section.
Date: October 28–29, 2021.
Time: 9:30 a.m. to 7:00 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: Nicholas J. Donato, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040, Bethesda, MD 20892, 301–827–4810, *nick.donato@nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Cellular and Molecular Biology of Neurodegeneration Study Section.
Date: October 28–29, 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: Christine Jean DiDonato, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1014J, Bethesda, MD 20892, (301) 435–1042, *didonatocj@csr.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: September 21, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–20784 Filed 9–23–21; 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 Investigator Initiated Program Project Applications (P01 Clinical Trial Not Allowed).
Date: October 20, 2021.
Time: 10:00 a.m. to 2:30 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 3G45, Rockville, MD 20892, (Virtual Meeting).
Contact Person: Vanitha Sundaresa Raman, 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 3G45, Rockville, MD 20852, 301–761–7949, *vanitha.raman@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: September 21, 2021.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–20788 Filed 9–23–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Notice of Meeting for the Interdepartmental Serious Mental Illness Coordinating Committee (ISMICC)

AGENCY: Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Secretary of Health and Human Services announces a meeting of the Interdepartmental Serious Mental Illness Coordinating Committee (ISMICC).

The ISMICC is open to the public and can be accessed via telephone or webcast only, and not in person. Agenda with call-in information and the draft report to Congress will be posted on SAMHSA's website prior to the meeting at: *https://www.samhsa.gov/about-us/advisory-councils/meetings.* The meeting will address feedback from the ISMICC members regarding the final report to Congress and include information on federal efforts related to serious mental illness (SMI) and serious emotional disturbance (SED).

DATES: October 27, 2021, 1:00 p.m.–5:00 p.m. (EDT)/Open.

ADDRESSES: The meeting will be held virtually and can be accessed via Zoom.

FOR FURTHER INFORMATION CONTACT: Pamela Foote, ISMICC Designated Federal Officer, SAMHSA, 5600 Fishers Lane, 14E53C, Rockville, MD 20857; telephone: 240–276–1279; email: *pamela.foote@samhsa.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Authority

The ISMICC was established on March 15, 2017, in accordance with section 6031 of the 21st Century Cures Act, and the Federal Advisory Committee Act, 5 U.S.C. app., as amended, to report to the Secretary, Congress, and any other relevant federal department or agency on advances in SMI and SED, research related to the prevention of, diagnosis of, intervention in, and treatment and recovery of SMIs, SEDs, and advances in access to services

and supports for adults with SMI or children with SED. In addition, the ISMICC will evaluate the effect federal programs related to SMI and SED have on public health, including public health outcomes such as: (A) Rates of suicide, suicide attempts, incidence and prevalence of SMIs, SEDs, and substance use disorders, overdose, overdose deaths, emergency hospitalizations, emergency room boarding, preventable emergency room visits, interaction with the criminal justice system, homelessness, and unemployment; (B) increased rates of employment and enrollment in educational and vocational programs; (C) quality of mental and substance use disorders treatment services; or (D) any other criteria determined by the Secretary. Finally, the ISMICC will make specific recommendations for actions that agencies can take to better coordinate the administration of mental health services for adults with SMI or children with SED. Not later than one (1) year after the date of enactment of the 21st Century Cures Act, and five (5) years after such date of enactment, the ISMICC shall submit a report to Congress and any other relevant federal department or agency.

II. Membership

This ISMICC consists of federal members listed below or their designees, and non-federal public members.

Federal Membership: Members include, The Secretary of Health and Human Services; The Assistant Secretary for Mental Health and Substance Use; The Attorney General; The Secretary of the Department of Veterans Affairs; The Secretary of the Department of Defense; The Secretary of the Department of Housing and Urban Development; The Secretary of the Department of Education; The Secretary of the Department of Labor; The Administrator of the Centers for Medicare and Medicaid Services; and The Commissioner of the Social Security Administration.

Non-federal Membership: Members include, 15 non-federal public members appointed by the Secretary, representing psychologists, psychiatrists, social workers, peer support specialists, and other providers, patients, family of patients, law enforcement, the judiciary, and leading research, advocacy, or service organizations.

The ISMICC is required to meet at least twice per year.

To attend virtually, submit written or brief oral comments, or request special accommodation for persons with disabilities, contact Pamela Foote. Individuals can also register on-line at: *https://snacregister.samhsa.gov/MeetingList.aspx.*

The public comment section will be scheduled at the conclusion of the meeting. Individuals interested in submitting a comment, must notify Pamela Foote on or before October 20, 2021 via email to: *Pamela.Foote@samhsa.hhs.gov.*

Up to three minutes will be allotted for each approved public comment as time permits. Written comments received in advance of the meeting will be considered for inclusion in the official record of the meeting.

Substantive meeting information and a roster of Committee members is available at the Committee's website: *https://www.samhsa.gov/about-us/advisory-councils/meetings.*

Dated: September 20, 2021.

Carlos Castillo,

Committee Management Officer.

[FR Doc. 2021–20741 Filed 9–23–21; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket Number USCG–2021–0191]

Waterways Commerce Cutter Acquisition Program; Preparation of a Programmatic Environmental Impact Statement

AGENCY: Coast Guard, DHS.

ACTION: Notice of Availability of a Draft Programmatic Environmental Impact Statement; request for comments.

SUMMARY: The United States Coast Guard (Coast Guard), as the lead agency, announces the availability of the Draft Programmatic Environmental Impact Statement (PEIS) for the Waterways Commerce Cutter (WCC) Program's acquisition and operation of a planned 30 WCCs. This PEIS is being prepared in compliance with the National Environmental Policy Act (NEPA; and the regulations implemented by the Council on Environmental Quality (CEQ). The Coast Guard has determined that a PEIS is the most appropriate type of NEPA document for this action because of the scope and complexity of the proposed acquisition and operation of a planned 30 WCCs. This notice of availability (NOA) announces the start of the public review and comment period on this PEIS. After the Coast Guard addresses comments provided, Coast Guard will publish a final PEIS.

DATES: Comments and related material must be post-marked or received by the Coast Guard on or before November 8, 2021.

ADDRESSES:

Obtaining Documents: You may access the Draft PEIS from the Coast Guard Office of Environmental Management web page at *https://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-Engineering-Logistics-CG-4-/Program-Offices/Environmental-Management/Environmental-Planning-and-Historic-Preservation/.*

Submitting Comments: You may submit comments on the Draft PEIS by one of the following methods:

- *Via the Web:* You may submit comments identified by docket number USCG–2021–0191 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Scoping Process'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.
- *Via U.S. Mail:* U.S. Coast Guard Headquarters, ATTN: LCDR S. Krolman (CG–9327), 2703 Martin Luther King Jr Ave. SE, Stop 7800, Washington DC 20593. Please note that mailed comments must be postmarked on or before the comment deadline of 45 days following publication of this notice to be considered.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

FOR FURTHER INFORMATION CONTACT: For information about this document, email *HQS-SMB-CG-WaterwaysCommerceCutter@uscg.mil.*

SUPPLEMENTARY INFORMATION: This NOA briefly summarizes the proposed project, including the purpose and need and reasonable alternatives. As required by NEPA and CEQ implementing regulations (40 CFR 1500–1508, specifically § 1502.3), a Federal agency must prepare an Environmental Impact Statement (EIS) if it is proposing a major Federal action to analyze the environmental consequences of implementing each of the alternatives, if carried forward for full review following public scoping, by assessing the effects of each alternative on the natural and human environment. The Coast Guard

has determined that a PEIS is the most appropriate type of EIS for this action because of the scope and complexity of the proposed acquisition and operation of a planned 30 WCCs.

Purpose and Need for the Proposed Action

The Coast Guard has a statutory mission to establish, maintain, and operate aids to navigation (ATON) in the Inland Waterways and Western Rivers (IW&WR). The IW&WR includes the Gulf and Atlantic Intracoastal Waterway (ICW); the Mississippi, Missouri, Alabama, Tennessee, Columbia, and Ohio Rivers, their associated tributaries and other connecting waterways; portions of the Alaska Inside Passage; portions of the Great Lakes; and several other navigable waterways around the United States. The 35 cutters and associated 27 barges that comprise the existing inland tender fleet servicing the IW&WR are, on average, more than 54 years old and all have significantly exceeded their design service life of 30 years. There is no redundant vessel capability within the Coast Guard, Department of Homeland Security (DHS), or other government agencies. Without replacement of the existing inland tender fleet, the Coast Guard could face an increasing risk of failure to maintain the capability to execute its ATON mission and provide timely ATON services in the IW&WR and other navigable waters around the United States.

Due to obsolescence, hull limitations, and asset age, service life extension and modernization efforts are increasingly difficult, expensive to maintain, and cannot be justified. To maintain the Coast Guard's vital inland waterways mission and continue to provide a consistent and reliable presence in the IW&WR, the Coast Guard is proposing to replace the existing aging inland tender fleet. WCCs would be designed to replace the capabilities of the existing inland tender fleet; therefore, the purpose of the Proposed Action is the acquisition and operation of up to 30 WCCs to replace the capabilities of the existing inland tender fleet, thereby enabling the safe navigation of waters that support the nation's economy through maritime commerce throughout the Marine Transportation System.

Proposed Action and Alternatives

Coast Guard has identified and analyzed three action alternatives and the No Action Alternative in this PEIS for public review and comment.

Proposed Action (Alternative 1, Preferred Alternative): Under the Proposed Action, the Coast Guard would acquire and operate a planned 30 WCCs with design lives of 30 years to fulfill Aids to Navigation (ATON) mission requirements in the proposed action areas in IW&WR, portions of the Alaska Inside Passage; portions of the Great Lakes, and several other navigable waterways around the United States.

Similar to the existing inland tender fleet's operations, Alternative 1 would include vessel operations to establish, operate, and maintain the lighted and unlighted buoys and beacons to maintain the United States Visual ATON System. This mission contributes to protecting national interests by ensuring safe and efficient flow of commercial vessel traffic through our nation's waters. Although it is expected that the WCCs, similar to the existing inland tender fleet, would be capable of performing non-ATON missions such as Ports, Waterways and Coastal Security; Search and Rescue; Marine Environmental Protection; and Marine Safety, their primary focus would be on the ATON mission.

Full operational capability would be achieved when all planned WCCs have been produced and are operational. Coast Guard WCC operations and training would occur after delivery of each WCC from the shipbuilder to the Coast Guard. For example, the first WCC delivery to the Coast Guard is expected in 2024 and the cutter would then be operational in 2025. The last WCC is expected to be delivered and operational in 2032.

The Proposed Action would include WCC operation, maintenance, and commissioning of up to 11 WCC construction class (WLIC) tenders to replace the existing capabilities of 13 inland construction tenders; up to 16 River Buoy class (WLR) tenders to replace the capabilities of the river buoy tenders; and up to three Inland Buoy class (WLI) tenders to replace the capabilities of the inland buoy tenders. Although there are three classes proposed and design specifications are not final, the design would maximize commonality between the three classes to reduce sustainment costs, training needs, and other associated requirements.

The WLIC would be specifically designed for establishing and replacing fixed ATON and would be equipped with impact and vibratory pile driving and extraction equipment and spuds. The WLR and WLI would have capability to deploy and retrieve buoy mooring equipment from the seabed or riverbed using a water jet system that would also be equipped to move buoys, and move and recover sinkers, chain, wire rope, synthetic rope, and other materials without a crane.

All WCCs would have the ability to tow one vessel (of equivalent displacement) in either a side tow or stern tow. Each WCC would also have the capability to be towed by the bow, pushed ahead from the stern, and towed alongside from either port or starboard. Vessels would be towed according to specifications in the Cutter Towing Operations Tactics, Techniques, and Procedures (CGTTP 3–91.15 issued March 2017). All WCCs would also recover stray, stranded, and scrap buoys.

Vessel performance testing for a WCC would be similar to testing conducted for the existing inland tender fleet. Scheduled maintenance would likely occur within close proximity to each WCC's homeport; however, the exact locations of all the homeports for all WCCs are not known at this time.

Alternative 2, Reduced Acquisition of Coast Guard Owned and Operated Systems: The Coast Guard would explore hybrid government and contracted options for mission performance. Ship platforms would meet similar technical specifications discussed in Alternative 1. Potential scenarios could include: Contractor-owned (commercial entity funds ship construction, overhaul and maintenance) and government-operated (Coast Guard provides the personnel); government-owned (government funds ship construction, overhaul and maintenance) and contractor-operated (a commercial operating company provides the crew); or contractor-owned and contractor-operated systems (Coast Guard provides neither platforms nor personnel). Operations and training using WCCs acquired under Alternative 2 are the same as for Alternative 1.

Alternative 3, Mixed Fleet: The mixed fleet solution would be a combination of cutters and shore-based assets (including ATON team units), electronic ATON, and contracted ATON services. To accomplish a mixed fleet solution, additional Coast Guard ATON personnel and teams would be required. To accommodate the additional ATON teams, existing facilities would require expansion and construction of new shore based facilities could be necessary. Use of electronic ATON instead of physical ATON could also prove necessary. Operations and training using WCCs acquired under Alternative 2 are the same as for Alternative 1.

No Action Alternative: The evaluation of a No Action Alternative is required by the regulations implementing NEPA. Under the No Action Alternative, the

Coast Guard would fulfill its statutory missions in the IW&WR using the existing inland tender fleet. The existing assets would continue to age, causing a decrease in efficiency of machinery as well as an increased risk of equipment failure or damage, and would not be considered reliable for immediate emergency response. In addition, it would become more difficult for an ageing fleet to remain in compliance with environmental laws and regulations and standards for safe operation. Further Service Life Extensions become more challenging as significant systems and parts are no longer available, which requires contracting for systems or parts to be made specifically for the vessel.

Summary of Expected Impacts

While the Coast Guard must work toward environmental compliance during the design and acquisition of WCCs, each vessel is not expected to impact the environment (biological, physical, or socioeconomic resources) until it is operational and no significant impacts are expected after vessels are operational. In addition, vessel construction in commercial shipyards is not expected to impact any physical or biological resources.

Although the total number of WCCs may be subject to change and all three action alternatives being considered would all reduce the size of the overall fleet, Congressional Authorization is for no more than 30. As such, the PEIS analyzes the potential impact of the range of a planned 30 WCCs, as this would be the highest number projected to be operational in the Coast Guard's proposed action areas. Acoustic and physical stressors associated with the Proposed Action may potentially impact the physical and biological environment in the proposed action areas. Potential acoustic stressors include: The fathometer and Doppler speed log (navigation system), vessel noise, ATON signal noise, tool noise, and pile driving noise. Potential physical stressors include: Vessel movement, bottom disturbance, ground disturbance (removal of brush), pile driving, unrecovered jet cone moorings, and ATON retrieval devices and tow lines.

Since the WCC fleet would service a broad geographic area, stressors associated with the Proposed Action are assessed to determine if they potentially impact physical resources (including air quality, ambient sound, bottom habitat and sediments, and water quality), biological resources (including critical habitat), and socioeconomic resources.

The PEIS evaluates the likelihood that a resource would be exposed to or encounter a stressor and identifies the impact associated with that exposure or encounter. The likelihood of an exposure or encounter is based on the stressor, location, and timing relative to the spatial and temporal distribution each biological resource or critical habitat. No significant impacts to environmental resources were identified.

Anticipated Permits and Authorizations

The Proposed Action is programmatic and each WCC would have a design service life of 30 years. As such, potential permits and authorizations are identified in the PEIS. Certain approvals may be completed as part of the PEIS, but specific permits and authorizations under the laws listed below would be determined through consultations with the appropriate regulatory agencies, and would not necessarily be issued until a WCC is operational in a specific geographic area. Implementation of all alternatives would ultimately require compliance with the following laws and regulations through issuance of permits and/or authorizations:

The Coastal Zone Management Act (16 U.S.C 1451 *et seq.*) was enacted to protect the coastal environment from demands associated with residential, recreational, and commercial uses. The Coast Guard would determine the impact of the Proposed Action and provide a Coastal Consistency Determination or Negative Determination to the appropriate state agency for anticipated concurrence once the homeports are selected for the WCCs.

The Endangered Species Act (ESA) of 1973 (16 U.S.C 1531 *et seq.*) provides for the conservation of endangered and threatened species and the ecosystems on which they depend. The Coast Guard completed an ESA Section 7 and Essential Fish Habitat consultation with NMFS on the U.S. Coast Guard Federal Aids to Navigation Program, finalized on April 19, 2018. Any information provided in the PEIS includes WCC support of ATONs, only as it pertains to the Proposed Action and any determination provided in the PEIS is consistent with the findings in the National Marine Fisheries Service (NMFS) Biological Opinion. Any determinations provided in this PEIS for species not included in the NMFS Biological Opinion or for those species that are under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS), should be considered preliminary. The Coast Guard anticipates consulting under Section 7 of the ESA with the appropriate NMFS and the USFWS offices that have jurisdiction over the species (50 CFR 402.14(a)).

The Marine Mammal Protection Act (MMPA; 16 U.S.C 1361 *et seq.*) established, with limited exceptions, a moratorium on the ''taking'' of marine mammals in waters or on lands under U.S. jurisdiction, and on the High Seas by vessels or persons under U.S. jurisdiction. The MMPA further regulates ''takes'' of marine mammals in U.S. waters and by U.S. citizens on the High Seas. The term ''take,'' as defined in Section 3 (16 U.S.C. 1362) of the MMPA, means ''to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal''. ''Harassment'' was further defined in the 1994 amendments to the MMPA as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (that is, Level A Harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (that is, Level B Harassment). Where appropriate, the Coast Guard anticipates requesting a Letter of Authorization to ''take'' marine mammals, defined as Level B harassment.

The National Historic Preservation Act (NHPA; 16 U.S.C. 470, *et seq.*), Section 106, requires that each federal agency identify and assess the effects its actions may have on historic properties, including potential effects on historic structures, archaeological resources, and tribal resources eligible for or listed on the National Register of Historic Places. The Coast Guard would determine if any historic resources are present in the project area, evaluate the potential for the proposed action to adversely affect these resources, and consult with the appropriate state agency and any interested or affected Tribes to resolve any adverse effects by developing and evaluating alternatives or measures that could avoid, minimize, or mitigate impacts.

The Clean Air Act (42 U.S.C. 7401, *et seq.*) regulates emissions from both stationary (industrial) sources and mobile sources. The Coast Guard would evaluate the potential for increased emissions during proposed action activities to determine if the emissions would be in conformity with the State Implementation Plan for attainment of National Ambient Air Quality Standards.

Schedule for the Decision-Making Process

Following the comment period announced in this Notice of Availability, and after consideration of all comments received, Coast Guard would prepare a Final PEIS for the acquisition and operation of a planned 30 WCCs. In meeting CEQ regulations requiring EISs to be completed within 2 years the Coast Guard anticipates the Final PEIS would be available in 2022. Availability of the Final PEIS would be published in the **Federal Register** and would be available for a 30-day waiting period. Because new information may become available after the completion of the Draft or Final PEIS, supplemental NEPA documentation may be prepared in support of new information or changes in the Proposed Action considered under the PEIS.

Public Scoping Process

The Coast Guard is seeking comments on the potential environmental impacts that may result from the Proposed Action or preliminary Alternatives. The Coast Guard is also seeking input on relevant information, studies, or analyses of any kind concerning impacts potentially affecting the quality of the human environment as a result of the Proposed Action. NEPA requires federal agencies to consider environmental impacts that may result from a Proposed Action, to inform the public of potential impacts and alternatives, and to facilitate public involvement in the assessment process. The PEIS includes, among other topics, discussions of the purpose and need for the Proposed Action, a description of alternatives, a description of the affected environment, and an evaluation of the environmental impact of the Proposed Action and alternatives.

The Coast Guard intends to follow the CEQ regulations implementing the NEPA (40 CFR 1500–1508) by scoping through public comments. Scoping, which is integral to the process for implementing NEPA, provides a process to ensure that (1) issues are identified early and properly studied; (2) issues of little significance do not consume substantial time and effort; (3) the draft PEIS is thorough and balanced; and (4) delays caused by an inadequate PEIS are avoided.

Public scoping is a process for determining the scope of issues to be addressed in this PEIS and for identifying the issues related to the Proposed Action that may have a significant effect on the environment. The scoping process began with publication of the Notice of Intent to prepare the PEIS, published April 19, 2021 (86 FR 20376). The Coast Guard received two comments during the 45-day public scoping period that began April 27, 2021 and ended June 11, 2021. In this Notice of Availability, the Coast Guard is providing the public with the opportunity to comment on the Draft PEIS. After Coast Guard considers those comments, the Final PEIS will be prepared and its availability similarly announced to solicit public review and comment. Comments received during the Draft PEIS review period will be available in the public docket and made available in the Final PEIS.

Pursuant to the CEQ regulations, Coast Guard invites public participation in the NEPA process. This notice requests public comments, establishes a public comment period, and provides information on how to participate.

The 45-day public comment period begins September 24, 2021 and ends November 8, 2021. Comments and related material submitted to the online docket via *https://www.regulations.gov/* must be received by the Coast Guard on or before November 11, 2021, and mailed submission, must be postmarked on or before that same date.

The Coast Guard encourages comments submitted through the Federal Decision-Making portal at *https://www.regulations.gov,* using the search function for Waterways Commerce Cutter or by docket number. If your material cannot be submitted using *https://www.regulations.gov,* contact U.S. Coast Guard Headquarters, ATTN: LCDR S. Krolman (CG–9327), 2703 Martin Luther King Jr. Ave. SE, Stop 7800, Washington, DC 20593–7800 or Coast Guard at *HQS-SMB-CG-WaterwaysCommerceCutter@uscg.mil.* A phone message may be left at 202–475–3104.

In submissions, please include the docket number for this Notice of Availability and provide reasoning for comments. We will consider all substantive and relevant comments received during the comment period. We review all comments received, but we will only post comments that address the topic of the notice. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

We accept anonymous comments. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this Proposed Action. 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 Notice of Availability as being available in the docket, and posted public comments, will be in the online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions.

Dated: September 17, 2021.

Aileen Sedmak,

Waterways Commerce Cutter Program Manager.

[FR Doc. 2021–20749 Filed 9–23–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket Number USCG–202–0172]

Port Access Route Study: Seacoast of New Jersey Including Offshore Approaches to the Delaware Bay, Delaware

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability of draft report; request for comments.

SUMMARY: On May 5, 2020, the Coast Guard published a notice of study and request for comments (85 FR 26695), announcing a Port Access Route Study (PARS) for the Seacoast of New Jersey Including Offshore Approaches to the Delaware Bay, Delaware. This notice announces the availability of a draft report for public review and comment. We seek your comments on the content, proposed routing measures, and development of the report. The recommendations of the study may lead to future rulemakings or appropriate international agreements.

DATES: Your comments and related material must reach the Coast Guard on or before October 25, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2020–0172 using the Federal Decision Making 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 notice or study, call or email Mr. Jerry Barnes, Fifth Coast Guard District (dpw), U.S. Coast Guard; telephone (757) 398–6230, email *Jerry.R.Barnes@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

AIS—Automated Information System
DHS—Department of Homeland Security
FR—Federal Register
NEPA—National Environmental Policy Act
PARS—Port Access Route Study
ACPARS—Atlantic Coast Ports Access Route Study
U.S.C.—United States Code
WEA—Wind Energy Area

II. Background and Purpose

The Ports and Waterways Safety Act (46 U.S.C. 70003(c)) requires the Coast Guard to conduct a PARS, *i.e.,* a study of potential traffic density and the need for safe access routes for vessels. Through the study process, the Coast Guard coordinates with Federal, State, local, tribal and foreign state agencies (as appropriate) to consider the views of maritime community representatives, environmental groups, and other interested stakeholders. The primary purpose of this coordination is, to the extent practicable, to reconcile the need for safe access routes with other reasonable waterway uses such as construction and operation of renewable energy facilities and other uses of the Atlantic Ocean in the study area.

In 2019, the Coast Guard announced a supplemental study of routes used by all vessels to access ports on the Atlantic Coast of the United States (84 FR 9541, March 15, 2019). This notice announced PARS for specific port approaches and international transit areas along the Atlantic Coast. The purpose of the supplemental studies is to align the Atlantic Coast Port Access Route Study (ACPARS) (81 FR 13307, March 14, 2016) with port approaches. The ACPARS analyzed the Atlantic Coast waters seaward of existing port approaches within the U.S. Exclusive Economic Zone and was finalized in 2017 (82 FR 16510, April 5, 2017).

The purpose of this notice is to announce the availability of the draft PARS examining the seacoast of New Jersey and the offshore approaches to the Delaware Bay, Delaware. We encourage you to participate in the study process by submitting comments in response to this notice. This PARS used AIS data and information from stakeholders to identify and verify customary navigation routes as well as potential conflicts involving alternative activities, such as wind energy generation and offshore mineral exploitation and exploration off the seacoast of New Jersey and in the offshore approaches to the Delaware Bay, Delaware.

The study area extends approximately 175 nautical miles seaward of the seacoast of New Jersey, Delaware, and Maryland between Sandy Hook, New Jersey, and Ocean City, Maryland. An illustration showing the study area is available in the docket where indicated under **ADDRESSES**. Additionally, the study area is available for viewing on the Mid-Atlantic Ocean Data Portal at *http://portal.midatlanticocean.org/visualize/.* See the ''Maritime'' portion of the Data Layers section.

On May 5, 2020, the Coast Guard published a Notice of Study; request for comments entitled ''Port Access Route Study: Seacoast of New Jersey Including Offshore Approaches to the Delaware Bay, Delaware'' in the **Federal Register** (85 FR 26695). The initial comment period closed on July 5, 2020. The Coast Guard conducted two virtual public meetings on October 29 and November 4, 2020. Recordings of the public meetings are available from the docket. The comment period re-opened through November 10, 2020. The Coast Guard also conducted outreach with port partners during this time.

IV. Information Requested

PARS are the means by which program managers determine the need to establish traffic routing measures or shipping safety fairways to reduce the risk of collision, allision and grounding, and their impact on the environment, increase the efficiency and predictability of vessel traffic, and preserve the paramount right of navigation while continuing to allow for other reasonable waterway uses. The study analyzes current routing measures around the approaches to Delaware Bay and proposes an adequate way to manage forecasted maritime traffic growth. The study also reviewed coastal port access from the seacoast of New Jersey and the co-dependent use of the waters in support of future development.

The Coast Guard received 34 comments in response to our **Federal Register** notice and other outreach efforts. All comments and supporting documents are available in a public docket and can be viewed at *http://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2020–0172 in the ''SEARCH'' box and click ''SEARCH.'' Next, look for this document in the Search Results column, and click on it. These comments were submitted by commercial maritime operators, including fishing vessel operators, state, and port partners. Topics covered by these comments included support and requests for additional routing measures around WEAs, requests for collaboration with state organizations, and requests for NEPA compliance and Environmental Impact Studies to be completed. A synopsis of the comments and copies of the Coast Guard's Public outreach can be found in the report.

As a result of the data analysis within this study and considering the comments received the Coast Guard proposes six modified or additional measures for consideration by the public. We seek your input on these proposals and welcome comment on any impact to vessel transit time, fishing activity, and/or navigation safety. All comments received will be reviewed and considered before a final version of the PARS is announced in the **Federal Register**. This notice is published under the authority of 46 U.S.C. 70004 and 5 U.S.C. 552(a).

V. Public Participation and Request for Comments

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–202–0172 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this notice for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the *https://www.regulations.gov* Frequently Asked Questions web page. 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.

Personal information. 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 to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Dated: September 13, 2021.

Laura M. Dickey,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 2021–20797 Filed 9–23–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4511–DR; Docket ID FEMA–2021–0001]

Commonwealth of the Northern Mariana Islands; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of the Northern Mariana Islands (FEMA–4511–DR), dated April 1, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 1, 2020 for the Commonwealth of the Northern Mariana Islands is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the Commonwealth of the Northern Mariana Islands are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20665 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4490–DR; Docket ID FEMA–2021–0001]

Missouri; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Missouri (FEMA–4490–DR), dated March 26, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 26, 2020 for the State of Missouri is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Missouri are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20686 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4482–DR; Docket ID FEMA–2021–0001]

California; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of California (FEMA–4482–DR), dated March 22, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 22, 2020 for the State of California is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of California are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20667 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4517–DR; Docket ID FEMA–2021–0001]

West Virginia; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA–4517–DR), dated April 3, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 3, 2020 for the State of West Virginia is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of West Virginia are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20692 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4535–DR; Docket ID FEMA–2021–0001]

Wyoming; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Wyoming (FEMA–4535–DR), dated April 11, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 11, 2020 for the State of Wyoming is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Wyoming are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20712 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4491–DR; Docket ID FEMA–2021–0001]

Maryland; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Maryland (FEMA–4491–DR), dated March 26, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 26, 2020 for the State of Maryland is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Maryland are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20718 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4487–DR; Docket ID FEMA–2021–0001]

North Carolina; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA–4487–DR), dated March 25, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 25, 2020 for the State of North Carolina is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of North Carolina are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20705 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4484–DR; Docket ID FEMA–2021–0001]

Louisiana; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Louisiana (FEMA–4484–DR), dated March 24, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 24, 2020 for the State of Louisiana is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Louisiana are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20716 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4492–DR; Docket ID FEMA–2021–0001]

South Carolina; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of South Carolina (FEMA–4492–DR), dated March 27, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 27, 2020 for the State of South Carolina is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of South Carolina are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20669 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4499–DR; Docket ID FEMA–2021–0001]

Oregon; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Oregon (FEMA–4499–DR), dated March 28, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 28, 2020 for the State of Oregon is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Oregon are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20670 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4518–DR; Docket ID FEMA–2021–0001]

Arkansas; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Arkansas (FEMA–4518–DR), dated April 3, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 3, 2020 for the State of Arkansas is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Arkansas are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20693 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4512–DR; Docket ID FEMA–2021–0001]

Virginia; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Virginia (FEMA–4512–DR), dated April 2, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 2, 2020 for the Commonwealth of Virginia is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the Commonwealth of Virginia are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20687 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4503–DR; Docket ID FEMA–2021–0001]

Alabama; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Alabama (FEMA–4503–DR), dated March 29, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 29, 2020 for the State of Alabama is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Alabama are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20678 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4501–DR; Docket ID FEMA–2021–0001]

Georgia; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4501–DR), dated March 29, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 29, 2020 for the State of Georgia is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Georgia are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20674 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4480–DR; Docket ID FEMA–2021–0001]

New York; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New York (FEMA–4480–DR), dated March 20, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 20, 2020 for the State of New York is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of New York are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20704 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4531–DR; Docket ID FEMA–2021–0001]

Minnesota; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Minnesota (FEMA–4531–DR), dated April 7, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 7, 2020 for the State of Minnesota is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Minnesota are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20708 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4527–DR; Docket ID FEMA–2021–0001]

South Dakota; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of South Dakota (FEMA–4527–DR), dated April 5, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 5, 2020 for the State of South Dakota is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of South Dakota are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20701 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4528–DR; Docket ID FEMA–2021–0001]

Mississippi; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Mississippi (FEMA–4528–DR), dated April 5, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 5, 2020 for the State of Mississippi is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Mississippi are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20702 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4488–DR; Docket ID FEMA–2021–0001]

New Jersey; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New Jersey (FEMA–4488–DR), dated March 25, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 25, 2020 for the State of New Jersey is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of New Jersey are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20675 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4520–DR; Docket ID FEMA–2021–0001]

Wisconsin; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Wisconsin (FEMA–4520–DR), dated April 4, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 4, 2020 for the State of Wisconsin is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Wisconsin are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20694 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4495–DR; Docket ID FEMA–2021–0001]

Guam; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the territory of Guam (FEMA–4495–DR), dated March 27, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 27, 2020 for the territory of Guam is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the territory of Guam are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20676 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4483–DR; Docket ID FEMA–2021–0001]

Iowa; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Iowa (FEMA–4483–DR), dated March 23, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 23, 2020 for the State of Iowa is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Iowa are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20664 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4513–DR; Docket ID FEMA–2021–0001]

Virgin Islands; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the territory of the U.S. Virgin Islands (FEMA–4513–DR), dated April 2, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 2, 2020 for the territory of the U.S. Virgin Islands is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the territory of the U.S. Virgin Islands are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20688 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4521–DR; Docket ID FEMA–2021–0001]

Nebraska; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4521–DR), dated April 4, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 4, 2020 for the State of Nebraska is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Nebraska are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20695 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4507–DR; Docket ID FEMA–2021–0001]

Ohio; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Ohio (FEMA–4507–DR), dated March 31, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 31, 2020 for the State of Ohio is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Ohio are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20682 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4530–DR; Docket ID FEMA–2021–0001]

Oklahoma; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Oklahoma (FEMA–4530–DR), dated April 5, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 5, 2020 for the State of Oklahoma is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Oklahoma are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20707 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4534–DR; Docket ID FEMA–2021–0001]

Idaho; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Idaho (FEMA–4534–DR), dated April 9, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 9, 2020 for the State of Idaho is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Idaho are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20711 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4545–DR; Docket ID FEMA–2021–0001]

Seminole Tribe of Florida; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Seminole Tribe of Florida (FEMA–4545–DR), dated May 8, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated May 8, 2020 for the Seminole Tribe of Florida is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the Seminole Tribe of Florida are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20714 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4532–DR; Docket ID FEMA–2021–0001]

Vermont; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Vermont (FEMA–4532–DR), dated April 8, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 8, 2020 for the State of Vermont is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Vermont are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20709 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4489–DR; Docket ID FEMA–2021–0001]

Illinois; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Illinois (FEMA–4489–DR), dated March 26, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 26, 2020 for the State of Illinois is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Illinois are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20671 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4514–DR; Docket ID FEMA–2021–0001]

Tennessee; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Tennessee (FEMA–4514–DR), dated April 2, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 2, 2020 for the State of Tennessee is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Tennessee are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20689 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4516–DR; Docket ID FEMA–2021–0001]

New Hampshire; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New Hampshire (FEMA–4516–DR), dated April 3, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 3, 2020 for the State of New Hampshire is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of New Hampshire are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20691 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4498–DR; Docket ID FEMA–2021–0001]

Colorado; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Colorado (FEMA–4498–DR), dated March 28, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 28, 2020 for the State of Colorado is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Colorado are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20719 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4502–DR; Docket ID FEMA–2021–0001]

District of Columbia; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the District of Columbia (FEMA–4502–DR), dated March 29, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 29, 2020 for the District of Columbia is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the District of Columbia are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20677 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4524–DR; Docket ID FEMA–2021–0001]

Arizona; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Arizona (FEMA–4524–DR), dated April 4, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 4, 2020 for the State of Arizona is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Arizona are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20698 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4510–DR; Docket ID FEMA–2021–0001]

Hawaii; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Hawaii (FEMA–4510–DR), dated April 1, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 1, 2020 for the State of Hawaii is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Hawaii are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20685 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4522–DR; Docket ID FEMA–2021–0001]

Maine; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Maine (FEMA–4522–DR), dated April 4, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 4, 2020 for the State of Maine is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Maine are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20696 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4526–DR; Docket ID FEMA–2021–0001]

Delaware; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Delaware (FEMA–4526–DR), dated April 5, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 5, 2020 for the State of Delaware is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Delaware are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20700 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4485–DR; Docket ID FEMA–2021–0001]

Texas; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Texas (FEMA–4485–DR), dated March 25, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 25, 2020 for the State of Texas is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Texas are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20668 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4525–DR; Docket ID FEMA–2021–0001]

Utah; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Utah (FEMA–4525–DR), dated April 4, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 4, 2020 for the State of Utah is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Utah are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20699 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4505–DR; Docket ID FEMA–2021–0001]

Rhode Island; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Rhode Island (FEMA–4505–DR), dated March 30, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 30, 2020 for the State of Rhode Island is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Rhode Island are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20680 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4506–DR; Docket ID FEMA–2021–0001]

Pennsylvania; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Pennsylvania (FEMA–4506–DR), dated March 30, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 30, 2020 for the Commonwealth of Pennsylvania is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the Commonwealth of Pennsylvania are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20681 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4500–DR; Docket ID FEMA–2021–0001]

Connecticut; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Connecticut (FEMA–4500–DR), dated March 28, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 28, 2020 for the State of Connecticut is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Connecticut are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20673 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4582–DR; Docket ID FEMA–2021–0001]

Navajo Nation; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Navajo Nation (FEMA–4582–DR), dated February 2, 2021, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated February 2, 2021 for the Navajo Nation is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the Navajo Nation are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20715 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4523–DR; Docket ID FEMA–2021–0001]

Nevada; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Nevada (FEMA–4523–DR), dated April 4, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 4, 2020 for the State of Nevada is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Nevada are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20697 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4486–DR; Docket ID FEMA–2021–0001]

Florida; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Florida (FEMA–4486–DR), dated March 25, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 25, 2020 for the State of Florida is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Florida are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20662 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4509–DR; Docket ID FEMA–2021–0001]

North Dakota; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of North Dakota (FEMA–4509–DR), dated April 1, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 1, 2020 for the State of North Dakota is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of North Dakota are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20684 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4504–DR; Docket ID FEMA–2021–0001]

Kansas; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4504–DR), dated March 29, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 29, 2020 for the State of Kansas is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Kansas are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20679 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4508–DR; Docket ID FEMA–2021–0001]

Montana; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Montana (FEMA–4508–DR), dated March 31, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 31, 2020 for the State of Montana is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Montana are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20683 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4494–DR; Docket ID FEMA–2021–0001]

Michigan; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Michigan (FEMA–4494–DR), dated March 27, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 27, 2020 for the State of Michigan is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Michigan are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20706 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4529–DR; Docket ID FEMA–2021–0001]

New Mexico; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New Mexico (FEMA–4529–DR), dated April 5, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 5, 2020 for the State of New Mexico is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of New Mexico are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20703 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4497–DR; Docket ID FEMA–2021–0001]

Kentucky; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–4497–DR), dated March 28, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 28, 2020 for the Commonwealth of Kentucky is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the Commonwealth of Kentucky are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20666 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4481–DR; Docket ID FEMA–2021–0001]

Washington; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Washington (FEMA–4481–DR), dated March 22, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 22, 2020 for the State of Washington is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Washington are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20660 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4533–DR; Docket ID FEMA–2021–0001]

Alaska; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Alaska (FEMA–4533–DR), dated April 9, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 9, 2020 for the State of Alaska is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Alaska are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20710 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4537–DR; Docket ID FEMA–2021–0001]

American Samoa; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the territory of American Samoa (FEMA–4537–DR), dated April 17, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 17, 2020 for the territory of American Samoa is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the territory of American Samoa are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20713 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4591–DR; Docket ID FEMA–2021–0001]

Poarch Band of Creek Indians; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Poarch Band of Creek Indians (FEMA–4591–DR), dated March 28, 2021, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 28, 2021 for the Poarch Band of Creek Indians is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the Poarch Band of Creek Indians are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20717 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4493–DR; Docket ID FEMA–2021–0001]

Puerto Rico; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Puerto Rico (FEMA–4493–DR), dated March 27, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 27, 2020 for the Commonwealth of Puerto Rico is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the Commonwealth of Puerto Rico are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20663 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4496–DR; Docket ID FEMA–2021–0001]

Massachusetts; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Massachusetts (FEMA–4496–DR), dated March 27, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated March 27, 2020 for the Commonwealth of Massachusetts is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the Commonwealth of Massachusetts are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20672 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4515–DR; Docket ID FEMA–2021–0001]

Indiana; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Indiana (FEMA–4515–DR), dated April 3, 2020, and related determinations.

DATES: This amendment was issued August 5, 2021.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration dated April 3, 2020 for the State of Indiana is hereby amended to include the Hazard Mitigation Grant Program.

All areas within the State of Indiana are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2021–20690 Filed 9–23–21; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7039–N–07]

60-Day Notice of Proposed Information Maintenance Wage Rate Recommendation, OMB Control No. 2501–0011

AGENCY: Office of Davis-Bacon and Labor Standards, FPM, 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 60 days of public comment.

DATES: *Comments Due Date: November 23, 2021.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Patricia Wright, Program Analyst, Office of Field Policy and Management, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, Room 7108 or email at *patricia.wright@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Anna Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna Guido at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Anna Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Maintenance Wage Rate Recommendation.

OMB Approval Number: 2501–0011.

Type of Request: Revision of a currently approved collection.

Form Number: HUD–4750, HUD–4751, HUD–4752.

Description of the need for the information and proposed use: This is a revision of a currently approved

collection. Agencies administering low income and affordable housing programs subject to maintenance prevailing wage rates use HUD Form 4750 to recommend maintenance wage rates to HUD and use HUD Forms 4751 and 4752 to collect data from local entities that employ personnel performing the same duties as the agency's maintenance staff. HUD uses the data collected from HUD Forms 4750, 4751, and 4752 to determine or adopt prevailing wage rates for maintenance laborers and mechanics employed in the operation of low income and affordable housing projects subject to Federal prevailing wage rates.

HUD and local agencies that administer HUD-assisted projects will no longer be required to use the HUD Form 4230A for additional classification requests. Instead, HUD and local agencies will utilize the form SF–1444 and submit employer additional classification and wage rate requests to DOL when DOL approval is required. The information collection of the SF–1444 is contained in the OMB Control No. 9000–0066.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hours per response	Annual burden hours	Hourly cost per response	Total cost
HUD—4750 Maintenance Wage Recommendation	1,381.00	1.00	1,381.00	2.00	2,762.00	$42.01	$116,031.62
HUD—4751 Maintenance Wage Rate Survey	1,133.00	1.00	1,133.00	2.00	2,266.00	42.01	95,194.66
HUD—4752 Maintenance Wage Rate Survey—Summary Sheet	1,133.00	1.00	1,133.00	4.00	4,53200	42.01	190,389.32
Total	3,647.00		3,647.00	8.00	9,560.00	42.01	401,615.60

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) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on 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

Krista Mills,

Director, Office of Field Policy and Management.

[FR Doc. 2021–20791 Filed 9–23–21; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R1–ES–2020–0101; FXES11140100000–212–FF01E0000]

Draft Environmental Impact Statement and Habitat Conservation Plan for Thurston County, Washington

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; notice of public meetings; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a habitat conservation plan developed by Thurston County, Washington (applicant), in support of an application for an incidental take permit under the Endangered Species Act. The applicant is seeking authorization for the incidental take of six species, expected to result from various County-permitted development activities, as well as construction and maintenance of County-owned or County-managed infrastructure, over the next 30 years. The incidental take and other impacts would occur in Thurston County. This notice also announces the availability of the Service's draft environmental impact statement and the opening of the public comment period, which is intended to satisfy the National Environmental Policy Act requirement to evaluate the impacts of the proposed action on the human environment. We are seeking public comments on the habitat conservation plan and draft environmental impact statement.

DATES:

Submitting Comments: We will accept comments received or postmarked on or before November 8, 2021. Comments submitted online at *https://www.regulations.gov/* (see **ADDRESSES**) must be received by 11:59 p.m. Eastern Time on November 8, 2021.

Public Meetings: The Service will hold two public meetings during the public comment and review period. To help protect the public and limit the spread of the COVID–19 virus, the public meetings will be held virtually at the following times:

- October 12, 2021 at 6 p.m.
- October 14, 2021, at 6 p.m.

ADDRESSES:

Submitting Comments: You may submit comments by one of the following methods:

- *Internet: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R1–ES–2020–0101.
- *U.S. mail:* Public Comments Processing; Attn: Docket No. FWS–R1–ES–2020–0101; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We will post all comments on *http://www.regulations.gov.* This generally means that we will post online any personal information that you provide (see Public Availability of Comments under **SUPPLEMENTARY INFORMATION**). We

request that you submit comments by only the methods described above. For additional information about submitting comments, see Request for Public Comments under **SUPPLEMENTARY INFORMATION.**

Public Meetings: A link and access instructions to the virtual meetings will be posted to *https://www.fws.gov/wafwo/* at least one week prior to the first public meeting date.

Reviewing U.S. Environmental Protection Agency (EPA) comments on the draft HCP and DEIS: See EPA's Role in the EIS Process under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Curtis Tanner, by telephone at 360–753–9440, or by email at *Curtis_Tanner@fws.gov.* Hearing or speech impaired individuals may call the Federal Relay Service at 800–877–8339 for TTY service.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service (Service) has prepared a draft Environmental Impact Statement (DEIS) to evaluate an application for an incidental take permit (ITP) received on July 30, 2020, from Thurston County, Washington (applicant). In accordance with the requirements of the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the applicant is requesting authorization of incidental take of the threatened Yelm pocket gopher (*Thomomys mazama yelmensis*), Olympia pocket gopher (*T. mazama pugetensis*), Tenino pocket gopher (*T. mazama tumuli*), and Oregon spotted frog (*Rana pretiosa*); the endangered Taylor's checkerspot butterfly (*Euphydryas editha taylori*); and the Oregon vesper sparrow (*Pooecetes gramineus affinis*), which is under review to determine if Federal listing under the ESA is warranted (hereafter, covered species). If issued, the ITP would authorize take of the covered species that may occur incidental to various County-permitted development activities, as well as construction and maintenance of County-owned or County-managed infrastructure, for a period of 30 years. In support of the ITP application, the applicant prepared the draft Thurston County habitat conservation plan (HCP), which specifies the impacts that will likely result from the take of covered species and describes the steps the applicant will take to avoid, minimize, and mitigate such impacts.

The Service prepared a DEIS to evaluate the impacts of the proposed ITP action on the human environment, consistent with the purpose and goals of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) and pursuant to the Council on Environmental Quality's implementing NEPA regulations at 40 CFR parts 1500–1508. Additionally, this DEIS was prepared consistent with the Department of the Interior NEPA regulations (43 CFR part 46); longstanding federal judicial and regulatory interpretations; and Adminstration priorities and policies including Secretary's Order No. 3399 requiring bureaus and offices to use ''the same application or level of NEPA that would have been applied to a proposed action before the 2020 Rule went into effect.''

The DEIS will also be used by Thurston County to satisfy the requirements of the Washington State Environmental Policy Act (SEPA) as provided in Revised Code of Washington 43.21C and SEPA implementing regulations found at Washington Administrative Code 197–11. We are making the HCP and DEIS available for public review and comment.

Background

Thurston County is seeking an ITP, and intends to implement the Thurston HCP, to cover a variety of activities for which the County issues permits or approvals, or activities the County otherwise carries out under its jurisdiction as detailed in the HCP. These activities include residential development, development of accessory structures, installation, repair, or alteration of septic systems, commercial and industrial development, public service facility construction, transportation projects, transportation maintenance and other work within County-owned road rights-of-way, landfill and solid waste management, water resources management, and County parks, trails, and land management. The covered activities would not include mining. The proposed covered activities are described further in the DEIS and in the HCP.

The species proposed for coverage under the Thurston HCP and ITP include three subspecies of the Mazama pocket gopher (the Yelm pocket gopher, Olympia pocket gopher, and the Tenino pocket gopher), Oregon spotted frog, Taylor's checkerspot butterfly, and the Oregon vesper sparrow. Each of the proposed covered species is known to occur in Thurston County. Habitat loss and fragmentation are primary threats to all proposed covered species. Habitat likely to be impacted is already largely fragmented or degraded, and not currently managed for the covered species.

The HCP includes measures to avoid, minimize, and mitigate impacts to covered species, along with an analysis of projected impacts to covered species. As it is not practical to express the anticipated take (or to monitor take-related impacts) in terms of number of individuals of each species, the HCP uses habitat, measured as habitat area or as ''functional-acre'' values, as a surrogate for quantifying impacts to each covered species and related conservation outcomes. The functional-acre approach weights habitat acreage by currently available information on covered species' distribution, habitat condition, and landscape position in relationship to priority habitat areas. This approach provides greater weight to both impacts and mitigation occurring in or near areas that are a priority for conservation of the covered species.

Through the HCP, the county would permit or conduct covered activities that cause take of covered species, monitor the amount and extent of take, and ensure mitigation on permanently protected sites to fully offset impacts of the taking on covered species. The HCP conservation program includes performance standards for conservation lands and minimization measures tailored to the best available information for each species.

Impacts to Mazama pocket gopher subspecies would result from HCP-covered development and maintenance activities within habitat in their respective ranges. Due to more limited exposure to covered activities, impacts to the Oregon spotted frog, Taylor's checkerspot butterfly, and Oregon vesper sparrow would be caused by a smaller number of HCP-covered development and maintenance activities taking place in respective habitats for each species, which have relatively localized ranges in Thurston County.

Measures to minimize impacts of the taking on covered species are primarily tied to reducing the extent of habitat impacts through within-site project design, along with additional species-specific measures for each group of covered activities, described in the HCP. To mitigate unavoidable impacts to covered species, Thurston County proposes to permanently protect and manage habitat occupied by covered species by establishing new permanent habitat reserves, acquiring permanent conservation easements on working lands, and enhancing and permanently maintaining habitat quality on existing reserves (collectively ''conservation lands''). The addition of conservation

lands would occur incrementally during HCP implementation at a pace that meets or exceeds the amount and extent of impacts to each covered species.

The Thurston HCP includes funding assurances, monitoring, adaptive management, and changed circumstance provisions to help ensure that biological goals for the covered species are achieved. Annual reports would confirm the amount, type, and location of impacts and mitigation, as well as the status of monitoring, adaptive management, changed circumstances, and funding. The proposed conservation program and expected effects of HCP implementation on the covered species and their designated critical habitats are described in greater detail in the Thurston HCP and in the DEIS.

Endangered Species Act

Section 9 of the ESA prohibits ''take'' of fish and wildlife species listed as endangered under section 4 (16 U.S.C. 1538 and 16 U.S.C. 1533, respectively). The ESA implementing regulations extend, under certain circumstances, the prohibition of take to threatened species (50 CFR 17.31). Under section 3 of the ESA, the term ''take'' means to ''harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct'' (16 U.S.C. 1532(19)). The term ''harm'' is defined by regulation as ''an act which actually kills or injures wildlife.'' Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering'' (50 CFR 17.3).

Under section 10(a) of the ESA, the Service may issue permits to authorize incidental take of listed fish and wildlife species. ''Incidental take'' is defined by the ESA as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Section 10(a)(1)(B) of the ESA contains provisions for issuing ITPs to non-Federal entities for the take of endangered and threatened species, provided the following criteria are met:

1. The taking will be incidental;

2. The applicant will, to the maximum extent practicable, minimize and mitigate the impact of such taking;

3. The applicant will ensure that adequate funding for the plan will be provided;

4. The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and

5. The applicant will carry out any other measures that the Service may require as being necessary or appropriate for the purposes of the HCP.

Anticipated Permits and Authorizations

In addition to the requested ITP, Thurston County will manage covered activities to comply with all other applicable laws, including without limitation Washington State endangered and protected species regulations; the Washington State Growth Management Act, which includes State and local protection of historic and cultural resources implemented through the County's Comprehensive Plan; the Washington State Shoreline Management Act; the Washington State Hydraulic Code; Thurston County Critical Area Ordinances; State and local requirements for administrative procedures; and other regulations. Individual projects conducted under the HCP will undergo individual review by the County for compliance with local codes and further public review, as appropriate, through the Washington SEPA.

National Environmental Policy Act

In compliance with NEPA (42 U.S.C. 4321 *et seq.*), the Service prepared a DEIS, in which we analyze the proposed action and a reasonable range of alternatives to the proposed action. The environmental consequences of each alternative, including the effects of those alternatives when combined with reasonably foreseeable future actions and environmental trends, were analyzed to determine if significant impacts to the human environment would occur. Three alternatives are analyzed in detail in the DEIS.

Alternative 1—No-Action Alternative: The Service would not issue incidental take authorization to the County, and the County would not implement the HCP. The County would continue to conduct, permit, and approve activities on a case-by-case basis in compliance with Federal, State, and local requirements, including the Thurston County Critical Areas code. The County and individual project proponents would continue to evaluate each project to ensure unauthorized take of listed species is avoided. The County would not implement a coordinated, County-wide conservation program for ESA-listed species. This alternative is the current situation in Thurston County.

Alternative 2—Proposed Action: The Service would, in accordance with applicable law, issue the requested ITP to Thurston County for the incidental take of covered species by the covered activities. The County would implement the Thurston County HCP and its conservation program, including, without limitation, implementation of minimization measures for covered activities; mitigation measures to fully offset the impacts of the taking on covered species; monitoring and reporting requirements. The County would also provide funding for HCP implementation. Under Alternative 2, mitigation would be achieved, in part, through the execution of conservation easements on working agricultural lands, the enhancement of existing conservation reserves, and the establishment of new conservation reserves.

Alternative 3—Modified HCP: The Service would, in accordance with applicable law, issue an ITP to Thurston County with the same permit area, permit term, covered species, covered activities, and many of the HCP elements described for the Proposed Action. This alternative explores whether the HCP could be modified to provide higher conservation value to covered species by acquiring new habitat reserves and managing them to achieve the highest habitat quality. Conservation easements would not be executed on working agricultural lands, and enhancement of existing conservation reserves would not be part of the mitigation strategy. Under this Alternative, fewer acres of new conserved habitat may be needed to fully offset the impacts of the taking to covered species.

EPA's Role in the EIS Process

The EPA is charged with reviewing all Federal agencies' EISs and commenting on the adequacy and acceptability of the environmental impacts of proposed actions. Therefore, EPA is publishing a notice in the **Federal Register** announcing this DEIS, as required under section 309 of the Clean Air Act. The publication date of EPA's notice of availability is the official beginning of the public comment period. EPA serves as the repository (EIS database) for EISs prepared by Federal agencies. You may search for EPA comments on EISs, along with EISs themselves, at *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search*.

Public Comments

You may submit your comments and materials by one of the methods in **ADDRESSES**. We specifically request information on the following:

1. Biological information, analysis, and relevant data concerning the covered species, other wildlife, and ecosystems.

2. Potential effects that the proposed permit action could have on the covered species, and other endangered or

threatened species, and their habitats, including the interaction of the effects of the project with climate change and other stressors.

3. Adequacy of the proposed actions to minimize and mitigate the impact of the taking on covered species, including but not limited to best management practices, conservation easements, establishment of new reserves, reserve habitat enhancement, and adaptive management procedures.

4. Potential effects that the proposed permit action could have on other aspects of the human environment, including effects on plants and animals, water resources, and aesthetic, historic, cultural, economic, social, environmental justice, climate change, or health effects.

5. The alternatives analysis conducted by the Service, including the alternatives analyzed, the range of alternatives analyzed, and the alternatives considered but not analyzed in detail.

6. The presence of historic properties—including archaeological sites, buildings and structures, historic events, sacred and traditional areas, and other historic preservation concerns—in the proposed permit area, which are required to be considered in project planning by the National Historic Preservation Act.

7. Reasonably foreseeable environmental trends and planned actions in the plan area and their possible impacts on the affected environment, including the covered species, as well as any connected actions that are closely related and should be discussed in the same DEIS.

8. The alternatives, information, and analyses submitted during the public scoping period and the summary thereof (40 CFR 1502.17), appended to the DEIS.

9. Other information relevant to the Thurston HCP and its impacts on the human environment.

To help protect the public and limit the spread of the COVID–19 virus, two public meetings will be conducted online to accommodate best practices and local guidelines in place at the time this notice was prepared. See **DATES** and **ADDRESSES** for the dates and times of the virtual public meetings. The virtual public meetings will provide Thurston County and the Service an opportunity to present information pertinent to the Thurston HCP and for the public to ask questions on the HCP and DEIS. No opportunity for oral comments will be provided. Written comments may be submitted by the methods listed in **ADDRESSES**.

Reasonable Accommodations

Persons needing reasonable accommodations in order to attend and participate in either of the public meetings should contact the Service's Washington Fish and Wildlife Office, using one of the methods listed in **ADDRESSES** as soon as possible. In order to allow sufficient time to process requests, please make contact no later than one week before the desired public meeting. Information regarding this proposed action is available in alternative formats upon request.

Public Availability of Comments

You may submit your comments and materials by one of the methods listed in **ADDRESSES**. Before including your address, phone number, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—might be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Comments and materials we receive, as well as references for supporting documentation we used in preparing the DEIS, will be available for public inspection online in Docket No. FWS–R1–ES–2020–0101 at *http://www.regulations.gov/* (see **FOR FURTHER INFORMATION CONTACT**).

Next Steps and Decision To Be Made

After public review and comment, we will evaluate the permit application, associated documents, and any comments received, to determine whether the permit application meets the requirements of section 10(a)(1)(B) of the ESA. We will also evaluate whether issuance of the requested ITP would comply with section 7 of the ESA. The Service expects to have a Final EIS for publication in the **Federal Register** by early 2022. At least 30 days after the FEIS is available, we expect the record of decision will be completed in accordance with applicable timeframes established in 40 CFR 1506.11, and the Regional Director will issue a decision on the requested ITP. The current estimate for the issuance of a record of decision is March 2022. This estimate assumes that there are no significant outstanding issues requiring resolution.

Authority

We provide this notice in accordance with the requirements of section 10(c) of the ESA (16 U.S.C. 1539(c)) and NEPA and its implementing regulations (40 CFR 1503.1 and 1506.6).

Hugh Morrison,

Deputy Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 2021–20493 Filed 9–23–21; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BAC 4331–11]

Notice of Public Meetings of the Idaho Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management's (BLM) Idaho Resource Advisory Council (RAC) will meet as indicated below.

DATES: The BLM Idaho RAC will meet on Wednesday, November 10, 2021. The meeting will be held from 9:00 a.m. to 5:00 p.m. (Mountain Standard Time). The RAC will also meet on Wednesday, February 16, 2022. The meeting will be held from 9:00 a.m. to 5:00 p.m. (Mountain Standard Time). Public comment periods will be offered during both meetings.

ADDRESSES: The November 10, 2021, meeting will be held virtually. The February 11, 2022, meeting will be held at the BLM Twin Falls District Office, 2878 Addison Avenue East, Twin Falls, Idaho 83301. If COVID restrictions remain in place, the February meeting will be held virtually. Virtual participation information will be posted online two weeks in advance of each meeting at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/idaho.*

FOR FURTHER INFORMATION CONTACT: MJ Byrne, 1387 South Vinnell Way, Boise, Idaho 83709; (208) 373–4006; *mbyrne@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Ms. Byrne during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above

individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Idaho RAC is chartered, with 15 members appointed by the Secretary of the Interior and representing commodity, non-commodity, and local interests. The RAC serves in an advisory capacity to BLM officials concerning issues relating to land use planning and management of public land resources located within the State of Idaho.

Agenda items for the November meeting include State and District Office updates and presentations on mining, wildfires and emergency stabilization and rehabilitation, recreation and access management, land tenure adjustments, and any other business that may reasonably come before the RAC. Agenda items for the February meeting include State and District Office updates and presentations on livestock grazing, rangeland restoration, and cultural resources management. Agenda topics for the February meeting will be formalized at the conclusion of the November meeting.

Final agendas will be posted online two weeks in advance of each meeting at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/idaho.* All meetings are open to the public in their entirety. Information to be distributed to the RAC is requested before the start of each meeting. Public comment periods will be held near the end of each day of the meetings. Depending on the number of persons wishing to speak and the time available, the time for individual comments may be limited. Comments can be mailed to BLM Idaho State Office; Attn: MJ Byrne; 1387 South Vinnell Way; Boise, ID 83709. All comments received will be provided to the Idaho RAC members.

Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee we will be able to do so.

Authority: 43 CFR 1784.4–2.

Peter Ditton,

Acting Idaho State Director.

[FR Doc. 2021–20736 Filed 9–23–21; 8:45 am]

BILLING CODE 4331–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVS01000 L5105.0000.EA0000 LVRCF2107670 241A 21X] MO# 4500155688]

Notice of Temporary Closure of Public Lands for the 2021 Mint 400, 2022 SNORE 250, and 2022 Mint 400 in Clark County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent for temporary closure of public lands.

SUMMARY: The Las Vegas Field Office announces the temporary closure of certain public lands under its administration. The race area in the Jean/Roach Dry Lakes Special Recreation Management Area is used by off-highway vehicle (OHV) recreationists, and the temporary closure is needed to limit their access to the race area and to minimize the risk of potential collisions with spectators and racers during the 2021 Mint 400, the 2022 SNORE 250, and the 2022 Mint 400 Races.

DATES: The temporary closure for the 2021 Mint 400 will go into effect at 12:01 a.m. on December 3, 2021, and will remain in effect until 11:59 p.m. on December 4, 2021. The temporary closure for the 2022 SNORE 250 will go into effect at 12:01 a.m. on February 12, 2022, and will remain in effect until 11:59 p.m. on February 12, 2022. The temporary closure for the 2022 Mint 400 will go into effect at 12:01 a.m. on March 11, 2022, and will remain in effect until 11:59 p.m. on March 12, 2022.

ADDRESSES: The temporary closure order, communications plan, and map of the closure area will be posted at the Bureau of Land Management (BLM) Las Vegas Field Office, 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130, and on the BLM website: *www.blm.gov.* These materials will also be posted at the access points to the Jean/Roach Dry Lakes Special Recreation Management Area.

FOR FURTHER INFORMATION CONTACT: Jenna Giddens, Outdoor Recreation Planner, (702)515–5156, or email *jgiddens@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Las Vegas Field Office announces the temporary closure of certain public lands under its administration. This action is being taken to help ensure public safety during the official permitted running of the 2021 Mint 400, the 2022 SNORE 250, and the 2022 Mint 400 events.

The public lands affected by this closure are described as follows:

Mount Diablo Meridian, Nevada

T. 25 S., R. 59 E.,
- Sec. 23, those portions of the S½ lying southeasterly of the southeasterly right-of-way boundary of State Route 604, excepting CC–0360;
- Sec. 24, excepting CC–0360;
- Sec. 25;
- Sec. 26, E½, excepting CC–0360;
- Sec. 35, lots 4, 5, and 10, excepting CC–0360, and E½;
- Sec. 36.

T. 26 S., R. 59 E.,
- Sec. 1;
- Sec. 2, lots 1 and 2, S½NE¼, E½SW¼, and SE¼;
- Secs. 11 thru 14;
- Sec. 22, lot 1, excepting CC–0360, NE¼NE¼, S½NE¼, excepting CC–0360, and SE¼;
- Secs. 23 thru 26;
- Sec. 27, lots 4, 5, and 8, excepting CC–0360, NE¼, SE¼SW¼, and SE¼;
- Sec. 34, lot 1, excepting CC–0360, NE¼, NE¼NW¼, and SE¼;
- Secs. 35 and 36.

T. 27 S., R. 59 E.,
- Secs. 1 and 2;
- Secs. 3 and 4, excepting CC–0360;
- Sec. 5, those portions of the E½ lying easterly of the easterly right-of-way boundary of State Route 604;
- Sec. 9, NE¼NE¼, excepting CC–0360 and W½SW¼;
- Sec. 10, N½NE¼, SE¼NE¼, and N½NW¼;
- Secs. 11 thru 17 and secs. 21 thru 24.

T. 24 S., R. 60 E.,
- Sec. 13;
- Sec. 14, NE¼, those portions of the NW¼NW¼ lying southeasterly of the southeasterly right-of-way boundary of State Route 604, S½NW¼, and S½;
- Sec. 15, those portions of the SE¼NW¼ and S½ lying southeasterly of the southeasterly right-of-way boundary of State Route 604;
- Sec. 16, those portions of the SE¼SE¼ lying southeasterly of the southeasterly right-of-way boundary of State Route 604;
- Sec. 20, those portions of the SE¼SE¼ lying southeasterly of the southeasterly right-of-way boundary of State Route 604;
- Sec. 21, those portions lying southeasterly of the southeasterly right-of-way boundary of State Route 604;
- Secs. 22 thru 28;
- Sec. 29, those portions of the NE¼ and S½ lying southeasterly of the southeasterly right-of-way boundary of State Route 604;

Sec. 31, those portions of the E½ lying southeasterly of the southeasterly right-of-way boundary of State Route 604, excepting CC–0360;
Sec. 32, those portions lying southeasterly of the southeasterly right-of-way boundary of State Route 604;
Secs. 33 thru 36.
T. 25 S., R. 60 E., those portions lying southeasterly of the southeasterly right-of-way boundary of State Route 604, excepting CC–0360.
T. 26 S., R. 60 E.,
Secs. 1 thru 24 and secs. 27 thru 34.
T. 27 S., R. 60 E.,
Secs. 3 thru 10 and secs. 13 thru 24.
T. 24 S., R. 61 E.,
Secs. 16 thru 21 and secs. 28 thru 33.
T. 25 S., R. 61 E.,
Secs. 4 thru 9, secs. 16 thru 21, and secs. 28 thru 33.
T. 26 S., R. 61 E.,
Secs. 6 and 7;
Sec. 8, SW¼NW¼ and NW¼SW¼, excepting those portions affected by Public Law 107–282.

The area described contains approximately 106,786 acres, according to the BLM National Public Land Survey System and the official plats of the surveys of the said land, on file with the BLM.

Roads leading into the public lands under the temporary closure will be posted to notify the public of the closure. The closure area includes the Jean Dry Lake Bed and is bordered by Hidden Valley to the north, the McCullough Mountains to the east, the California State line to the south and Nevada State Route 604 to the west. Under the authority of Section 303(a) of the Federal Lands Policy and Management Act of 1976 (43 U.S.C. 1733(a)), 43 CFR 8360.0–7, and 43 CFR 8364.1, the BLM will enforce the following rules in the area described above:

The entire area as listed in the legal description above is closed to all vehicles and personnel except law enforcement, emergency vehicles, event personnel, event participants, and ticketed spectators. Access routes leading to the closed area are closed to vehicles. No vehicle stopping or parking in the closed area except for designated areas will be permitted. Event participants and spectators are required to remain within designated pit and spectator areas only.

The following restrictions will be in effect for the duration of the closure to ensure safety of participants and spectators. Unless otherwise authorized, the following activities within the closure area are prohibited:

- Camping.
- Possession and/or consuming any alcoholic beverage unless the person has reached the age of 21 years.
- Discharging, or use of firearms or other weapons.
- Possession and/or discharging of fireworks.
- Allowing any pet or other animal in the person's care to be unrestrained at any time. Animals must be on a leash or other restraint no longer than 3 feet.
- Operation of any vehicle that is not legally registered for street and highway operation, for example, All Terrain Vehicles (ATV), motorcycles, Utility Terrain Vehicles (UTV), golf carts, and any OHV, including operation of such a vehicle in spectator viewing areas.
- Parking any vehicle in violation of posted restrictions, or in such a manner as to obstruct or impede normal or emergency traffic movement or the parking of other vehicles, create a safety hazard, or endanger any person, property, or feature. Vehicles so parked are subject to citation, removal, and impoundment at the owner's expense.
- Operating a vehicle through, around, or beyond a restrictive sign, barricade, fence, or traffic control barrier or device.
- Failing to maintain control of a vehicle to avoid danger to persons, property, resources, or wildlife.
- Operating a motor vehicle without due care or at a speed greater than 25 mph.

Signs and maps directing the public to designated spectator areas will be provided by the event sponsor.

Exceptions: Temporary closure restrictions do not apply to activities conducted under contract with the BLM, agency personnel monitoring the event, or activities conducted under an approved plan of operation. Authorized users must have in their possession a written permit or contract from the BLM signed by the authorized officer.

Enforcement: Any person who violates this temporary closure may be tried before a United States Magistrate and fined in accordance with 18 U.S.C. 3571, imprisoned no more than 12 months under 43 U.S.C. 1733(a) and 43 CFR 8360.0–7, or both. In accordance with 43 CFR 8365.1–7, State or local officials may also impose penalties for violations of Nevada law.

(Authority: 43 CFR 8360.0–7 and 8364.1)

Shonna Dooman,

Field Manager, Las Vegas Field Office.

[FR Doc. 2021–20721 Filed 9–23–21; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–895]

Importer of Controlled Substances Application: Cardinal Health

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Cardinal Health 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 October 25, 2021. Such persons may also file a written request for a hearing on the application on or before October 25, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA **Federal Register** Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on July 22, 2021, Cardinal Health, 15 Ingram Boulevard, La Vergne, Tennessee 37086–3630, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Secobarbital	2315	II
Nabilone	7379	II

The company plans to import the above controlled substance in finished dosage form for distribution to licensed registrants for the purpose of medical use only. No other activity for these drug codes is authorized for this registration.

Approval of permit applications will occur only when the registrant's

business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2).

Brian S. Besser,

Acting Assistant Administrator.

[FR Doc. 2021–20760 Filed 9–23–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–896]

Bulk Manufacturer of Controlled Substances Application: PCI Synthesis

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: PCI Synthesis has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to Supplemental Information listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before November 23, 2021. Such persons may also file a written request for a hearing on the application on or before November 23, 2021.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on March 30, 2021, PCI Synthesis, 9 Opportunity Way, Newburyport, Massachusetts 01950–0195, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

Controlled substance	Drug code	Schedule
Amphetamine	1100	II
Methamphetamine	1105	II

The company plans to develop manufacturing processes, conduct analytical method validation and conduct bulk product stability studies.

Brian S. Besser,

Acting Assistant Administrator.

[FR Doc. 2021–20762 Filed 9–23–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Permit-Required Confined Spaces

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before October 25, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456 or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The collections of information are needed by employers and employees involved in the entry of permit-required confined spaces to prevent injuries and death from exposure to the hazards associated with such entries. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 23, 2021 (86 FR 32978).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Permit-Required Confined Spaces.

OMB Control Number: 1218–0203.

Affected Public: Private Sector: Businesses or other for-profits.

Total Estimated Number of Respondents: 214,994.

Total Estimated Number of Responses: 13,959,314.

Total Estimated Annual Time Burden: 2,076,039 hours.

Total Estimated Annual Other Costs Burden: $645,000.

Authority: 44 U.S.C. 3507(a)(1)(D).

Crystal Rennie,

Senior PRA Analyst.

[FR Doc. 2021–20729 Filed 9–23–21; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (21–061)]

Planetary Science Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Planetary Science Advisory Committee. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Monday, October 18, 2021, 10:00 a.m. to 6:00 p.m., Eastern Time; and Tuesday, October 19, 2021, 10:00 a.m. to 6:00 p.m., Eastern Time

ADDRESSES: Virtual meeting via WebEx and dial-in teleconference only.

FOR FURTHER INFORMATION CONTACT: Ms. Karshelia Kinard, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355 or *karshelia.kinard@nasa.gov.*

SUPPLEMENTARY INFORMATION: As noted above, this meeting will be available to the public telephonically and by WebEx only. For Monday, October 18, 2021, the meeting event address for attendees is: *https://nasaenterprise.webex.com/nasaenterprise/onstage/g.php?MTID=e3c5b67d79794f2efcc35cc94812500f8.* The Event meeting number is: 199 427 6706 and the password is: sEwJ5wMM@28. For audio, you may provide your phone number when you join the event, or call US Toll: +1–415–527–5035 (Access code: 199 427 6706). For Tuesday, October 19, 2021, the meeting event address for attendees is: *https://nasaenterprise.webex.com/nasaenterprise/onstage/g.php?MTID=ecfa6e20c22be22391df3038d08a8c781.* The Event meeting number is: 2761 489 8042 and the password is: JJzwJ44Aq*2. For audio, you may provide your phone number when you join the event, or call US Toll: +1–415–527–5035 (Access code: 2761 489 8042).

The agenda for the meeting includes the following topics:

—Planetary Science Division Update
—Planetary Science Division Research and Analysis Program Update

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2021–20801 Filed 9–23–21; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

NAME AND COMMITTEE CODE: Advisory Committee for Engineering #1170.

DATE AND TIME: October 21, 2021; 11:00 a.m. to 6:00 p.m.

PLACE: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314 | Virtual.

TYPE OF MEETING: Open.

CONTACT PERSON: Evette Rollins, *erollins@nsf.gov;* 703–292–8300; NSF, 2415 Eisenhower Avenue, Alexandria, VA 22314.

The forthcoming virtual meeting information and an updated agenda will be posted at *https://www.nsf.gov/events/event_summ.jsp?cntn_id=303095&org=ENG.*

PURPOSE OF MEETING: To provide advice, recommendations and counsel on major goals and policies pertaining to engineering programs and activities.

Agenda

Thursday, October 21, 2021

- Directorate for Engineering Report
- NSF Budget Update
- Reports from Advisory Subcommittees and Liaisons
- Partnerships Presentation and Discussion
- Discussion with the NSF Office of the Director

Dated: September 21, 2021.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2021–20752 Filed 9–23–21; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

689th Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232(b)), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on October 5–8, 2021. As part of the coordinated government response to combat the COVID–19 public health emergency, the Committee will be conducting meetings that will include some Members being physically present at the NRC while other Members will be participating remotely. The public will be able to participate in any open sessions via 301–576–2978, passcode 181591243#. A more detailed agenda may be found at the ACRS public website at *https://www.nrc.gov/reading-rm/doc-collections/acrs/agenda/index.html.*

Tuesday, October 5, 2021

1:00 p.m.–1:05 p.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

1:05 p.m.–2:30 p.m.: Framatome's LTR ANP–10349P, ''GALILEO Implementation of LOCA [Loss of Coolant Accident] Methods'' (Open/Closed)—The Committee will have presentations and discussion with representatives from the NRC and Framatome staff regarding the subject topic. [**Note**: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

2:30 p.m.–3:30 p.m.: Committee Deliberation on Framatome's LTR ANP–10349P, ''GALILEO Implementation of LOCA Methods'' *(Open/Closed)*—The Committee will deliberate regarding the subject topic. [**Note**: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

3:45 p.m.–5:00 p.m.: Draft Regulatory Guide 1.247 Endorsing Non-Light Water Reactor (LWR) Probabilistic Risk Assessment (PRA) Standard (Open)—The Committee will have presentations and discussion with representatives from the NRC staff regarding the subject topic.

5:00 p.m.–6:00 p.m.: Committee Deliberation on Draft Regulatory Guide 1.247 Endorsing Non-LWR PRA Standard (Open)—The Committee will deliberate regarding the subject topic.

Wednesday, October 6, 2021

9:30 a.m.–1:00 p.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations/Preparation of Reports (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings, and/or proceed to preparation of reports as determined by the Chairman. [**Note**: Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]. [**Note**: Pursuant to 5 U.S.C. 552b(c)(2)and (6), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.].

2:00 p.m.–4:00 p.m.: Biennial Review of NRC Safety Research Program (Open)—The Committee will have discussions on the Safety Research Program.

4:15 p.m.–6:00 p.m.: Preparation of Reports/Commission Meeting Preparation (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and

Commission Meeting preparation. [**Note**: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Thursday, October 7, 2021

9:30 a.m.–6:00 p.m.: Preparation of Reports/Commission Meeting Preparation (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and Commission Meeting preparation. [**Note**: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Friday, October 8, 2021

2:00 p.m.–6:00 p.m.: Preparation of Reports/Commission Meeting Preparation (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and Commission Meeting preparation. [**Note**: Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]. [**Note**: Pursuant to 5 U.S.C. 552b(c)(2)and (6), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on June 13, 2019 (84 FR 27662). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the Designated Federal Officer (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

An electronic copy of each presentation should be emailed to the Cognizant ACRS Staff at least one day before meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System component of NRC's Agencywide Documents Access and Management System (ADAMS), which is accessible from the NRC website at *https://www.nrc.gov/reading-rm/adams.html* or *https://www.nrc.gov/reading-rm/doc-collections/#ACRS/.*

Note: This notice is late due to an administrative error.

Dated: September 21, 2021.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2021–20751 Filed 9–23–21; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2021–131 and CP2021–136]

New Postal Product

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:* September 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

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):* MC2021–131 and CP2021–136; *Filing Title:* USPS Request to Add First-Class Package Service Contract 117 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* September 20, 2021; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public*

[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).

Representative: Kenneth R. Moeller; *Comments Due:* September 28, 2021.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2021–20766 Filed 9–23–21; 8:45 am]

BILLING CODE 7710–FW–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

1. Title and purpose of information collection: Employee's Certification; OMB 3220–0140. Section 2 of the Railroad Retirement Act (RRA) (45 U.S.C. 231a), provides for the payment of an annuity to the spouse or divorced spouse of a retired railroad employee. For the spouse or divorced spouse to qualify for an annuity, the RRB must determine if any of the employee's current marriage to the applicant is valid.

The requirements for obtaining documentary evidence to determine valid marital relationships are prescribed in 20 CFR 219.30 through 219.35. Section 2(e) of the RRA requires that an employee must relinquish all rights to any railroad employer service before a spouse annuity can be paid.

The RRB uses Form G–346, Employee's Certification, to obtain the information needed to determine whether the employee's current marriage is valid. Form G–346 is completed by the retired employee who is the husband or wife of the applicant for a spouse annuity. Completion is required to obtain a benefit. One response is requested of each respondent. The RRB proposes no changes to Form G–346.

Consistent with 20 CFR 217.17, the RRB uses Form G–346sum, *Employee's Certification Summary,* which mirrors the information collected on Form G–346, when an employee, after being interviewed by an RRB field office representative ''signs'' the form using an alternative signature method known as ''attestation.'' Attestation refers to the action taken by the RRB field office representative to confirm and annotate the RRB's records of the applicant's affirmation under penalty of perjury that the information provided is correct and the applicant's agreement to sign the form by proxy. Completion is required to obtain a benefit. One response is requested of each respondent. The RRB proposes no changes to Form G–346sum.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–346	3,300	5	300
G–346sum	2,260	5	188
Total	5,560	.....	488

2. Title and purpose of information collection: Railroad Separation Allowance or Severance Pay Report; OMB 3220–0173.

Section 6 of the Railroad Retirement Act (45 U.S.C. 231e) provides for a lump-sum payment to an employee or the employee's survivors equal to the Tier II taxes paid by the employee on a separation allowance or severance payment for which the employee did not receive credits toward retirement. The lump-sum is not payable until retirement benefits begin to accrue or the employee dies. Also, Section 4 (a–1) (iii) of the Railroad Unemployment Insurance Act provides that a railroad employee who is paid a separation allowance is disqualified for unemployment and sickness benefits for the period of time the employee would have to work to earn the amount of the allowance. The reporting requirements are specified in 20 CFR 209.14.

In order to calculate and provide payments, the Railroad Retirement Board (RRB) must collect and maintain records of separation allowances and severance payments which were subject to Tier II taxation from railroad employers. The RRB uses Form BA–9, Report of Separation Allowance or Severance Pay, to obtain information from railroad employers concerning the separation allowances and severance payments made to railroad employees and/or the survivors of railroad employees. Employers currently have the option of submitting their reports on paper Form BA–9, (or in like format) on a CD–ROM, or by File Transfer Protocol (FTP), or Secure Email. Completion is mandatory. One response is requested of each respondent. The RRB proposes no changes to the manual, CD–ROM, secure email, or FTP Version of Form BA–9. The RRB proposes the addition of an internet equivalent version of Form BA–9 to the information collection.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
BA–9 (Paper)	100	76	127
BA–9 (Internet)	215	15	54
BA–9 (CD–ROM)	10	76	13
BA–9 (Secure Email)	25	76	32

ESTIMATE OF ANNUAL RESPONDENT BURDEN—Continued

Form No.	Annual responses	Time (minutes)	Burden (hours)
BA–9 (FTP)	10	76	13
Total	360		239

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Kennisha Tucker at (312) 469–2591 or *Kennisha.Tucker@rrb.gov.* Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or emailed to *Brian.Foster@rrb.gov.* Written comments should be received within 60 days of this notice.

Brian D. Foster,

Clearance Officer.

[FR Doc. 2021–20652 Filed 9–23–21; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93069; File No. SR–NASDAQ–2021–074]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 3, Section 26, Message Traffic Mitigation

September 20, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 14, 2021, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend The Nasdaq Options Market LLC (''NOM'') Rules at Options 3, Section 26, Message Traffic Mitigation, and Options 3, Section 27 Limitation of Liability.

The Exchange also proposes to amend Options 10, Doing Business With The Public: Section 5, Branch Offices, Section 6, Opening of Accounts, and Section 9, Discretionary Accounts.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* 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 Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Options 3, Section 26, Message Traffic Mitigation. The Exchange also proposes to amend Options 10, Doing Business With The Public: Section 5, Branch Offices, Section 6, Opening of Accounts, and Section 9, Discretionary Accounts. Each change is described below.

Options 3, Section 26

The Exchange proposes to amend Options 3, Section 26, Message Traffic Mitigation, to replace its current rule with a rule identical to Nasdaq Phlx LLC (''Phlx'') Options 3, Section 26.

Currently, NOM Options 3, Section 26 provides,

> For the purpose of message traffic mitigation, based on NOM's traffic with respect to target traffic levels and in accordance with NOM's overall objective of reducing both peak and overall traffic:
>
> (a) NOM will periodically delist options with an average daily volume (''ADV'') of less than 100 contracts. Nasdaq will, on a monthly basis, determine the ADV for each series listed on NOM and delist the current series and not list the next series after expiration where the ADV is less than 100 contracts. For options series traded solely on NOM, Nasdaq will delay delisting until there is no open interest in that options series.
>
> (b) NOM will implement a process by which an outbound quote message that has not been sent, but is about to be sent, will not be sent if a more current quote message for the same series is available for sending. This replace on queue functionality will be applied to all options series listed on the Nasdaq Options Market in real time and will not delay the sending of any messages.
>
> (c) When the size associated with a bid or offer increases by an amount less than or equal to a percentage (never to exceed 20%) of the size associated with the previously disseminated bid or offer, NOM will not disseminate the new bid or offer
>
> (d) All message traffic mitigation mechanisms which are used on NOM will be identical for the OPRA ''top of the book'' broadcast.

With this proposal, the Exchange proposes to provide:

> (a) The Exchange shall disseminate an updated bid and offer price, together with the size associated with such bid and offer, when:
>
> (1) the Exchange's disseminated bid or offer price increases or decreases;
>
> (2) the size associated with the Exchange's disseminated bid or offer decreases; or
>
> (3) the size associated with the Exchange's bid (offer) increases by an amount greater than or equal to a percentage (never to exceed 20%) of the size associated with previously disseminated bid (offer). Such percentage, which shall never exceed 20%, will be determined by the Exchange on an issue-by-issue basis and posted on the Exchange's website.

Current NOM Options 3, Section 26(a) describes how NOM would periodically delist options with an average daily volume of less than 100 contracts. Further, pursuant to Options 3, Section 26(a), NOM would determine the ADV for each series listed on NOM and monthly, delist the current series, and not list the next series after expiration where the ADV is less than 100 contracts.[3] Options 3, Section 26(a) was

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] For options series traded solely on NOM, the Exchange will delay delisting until there is no open

Continued

intended to mitigate message traffic by requiring the Exchange to delist certain options. While, today, NOM does not delist options in accordance with Options 3, Section 26(a), NOM does delist options pursuant to Options 4, Section 5.[4] Specifically, NOM periodically delists options across its various listing programs pursuant to Options 4, Section 5 at Supplementary Material .01(d), Supplementary Material .03(d), and Supplementary Material .04(f). In addition, NOM recently filed to delist additional intervals across its weekly programs to further reduce message traffic.[5] The Exchange notes that other Nasdaq affiliated markets also delist according to similar listing rules.[6] The Exchange's process for delisting options pursuant to Options 4, Section 5 accomplishes the same objectives as originally intended for delisting pursuant to subparagraph (a). The current delisting process utilized by NOM ensures mitigation of message traffic. At this time, the Exchange proposes to remove the rule text within Options 3, Section 26(a), as NOM does not delist in that manner today, and, instead, NOM proposes to continue to delist pursuant to Options 4, Section 5. NOM's message traffic mitigation would not be impacted by the removal of Options 3, Section 26(a) because, today, NOM is not delisting in that manner, rather it delists according to Options 4, Section 5 and will continue to delist in that manner.

Current NOM Options 3, Section 26(b) provides that NOM will implement a replace on queue functionality whereby an outbound quote message that has not been sent, but is about to be sent, will not be sent if a more current quote message for the same series is available for sending. Further, the rule provides that this replace on queue functionality will be applied to all options series listed on NOM in real time and will not delay the sending of any messages. Options 3, Section 26(b) was intended to mitigate message traffic by implementing the replace on queue functionality to reduce the message traffic by disseminating only the most current quote in certain instances where a quote was recently updated. The Exchange did not implement the replace on queue functionality, so it is unavailable and has never been utilized on NOM. To date, NOM has been mitigating quotations by delisting pursuant to Options 4, Section 5 and mitigating pursuant to Options 3, Section 26(c) as described below in greater detail. NOM's quote mitigation process would remain unchanged with this proposal. Also, NOM's quote mitigation process is consistent with Phlx's current process for mitigating quotes. The Exchange believes that despite not implementing the replace on queue functionality, it continues to mitigate quotes in a fair and equitable manner consistent with Phlx's process for mitigating quotes. At this time, the Exchange proposes to delete Options 3, Section 26(b). NOM's message traffic mitigation would not be impacted by the removal of Options 3, Section 26(b) because, today, NOM does not have the functionality described within Options 3, Section 26(b) and would not be changing its quote mitigation practice as a result of deleting the rule text.

Current Options 3, Section 26(c) provides that when the size associated with a bid or offer increases by an amount less than or equal to a percentage (never to exceed 20%) of the size associated with the previously disseminated bid or offer, NOM will not disseminate the new bid or offer. Options 3, Section 26(c) was intended to mitigate message traffic by disseminating quotes only when the size associated with a bid or offer increases by an amount greater than or equal to a certain percentage established by the Exchange. Today, the Exchange's System is not disseminating quotes as specified within Options 3, Section 26(c), rather NOM is disseminating quotes as specified in Phlx Options 3, Section 26.[7] The Exchange's current practice is aligned with the original intent. Today, NOM mitigates quotes by disseminating them only when the size associated with a bid or offer increases by an amount greater than or equal to a certain percentage established by the Exchange. At this time, the Exchange proposes to update NOM Options 3, Section 26 to reflect NOM's current practice, which is identical to Phlx's practice, and adopt rule text identical to Phlx Options 3, Section 26. Because NOM is not amending its practice with respect to the dissemination of quotes, the Exchange notes that there would be no change in the number of quotes that will be disseminated by the Exchange and the proposed change aligns with the original intent of the rule.

NOM's rule also proposes to adopt rule text identical to Phlx to permit it to determine the percentage by which it will disseminate an updated bid or offer price based on the size on an issue-by-issue basis.[8] Phlx Options 3, Section 26(a)(3) permits it to determine the percentage in this matter. NOM proposes to amend its rule to provide for the same flexibility as Phlx to permit it to determine the way it will mitigate quotes among options. Also, with this proposed change, NOM would commence posting the percentage specified within proposed Options 3, Section 26(a)(3) on the Exchange's website. The Exchange believes that posting the percentage will provide transparency to Participants.

Finally, Options 3, Section 26(d) provides that all message traffic mitigation mechanisms which are used on NOM will be identical for the OPRA ''top of the book'' broadcast. The text of Options 3, Section 26(d) is unnecessary as OPRA publishes messages disseminated by each options exchange in a similar fashion. Further, NOM Options 5, Section 1(17) describes the type of information disseminated by OPRA.

Today, and over the years, Phlx's number of listed underlyings exceeds the underlyings listed on NOM and, therefore, utilizing a message traffic protocol identical to Phlx Options 3, Section 26(c) would permit NOM to sufficiently mitigate quotes.

Options 3, Section 27

The Exchange proposes to update a citation to Rule 4626 within Options 3, Section 27, Limitation of Liability. The Exchange relocated Rule 4626 to Equity 2, Section 17 in a prior rule change.[9]

interest in that options series. *See* NOM Options 3, Section 26(a).

[4] NOM currently delists options pursuant to Options 4, Section 5 at Supplementary Material .01(d), Supplementary Material .03(d), Supplementary Material .04(f), and Supplementary Material .07.

[5] *See* Securities Exchange Act Release No. 91931 (May 18, 2021), 86 FR 27929 (May 24, 2021) (SR–NASDAQ–2021–032) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 4, Section 5, ''Series of Options Contracts Open for Trading'' To Limit Short Term Options Series Intervals Between Strikes).

[6] *See* Phlx, Nasdaq ISE, LLC (''ISE''), Nasdaq GEMX, LLC (''GEMX'') and Nasdaq MRX, LLC (''MRX'') Options 4, Section 5.

[7] Current Options 3, Section 26(c) refers to an amount ''less than or equal to a percentage.'' The phrase ''equal to'' is incorrect. Today, when the size associated with a bid or offer increases by an amount less [sic] than a percentage (never to exceed 20%) of the size associated with the previously disseminated bid or offer, NOM does not and will not disseminate the new bid or offer. This substantive change also adopts rule text identical to Phlx Options 3, Section 26.

[8] NOM's current rule is silent regarding the Exchange's ability to set the percentage on an issue-by-issue basis and post the percentage to its website. Today, Phlx and NOM both specify the percentage on the Exchange's website. Today, the Exchange has set the same percentage for all options listed on NOM.

[9] *See* Securities Exchange Act Release No. 90577 (December 7, 2020), 85 FR 80202 (December 11, 2020) (SR–NASDAQ–2020–079) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate Its Equity and General Rules From Its Current Rulebook Into Its New Rulebook Shell).

The Exchange proposes to update the erroneous citation. The proposed amendment is non-substantive.

Options 10, Sections 5, 6 and 9

In 2018, NOM's registration requirements [10] were updated to mirror changes made by FINRA to its qualification rules.[11] At that time, NOM Options 10, Sections 5, 6 and 9 should have been amended to update certain terminology to align with General 4 terminology.[12] At this time, the Exchange proposes to update the terminology within Options 10, Sections 5, 6 and 9 so that it is consistent with General 4 terminology. The proposed amendments are non-substantive. Specifically, with respect to Options 10, Section 5, Branch Offices, the manager must be registered as an Options Principal or General Securities Sales Supervisor in accordance with Nasdaq General 4, Section 1220(a)(8) [13] and Supplementary Material .04 of that rule.[14] The Exchange proposes to replace the qualification ''Registered Options and Security Futures Principal'' with ''Registered Options Principal or General Securities Sales Supervisor.'' With respect to Options 10, Section 6, Opening of Accounts and Options 10, Section 9, Discretionary Accounts, the Exchange proposes to replace the qualification ''Registered Options and Security Futures Principal'' with ''Registered Options Principal'' to align with the current terminology with General 4, Rule 1220.[15]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Section 6(b)(5) of the Act,[17] in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest.

Options 3, Section 26

The Exchange's proposal to amend Options 3, Section 26, Message Traffic Mitigation, to replace its current rule with a rule identical to Phlx Options 3, Section 26 is consistent with the Act. The proposal will harmonize NOM's Options 3, Section 26 with Phlx's Options 3, Section 26 without an impact to the way NOM mitigates message traffic today.

Removing current Options 3, Section 26(a), which describes how NOM would periodically delist options with an average daily volume of less than 100 contracts and determine the ADV for each series listed on NOM and monthly, delist the current series and not list the next series after expiration where the ADV is less than 100 contracts, is consistent with the Act. Options 3, Section 26(a) was intended to mitigate message traffic by requiring the Exchange to delist certain options. While, today, NOM does not delist options in accordance with Options 3, Section 26(a), NOM does delist options pursuant to Options 4, Section 5.[18] In addition, NOM recently filed to delist additional intervals across its weekly programs to further reduce message traffic.[19] The Exchange notes that other Nasdaq affiliated markets also delist according to similar rules.[20] The Exchange's process for delisting options pursuant to Options 4, Section 5 protects investors and the public interest because it accomplishes the same objectives as originally intended for delisting pursuant to subparagraph (a) and ensures mitigation of message traffic by delisting according to Options 4, Section 5.

Removing current NOM Options 3, Section 26(b), which describes how NOM will implement a replace on queue functionality whereby an outbound quote message that has not been sent, but is about to be sent, will not be sent if a more current quote message for the same series is available for sending is consistent with the Act. Options 3, Section 26(b) was intended to mitigate message traffic by implementing the replace on queue functionality to reduce the message traffic by disseminating only the most current quote in certain instances where a quote was recently updated. While the Exchange did not implement the replace on queue functionality, NOM has been mitigating quotations by delisting pursuant to Options 4, Section 5 and mitigating pursuant to Options 3, Section 26(c). The proposal would protect investors and the public interest because NOM's quote mitigation process would remain unchanged with this proposal. Also, NOM's quote mitigation process is consistent with Phlx's current process for mitigating quotes. The Exchange believes that despite not implementing the replace on queue functionality, it continues to mitigate quotes in a fair and equitable manner consistent with Phlx's process for mitigating quotes.

Amending current Options 3, Section 26(c), as described above, is consistent with the Act because Options 3, Section

[10] *See* Securities Exchange Act Release No. 84386 (October 9, 2018), 83 FR 51988 (October 9, 2018) (SR–NASDAQ–2018–078) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend, Reorganize and Enhance Its Membership, Registration and Qualification Rules).

[11] *See* Securities Exchange Act Release No. 81098 (July 7, 2017), 82 FR 32419 (July 13, 2017) (SR–FINRA–2017–007) (Order Approving Proposed Rule Change To Adopt Consolidated Registration Rules, Restructure the Representative-Level Qualification Examination Program, Allow Permissive Registration, Establish Exam Waiver Process for Persons Working for Financial Services Affiliate of Member, and Amend the Continuing Education Requirements).

[12] Specifically, in 2018, NOM amended then Chapter II, Section (2)(g) as Rule 1220(a)(8) (current General 4, Section 1220) to rename the registration category from ''Registered Options and Security Futures Principal'' to ''Registered Options Principal.'' Further, Rule 1220(b), Supplementary Material .02 was amended to provide that each person who is registered with the Exchange as a Registered Options Principal (or as a General Securities Representative, Options Representative, or General Securities Sales Supervisor) shall be eligible to engage in security futures activities as a principal, as applicable, provided that such individual completes a Firm Element program as set forth in proposed Rule 1240 that addresses security futures products before such person engages in security futures activities. All references to a revised examination that includes security futures products were removed and FINRA shortened references to ''Registered Options and Security Futures Principal'' in its rulebook to ''Registered Options Principal''. *See* Securities Exchange Act Release No. 58932 (November 12, 2008), 73 FR 69696 (November 19, 2008) (SR–FINRA–2008–032).

[13] General 4, Rule 1220(a)(8) provides, in part, ''Each member that is engaged in transactions in options with the public shall have at least one Registered Options Principal. In addition, each principal as defined in paragraph (a)(1) of this Rule who is responsible for supervising a member's options sales practices with the public shall be required to register with the Exchange as a Registered Options Principal, subject to the following exception. If a principal's options activities are limited solely to those activities that may be supervised by a General Securities Sales Supervisor, then such person may register as a General Securities Sales Supervisor pursuant to paragraph (a)(10) of this Rule in lieu of registering as a Registered Options Principal.''

[14] Supplementary Material .04 to General 4, Rule 1220 provides, in part, ''Any person required to be registered as a principal who supervises sales activities in corporate, municipal and option securities, investment company products, variable contracts, direct participation program securities and security futures may be registered solely as a General Securities Sales Supervisor. In addition to branch office managers, other persons such as regional and national sales managers may also be registered solely as General Securities Sales Supervisors as long as they supervise only sales activities.''

[15] The Exchange also proposes to renumber a paragraph within Options 10, Section 9(a) from ''2'' to ''3'' as there are currently two sections numbered as ''2.''

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] NOM currently delists options pursuant to Options 4, Section 5 at Supplementary Material .01(d), Supplementary Material .03(d), Supplementary Material .04(f), and Supplementary Material .07.

[19] *See* Securities Exchange Act Release No. 91931 (May 18, 2021), 86 FR 27929 (May 24, 2021) (SR–NASDAQ–2021–032) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 4, Section 5, ''Series of Options Contracts Open for Trading'' To Limit Short Term Options Series Intervals Between Strikes).

[20] *See* Phlx, Nasdaq ISE, LLC (''ISE''), Nasdaq GEMX, LLC (''GEMX'') and Nasdaq MRX, LLC (''MRX'') Options 4, Section 5.

26(c) was intended to mitigate message traffic by disseminating quotes only when the size associated with a bid or offer increases by an amount greater than or equal to a certain percentage established by the Exchange. While, today, the Exchange's System is not disseminating quotes as specified within Options 3, Section 26(c), it is disseminating quotes as specified in Phlx Options 3, Section 26. The Exchange's current practice is aligned with the original intent. Today, NOM mitigates quotes by disseminating them only when the size associated with a bid or offer increases by an amount greater than or equal to a certain percentage established by the Exchange. Because NOM is not amending its practice with respect to the dissemination of quotes, the Exchange notes that there would be no change in the number of quotes that will be disseminated by the Exchange and the proposed change aligns with the original intent of the rule.

NOM's proposal to amend its rule text identical to Phlx to permit it to determine the percentage by which it will disseminate an updated bid or offer price based on the size on an issue-by-issue basis is consistent with the Act. This proposal would provide NOM the same flexibility as Phlx to permit it to determine the way it will mitigate quotes among options. NOM's proposal to commence posting the percentage specified within proposed Options 3, Section 26(a)(3) on the Exchange's website will continue to provide transparency to Participants.

Finally, removing current Options 3, Section 26(d) which provides that all message traffic mitigation mechanisms which are used on NOM will be identical for the OPRA ''top of the book'' broadcast, is consistent with the Act. The Exchange will mitigate quotes pursuant to its rules for all quotes on the Exchange, including those that constitute the Exchange's best bid and offer. The text of Options 3, Section 26(d) is unnecessary as OPRA publishes messages disseminated by each options exchange in a similar fashion. Further, NOM Options 5, Section 1(17) describes the type of information disseminated by OPRA.

Today, and over the years, Phlx's number of listed underlyings exceeds the underlyings listed on NOM and, therefore, utilizing a message traffic protocol identical to Phlx Options 3, Section 26(c) would permit NOM to sufficiently mitigate quotes.

Options 3, Section 27

The Exchange's proposal to update a citation to Rule 4626 within Options 3, Section 27, Limitation of Liability, from Rule 4626 to Equity 2, Section 17 will bring greater clarity to the rule and is therefore consistent with the Act. The proposed amendment is non-substantive.

Options 10, Sections 5, 6, and 9

The Exchange's proposal to amend Options 10, Sections 5, 6, and 9 to amend the certain terminology in those rules to align with General 4 terminology is consistent with the Act. These non-substantive amendments will bring greater clarity to the current registration requirements.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Options 3, Section 26

The Exchange's proposal to amend Options 3, Section 26, Message Traffic Mitigation, to replace its current rule with a rule identical to Phlx Options 3, Section 26 does not create an undue burden on competition. Specifically, removing the rule text within Options 3, Section 26(a), (b) and (d) and amending the rule text within (c) aligns with NOM's current practice for mitigating message traffic. NOM's current practice will remain unchanged with this proposal. NOM would continue to utilize its current quote mitigation strategies without amending the quantity of messages disseminated.

Amending NOM's rule text identical to Phlx to permit it to determine the percentage by which it will disseminate an updated bid or offer price based on the size on an issue-by-issue basis does not impose an undue burden on competition, rather the amendment would provide NOM the same flexibility as Phlx to permit it to determine the way it will mitigate quotes among options. Posting the percentage specified within proposed Options 3, Section 26(a)(3) on the Exchange's website, does not impose an undue burden on competition, rather the proposal will continue to provide transparency to Participants.

Options 3, Section 27

The Exchange's proposal to update a citation to Rule 4626 within Options 3, Section 27, Limitation of Liability, from Rule 4626 to Equity 2, Section 17 does not impose an undue burden on competition. The proposal will bring greater clarity to the rule. This amendment is non-substantive.

Options 10, Sections 5, 6 and 9

The Exchange's proposal to amend Options 10, Sections 5, 6, and 9 to conform the terminology to General 4 terminology does not impose and undue burden on competition, rather it will bring greater clarity to the current registration requirements. These amendments are non-substantive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[21] and subparagraph (f)(6) of Rule 19b–4 thereunder.[22]

A proposed rule change filed under Rule 19b–4(f)(6)[23] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[24] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the operative delay to permit the Exchange to immediately amend Options 3, Section 26 to adopt a rule identical to Phlx's current rule, which would reflect NOM's current quote mitigation practice. According to the Exchange, current Options 3, Section 26 does not correctly explain the way NOM mitigates quote messages and the Exchange believes its proposal will provide clarity regarding how NOM currently mitigates quote messages.

Further, the Exchange believes that updating the citations and terminology within Options 3, Section 27 and

[21] 15 U.S.C. 78s(b)(3)(A)(iii).

[22] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[23] 17 CFR 240.19b–4(f)(6).

[24] 17 CFR 240.19b–4(f)(6)(iii).

Options 10, Sections 5, 6 and 9 will clarify its Rulebook.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to immediately implement changes to its Rulebook that are designed to reflect the Exchange's current practice with respect to quote mitigation. According to the Exchange, the proposal will not impact NOM's current quote mitigation practice and therefore will neither alter the quantity of quotes the Exchanges disseminates, nor the manner in which the Exchange disseminates quote messages. In addition, the Commission believes the proposed changes to Options 3, Section 27, and Options 10, Sections 5, 6, and 9 are designed to bring greater clarity to the Exchange's Rulebook. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[25]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2021–074 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–NASDAQ–2021–074. 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–NASDAQ–2021–074 and should be submitted on or before October 15, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–20655 Filed 9–23–21; 8:45 am]

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[25] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93070; File No. SR–NSCC–2021–011]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Partial Amendment No. 1 and Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Partial Amendment No. 1 To Remove ID Net Transactions From the Required Fund Deposit Calculations and Make Other Changes to the Rules

September 20, 2021.

I. Introduction

On July 27, 2021, National Securities Clearing Corporation (''NSCC'') 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] proposed rule change SR–NSCC–2021–011. On August 6, 2021, NSCC filed Amendment No.1 to the proposed rule change, to make clarifications and corrections to the proposed rule change.[3] The proposed rule change was published for public comment in the **Federal Register** on August 11, 2021,[4] and the Commission has received comments on the changes proposed therein.[5] For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

NSCC is proposing to revise the margin methodology set forth in its Rules & Procedures (''Rules'') [6] to remove institutional delivery (''ID'') transactions that are processed through the ID Net Service from the calculation of its members' required margin. The ID Net Service is a joint service of NSCC and Depository Trust Company (''DTC'') that allows subscribers to the service,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Partial Amendment No. 1 made clarification corrections to the description of the proposed rule change, namely the insertion of a legend noting the changes to the Rules have been approved but not yet implemented.

[4] Securities Exchange Act Release No. 92566 (August 5, 2021), 86 FR 44100 (August 11, 2021) (''Notice'').

[5] *See* Letter from NSCC, dated August 6, 2021, to Vanessa Countryman, Secretary, Commission, available at *https://www.sec.gov/comments/sr-nscc-2021-011/srnscc2021011-9122299-247146.pdf (providing notice of Amendment No. 1).* Two other comments letters were received that do not raise issues related to this proposed rule change.

[6] Capitalized terms not defined herein are defined in the Rules, *available at http://dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.*

which are generally executing brokers, to net, on the one side, affirmed eligible ID transactions that are processed through ITP Matching (US) LLC (''ITP'') and then held at DTC with, on the other side, broker-dealer transactions have been processed through NSCC's continuous net settlement (''CNS'') system.[7] The ID Net Service was designed to provide Members with the operational benefit of efficiency by allowing them to net their affirmed ID transactions with their CNS transactions.[8] Although ID transactions processed through the ID Net Service (''ID Net Transactions'') are netted with transactions that have been processed through NSCC's CNS system, these transactions are not subject to NSCC's trade guarantee, meaning in the event of a default, ID Net Transactions will not be completed by NSCC.[9]

NSCC is also proposing to amend the Rules to provide greater transparency regarding the status of the ID Net Service as a non-guaranteed service and how ID Net Transactions are handled following a member default. Finally, NSCC is proposing to make other changes to the Rules to implement these proposed changes.

A. Required Fund Deposit and Risk Management of ID Net Transactions

As part of its market risk management strategy, NSCC manages its credit exposure to Members by determining the appropriate Required Fund Deposits to the Clearing Fund and monitoring its sufficiency.[10] The Required Fund Deposit serves as each Member's margin. The objective of a Member's margin is to mitigate potential losses to NSCC associated with liquidating a Member's portfolio in the event NSCC ceases to act for that Member (hereinafter referred to as a ''default'').[11] The aggregate of all Members' Required Fund Deposits constitutes the Clearing Fund of NSCC. NSCC would access its Clearing Fund should a defaulting Member's own margin be insufficient to satisfy losses to NSCC caused by the liquidation of that Member's portfolio.[12]

Pursuant to the Rules, each Member's Required Fund Deposit amount consists of a number of applicable components, each of which is calculated to address specific risks faced by NSCC, and are described in Procedure XV of the Rules. Because ID Net Transactions are netted with CNS transactions, these transactions are currently included in the netted positions that are used to calculate certain components of Members' Required Fund Deposits. These components include (i) the volatility component, (ii) the mark-to-market component, which includes both (a) a Regular Mark-to-Market charge and (b) an ID Net Mark-to-Market charge, (iii) the Margin Requirement Differential component, and (iv) a margin liquidity adjustment charge (''MLA charge''). Each component is calculated by a different methodology as identified by NSCC in the Rules.[13]

B. Proposed Enhancement to NSCC's Margining Methodology

NSCC proposes to revise its margining methodology to remove ID Net Transactions from the calculation of Members' Required Fund Deposits. As noted above, NSCC does not guarantee the completion of these ID Net Transactions, and, in the event of a Member default, these transactions are excluded from NSCC's operations to be settled away from NSCC.[14]

Including ID Net Transactions in the margin calculations presents the risk that NSCC is either under-margining or over-margining the positions of Members that use the ID Net Service.[15] NSCC states that it could more accurately measure the risks it faces following a Member default by removing these non-guaranteed positions from its margining methodology.[16]

To implement this proposed rule change, NSCC proposes to remove ID Net Transactions from Members' Net Unsettled Positions for purposes of calculating the volatility charge and the MLA charge. NSCC also proposes to (1) eliminate the ID Net Mark-to-Market charge from the Required Fund Deposit, and (2) amend the Rules to make clear that ID Net Transactions are not included in the calculation of the Regular Mark-to-Market charge. NSCC does not propose any other changes to the calculation of margin charges and is not proposing any changes to the operation of the ID Net Service.

C. Proposed Changes To Clarify the Non-Guaranteed Status of ID Net Service

NSCC also proposes to amend the Rules to provide greater transparency and clarity into how ID Net Transactions are processed in the event of a Member default. Currently, the Rules describe the circumstances in which NSCC may remove a Member's status as an ID Net Subscriber, which include the circumstances that provide NSCC with the right to suspend, prohibit or limit a Member's access to NSCC's services.[17] Additionally, the Rules describe NSCC's ability to exit ID Net Transactions from its operations.[18] NSCC has stated that because the ID Net Service is not a guaranteed service, NSCC would rely on these Rules to exit ID Net Transactions from its operations in the event of a Member default.[19] Specifically, if NSCC ceased to act for a Member that is an ID Net Subscriber, that firm would no longer be eligible to use the service, NSCC would exit its ID Net Transactions from its operations, and those transactions would be settled on a trade-for-trade basis outside the ID Net Service.[20]

NSCC proposes to amend the Rules to expressly identify ID Net as a non-guaranteed service and to provide further clarity on how ID Net Transactions will be processed in the event of a Member default.

D. Other Proposed Changes to the NSCC Rules To Implement the Proposed Rule Change

NSCC proposes additional changes to the Rules in order to implement the

[7] DTC is a clearing agency and affiliate of NSCC that serves as a central securities depository providing settlement services for NSCC. ITP is a DTC affiliate that offers buy-side, sell-side and custodian firms an end-to-end straight-through-processing solution for trading activity, which is then settled at DTC.

[8] *See* Securities Exchange Act Release No. 57573 (March 27, 2008), 73 FR 18019, 18019 (April 2, 2008).

[9] *See* Procedure XVI (ID Net Service), *supra* note 6. As explained in the Notice, transactions processed through the ID Net Service have never been subject to NSCC's trade guarantee. *See Notice,* 86 FR at 44101.

[10] *See* generally Rule 4 (Clearing Fund) and Procedure XV (Clearing Fund Formula and Other Matters). NSCC states that its market risk management strategy is designed to comply with Rule 17Ad-22(e)(4) under the Act, where these risks are referred to as ''credit risks.'' 17 CFR 240.17Ad-22(e)(4). *See Notice,* 86 FR at 44102.

[11] The Rules identify when NSCC may cease to act for a Member and the types of actions NSCC may take. For example, NSCC may suspend a firm's membership with NSCC or prohibit or limit a Member's access to NSCC's services in the event that Member defaults on a financial or other obligation to NSCC. *See* Rule 46 (Restrictions on Access to Services), *supra* note 6.

[12] *See* Rule 4, section 4, *supra* note 6. *See also Notice,* 86 FR at 44101.

[13] *See generally* Procedure XV, *supra* note 6.

[14] *See* note 9 *supra* and accompanying text.

[15] *See Notice,* 86 FR at 44102. For example, if the inclusion of ID Net Transactions in a Member's Net Unsettled Positions results in a lower margin charge (as compared to the margin charge that would have been calculated for that Member if those ID Net Transactions were excluded from its Net Unsettled Positions), NSCC could be under-margining on that Net Unsettled Position.

[16] *See Notice,* 86 FR at 44102. NSCC states it does not expect the proposed change to have a material impact on the size of its Clearing Fund. *See id.*

[17] *See* Rule 65, Section 5, *supra* note 6.

[18] *See* Procedure XVI (ID Net Service), *supra* note 6.

[19] *See id.*

[20] *See id.*

proposed changes described above. These changes generally are minor modifications relating to relevant definitions and renumbering margin components.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [21] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization. After carefully considered the proposed rule change, the Commission finds that the proposed changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to NSCC. In particular, the Commission finds the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act,[22] and Rules 17Ad–22(e)(4)(i) and (e)(6)(i), each promulgated under the Act,[23] for the reasons described below.

A. Consistency With Section 17A(b)(3)(F)

Section 17A(b)(3)(F) of the Act [24] requires that the rules of NSCC be designed to, among other things, to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.

As described in Section II.B above, the proposed rule change would revise NSCC's margining methodology to remove ID Net Transactions from the calculation of Members' Required Fund Deposits. The Commission believes that this increased change in the determination of Members' Required Fund Deposits should allow both NSCC and Members to more effectively manage and understand the risks related to ID Net Transactions. Therefore, the Commission believes that the proposed rule change is designed to promote the prompt and accurate clearance and settlement of ID Net Transactions and assure the safeguarding of securities and funds which are in the custody or control of NSCC, consistent with Section 17A(b)(3)(F) of the Act.[25]

In addition, as described in Sections II.C and D above, the proposed rule change would amend the Rules to improve the transparency in describing ID Net Transactions as non-guaranteed and to provide clarity on how these transactions will be processed in the event of a Member default. The proposed rule would also make technical changes to implement the proposed changes described above. The Commission believes that by clearly stating the nature of ID Net Transactions, further clarifying the default procedure involving ID Net Transactions, and making technical changes to implement the changes, the proposed rule change should help ensure that the Rules are accurate and clear to Members, thus promoting prompt and accurate clearance and settlement.

B. Consistency With Rule 17Ad–22(e)(4)(i)

Rule 17Ad–22(e)(4)(i) under the Act [26] requires, in part, that NSCC establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing, and settlement processes, including by maintaining sufficient financial resources to cover its credit exposure to each participant fully with a high degree of confidence.

As described above, NSCC proposes to remove ID Net Transactions from the calculation of Required Fund Deposits of Members that are ID Net Subscribers because ID Net Transactions are not guaranteed transactions and NSCC would not incur losses from ID Net Transactions. The proposed rule change would enable NSCC to more accurately and effectively measure the risks presented by Members by calculating margin only on the positions that NSCC may be required to complete in the event of a Member default. Therefore, the Commission believes the proposed rule change would enhance NSCC's ability to effectively identify, measure, monitor and, through the collection of Required Fund Deposits, manage its credit exposures to Members by maintaining sufficient financial resources to cover its credit exposure fully with a high degree of confidence. As such, the Commission believes the proposed rule change is consistent with Rule 17Ad–22(e)(4)(i) under the Act.[27]

C. Consistency With Rule 17Ad–22(e)(6)(i)

Rule 17Ad–22(e)(6)(i) under the Act [28] requires, in part, that NSCC establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market.

A Member's margin (in the form of its Required Fund Deposit) is made up of risk-based components that are calculated and assessed daily to limit NSCC's credit exposures to its members. The Commission believes the proposed rule change, which would remove ID Net Transactions from the calculation of Members' margin, should enable NSCC to more effectively measure the risks presented by its Members' guaranteed positions and, therefore, determine a more precise level of margin commensurate with the risks and particular attributes of Members' portfolios. As stated above, Required Fund Deposits are designed to mitigate any potential losses to NSCC associated with liquidating a defaulting Member's portfolio in the event NSCC ceases to act for that Member. ID Net Transactions are not subject to NSCC's trade guarantee. Consequently, in the event of a Member default related to ID Net Transactions, NSCC is not required to complete such transactions, would not have any losses, and would not need to use Required Fund Deposits since there is no losses. As a result, the funds required to cover Members' transactions would not be impacted by the ID Net Service. Accordingly, the Commission believes that by removing non-guaranteed positions from the margin calculation, the proposed rule change would enable NSCC to collect margin more precisely tailored to the nature of the risk presented to NSCC.

As a result, the Commission believes the proposed rule change would enhance NSCC's ability to cover its credit exposures to its participants by establishing a risk-based margin system that, at a minimum, considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market. Therefore, the Commission believes the proposed change is consistent with Rule 17Ad–22(e)(6)(i) under the Act.[29]

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[21] *See id.* at 44103.

[22] 15 U.S.C. 78q–1(b)(3)(F).

[23] 17 CFR 240.17Ad–22(e)(4)(i), (e)(6)(i).

[24] 15 U.S.C. 78q–1(b)(3)(F).

[25] *Id.*

[26] 17 CFR 240.17Ad–22(e)(4)(i).

[27] *Id.*

[28] 17 CFR 24017Ad–22(e)(6)(i).

[29] *Id.*

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as modified by Partial Amendment No. 1, is consistent with the Exchange 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–NSCC–2021–011 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–NSCC–2021–011. 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 such filing also will be available for inspection and copying at the principal office of NSCC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–NSCC–2021–011 and should be submitted on or before October 15, 2021.

V. Accelerated Approval of the Proposed Rule Change, as Modified by Partial Amendment No. 1

The Commission finds good cause, pursuant to Section 19(b)(2) of the Exchange Act,[30] to approve the proposed rule change prior to the 30th day after the date of publication of Partial Amendment No.1 in the **Federal Register**. As discussed above, in Partial Amendment No. 1, NSCC updates its proposed rule text to include a legend to indicate a delayed implementation date, specifically that the rule change would be implemented no later than 10 Business Days after Commission approval of the proposed rule change. Partial Amendment No. 1 improves the efficiency of the filing process by obviating the need for NSCC to propose another change to its rules to resolve the omitted legend in the future, while not changing the purpose of or basis for the Proposed Rule Change.

For similar reasons as discussed above, the Commission finds that Partial Amendment No. 1 is consistent with the requirement that NSCC's rules be designed, in part, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible under Section 17A(b)(3)(F) of the Exchange Act.[31] Accordingly, the Commission finds good cause for approving the Proposed Rule Change, as modified by Partial Amendment No. 1, on an accelerated basis, pursuant to Section 19(b)(2) of the Exchange Act.[32]

VI. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule changes are consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act and the rules and regulations promulgated thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act [33] that the proposed rule change SR–NSCC–2021–011 be, and hereby is, *approved*.[34]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–20659 Filed 9–23–21; 8:45 am]

BILLING CODE 8011–01–P

[30] 15 U.S.C. 78s(b)(2).

[31] 15 U.S.C. 78q–1(b)(3)(F).

[32] 15 U.S.C. 78s(b)(2).

[33] *Id.*

[34] In approving the proposed rule change, the Commission considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, the Securities and Exchange Commission will hold an Open Meeting on Wednesday, September 29, 2021 at 10 a.m.

PLACE: The meeting will be webcast on the Commission's website at *www.sec.gov.*

STATUS: This meeting will begin at 10 a.m. (ET) and will be open to the public via webcast on the Commission's website at *www.sec.gov.*

MATTER TO BE CONSIDERED:

1. The Commission will consider whether to propose form amendments to enhance the information certain registered investment companies report about their proxy votes. The Commission will also consider proposing a new rule and form amendments to require institutional investment managers subject to section 13(f) of the Securities Exchange Act of 1934 to report proxy votes relating to executive compensation matters, as required by section 14A of the Exchange Act.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact Vanessa A. Countryman, Office of the Secretary, at (202) 551–5400.

Dated: September 22, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–20942 Filed 9–22–21; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93057; File No. SR–NYSEARCA–2021–68]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Adopt New Rule 6.91P–O

September 20, 2021.

On July 23, 2021, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''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 adopt new Exchange Rule 6.91P–O to reflect the implementation of the Exchange's Pillar trading technology on its options market and to make conforming amendments to Exchange Rule 6.47A–O. The proposed rule change was published for comment in the **Federal Register** on August 4, 2021.[3] The Commission has received no comment letters regarding the proposed rule change.

Section 19(b)(2) of the Act [4] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for the proposed rule change is September 24, 2021.

The Commission is extending the 45-day period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider and act on the Proposed Rule Change. Accordingly, pursuant to Section 19(b)(2) of the Act,[5] the Commission designates November 8, 2021, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change (File No. SR–NYSEARCA–2021–68).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–20656 Filed 9–23–21; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 92563 (August 4, 2021), 86 FR 43704 (August 10, 2021) (SR–NYSEARCA–2021–68) (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93066; File No. SR–NYSEArca–2021–52]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Withdrawal of a Proposed Rule Change To Amend the NYSE Arca Equities Fees and Charges

September 20, 2021.

I. Introduction

On June 14, 2021, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''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 (File No. SR–NYSEArca–2021–52) to amend the NYSE Arca Equities Fees and Charges (''Fee Schedule'').[3] The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.[4] The proposed rule change was published for comment in the **Federal Register** on July 6, 2021.[5] The Commission received no comment letters regarding the proposed rule change. On August 5, 2021, the Commission, pursuant to Section 19(b)(3)(C) of the Act,[6] temporarily suspended and instituted proceedings to determine whether to approve or disapprove the proposal.[7] On September 14, 2021, the Exchange withdrew the proposed rule change (SR–NYSEArca–2021–52).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–20657 Filed 9–23–21; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 92291 (June 29, 2021), 86 FR 35551 (July 6, 2021) (''Notice'').

[4] 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as ''establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization.'' 15 U.S.C. 78s(b)(3)(A)(ii).

[5] *See* Notice, *supra* note 3.

[6] 15 U.S.C. 78s(b)(3)(C).

[7] *See* Securities Exchange Act Release No. 92583 (August 5, 2021), 86 FR 44116 (August 11, 2021).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93067; File No. SR–BX–2021–041]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 3, Section 26, Message Traffic Mitigation

September 20, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 14, 2021, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend BX Rules at Options 2, Section 10, Directed Market Makers, Options 3, Section 26, Message Traffic Mitigation, and Options 3, Section 27 Limitation of Liability.

The Exchange also proposes to amend Options 10, Doing Business With The Public: Section 5, Branch Offices, Section 6, Opening of Accounts, and Section 9, Discretionary Accounts.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/bx/rules,* 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 Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Options 2, Section 10, Directed Market Makers, Options 3, Section 26, Message Traffic Mitigation, and Options 3, Section 27 Limitation of Liability. The Exchange also proposes to amend Options 10, Doing Business With The Public: Section 5, Branch Offices, Section 6, Opening of Accounts, and Section 9, Discretionary Accounts. Each change shall be described below.

Options 2, Section 10

The Exchange proposes to amend Options 2, Section 10, Directed Market Makers, to more explicitly describe, within subparagraph (a)(1) of that rule, the price at which a Directed Market Maker must be quoting at to execute against the Directed Order. Today, the rule provides, ''When the Exchange's disseminated price is the NBBO at the time of receipt of the Directed Order, and the Directed Market Maker is quoting at or improving the Exchange's disseminated price, the Directed Order shall be automatically executed and allocated in accordance with Options 3, Section 10 such that the Directed Market Maker shall receive a Directed Market Maker participation entitlement provided for therein.'' The Exchange proposes to more explicitly provide, ''When the Exchange's disseminated price is the NBBO at the time of receipt of the Directed Order, and the Directed Market Maker is quoting at the better of the internal BBO or the NBBO, the Directed Order shall be automatically executed and allocated in accordance with Options 3, Section 10 such that the Directed Market Maker shall receive a Directed Market Maker participation entitlement provided for therein.''

Pursuant to Options 3, Section 4(b)(6), ''A quote will not be executed at a price that trades through another market or displayed at a price that would lock or cross another market. If, at the time of entry, a quote would cause a locked or crossed market violation or would cause a trade-through violation, it will be re-priced to the current national best offer (for bids) or the current national best bid (for offers) and displayed at one minimum price variance above (for offers) or below (for bids) the national best price.'' The re-priced quote may be better than the NBBO, but non-displayed on BX.[3] Therefore, the Exchange proposes to make clear that ''quoting at the Exchange's best price'' means ''quoting at the better of the internal BBO or the NBBO.'' The Exchange believes this amendment will bring greater clarity to the Directed Market Maker rule.

Options 3, Section 26

The Exchange proposes to amend Options 3, Section 26, Message Traffic Mitigation, to replace its current rule with a rule identical to Nasdaq Phlx LLC (''Phlx'') Options 3, Section 26.

Currently, BX Options 3, Section 26 provides,

> For the purpose of message traffic mitigation, based on BX Options's traffic with respect to target traffic levels and in accordance with BX Options's overall objective of reducing both peak and overall traffic:
>
> (a) BX Options will periodically delist options with an average daily volume (''ADV'') of less than 100 contracts. BX will, on a monthly basis, determine the ADV for each series listed on BX Options and delist the current series and not list the next series after expiration where the ADV is less than 100 contracts. For options series traded solely on BX Options, BX will delay delisting until there is no open interest in that options series.
>
> (b) BX Options will implement a process by which an outbound quote message that has not been sent, but is about to be sent, will not be sent if a more current quote message for the same series is available for sending. This replace on queue functionality will be applied to all options series listed on the BX Options Market in real time and will not delay the sending of any messages.
>
> (c) When the size associated with a bid or offer increases by an amount less than or equal to a percentage (never to exceed 20%) of the size associated with the previously disseminated bid or offer, BX Options will not disseminate the new bid or offer.
>
> (d) All message traffic mitigation mechanisms which are used on BX Options will be identical for the OPRA ''top of the book'' broadcast.

With this proposal, the Exchange proposes to provide:

> (a) The Exchange shall disseminate an updated bid and offer price, together with the size associated with such bid and offer, when:
>
> (1) the Exchange's disseminated bid or offer price increases or decreases;
>
> (2) the size associated with the Exchange's disseminated bid or offer decreases; or
>
> (3) the size associated with the Exchange's bid (offer) increases by an amount greater than or equal to a percentage (never to exceed 20%) of the size associated with previously disseminated bid (offer). Such percentage, which shall never exceed 20%, will be determined by the Exchange on an issue-by-issue basis and posted on the Exchange's website.

Current BX Options 3, Section 26(a) describes how BX would periodically delist options with an average daily volume of less than 100 contracts. Further, pursuant to Options 3, Section 26(a), BX would determine the ADV for each series listed on BX and monthly, delist the current series, and not list the next series after expiration where the ADV is less than 100 contracts.[4] Options 3, Section 26(a) was intended to mitigate message traffic by requiring the Exchange to delist certain options. While, today, BX does not delist options in accordance with Options 3, Section 26(a), BX does delist options pursuant to Options 4, Section 5.[5] Specifically, BX periodically delists options across its various listing programs pursuant to Options 4, Section 5 at Supplementary Material .01(d), Supplementary Material .03(d), and Supplementary Material .04(f). In addition, BX recently filed to delist additional intervals across its weekly programs to further reduce message traffic.[6] The Exchange notes that other Nasdaq affiliated markets also delist according to similar listing rules.[7] The Exchange's process for delisting options pursuant to Options 4, Section 5 accomplishes the same objectives as originally intended for delisting pursuant to subparagraph (a). The current delisting process utilized by BX ensures mitigation of message traffic. At this time, the Exchange proposes to remove the rule text within Options 3, Section 26(a), as BX does not delist in that manner today, and, instead, BX proposes to continue to delist pursuant to Options 4, Section 5. BX's message traffic mitigation would not be impacted by the removal of Options 3, Section 26(a) because, today, BX is not delisting in that manner, rather it delists

[3] Because the Exchange re-prices its quotes to avoid locking or crossing an away market, it may be the case that the Exchange's non-displayed order book has a quote that is priced better than the NBBO. Therefore, the internal BBO would be the best price available on the Exchange at that time and would enable a Directed Market Maker's quote to be automatically executed and allocated in accordance with Options 3, Section 10.

[4] For options series traded solely on BX, the Exchange will delay delisting until there is no open interest in that options series. *See* BX Options 3, Section 26(a)

[5] BX currently delists options pursuant to Options 4, Section 5 at Supplementary Material .01(d), Supplementary Material .03(d), Supplementary Material .04(f), and Supplementary Material .07.

[6] *See* Securities Exchange Act Release No. 91125 (February 12, 2021), 86 FR 10375 (February 19, 2021) (SR–BX–2020–032) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1, To Amend Options 4, Section 5, To Limit Short Term Options Series Intervals Between Strikes That Are Available for Quoting and Trading on BX).

[7] *See* Phlx, Nasdaq ISE, LLC (''ISE''), Nasdaq GEMX, LLC (''GEMX'') and Nasdaq MRX, LLC (''MRX'') Options 4, Section 5.

according to Options 4, Section 5 and will continue to delist in that manner.

Current BX Options 3, Section 26(b) provides that BX will implement a replace on queue functionality whereby an outbound quote message that has not been sent, but is about to be sent, will not be sent if a more current quote message for the same series is available for sending. Further, the rule provides that this replace on queue functionality will be applied to all options series listed on BX in real time and will not delay the sending of any messages. Options 3, Section 26(b) was intended to mitigate message traffic by implementing the replace on queue functionality to reduce the message traffic by disseminating only the most current quote in certain instances where a quote was recently updated. The Exchange did not implement the replace on queue functionality, so it is unavailable and has never been utilized on BX. To date, BX has been mitigating quotations by delisting pursuant to Options 4, Section 5 and mitigating pursuant to Options 3, Section 26(c) as described below in greater detail. BX's quote mitigation process would remain unchanged with this proposal. Also, BX's quote mitigation process is consistent with Phlx's current process for mitigating quotes. The Exchange believes that despite not implementing the replace on queue functionality, it continues to mitigate quotes in a fair and equitable manner consistent with Phlx's process for mitigating quotes. At this time, the Exchange proposes to delete Options 3, Section 26(b). BX's message traffic mitigation would not be impacted by the removal of Options 3, Section 26(b) because, today, BX does not have the functionality described within Options 3, Section 26(b) and would not be changing its quote mitigation practice as a result of deleting the rule text.

Current Options 3, Section 26(c) provides that when the size associated with a bid or offer increases by an amount less than or equal to a percentage (never to exceed 20%) of the size associated with the previously disseminated bid or offer, BX will not disseminate the new bid or offer. Options 3, Section 26(c) was intended to mitigate message traffic by disseminating quotes only when the size associated with a bid or offer increases by an amount greater than or equal to a certain percentage established by the Exchange. Today, the Exchange's System is not disseminating quotes as specified within Options 3, Section 26(c), rather BX is disseminating quotes as specified in Phlx Options 3, Section 26.[8] The Exchange's current practice is aligned with the original intent. Today, BX mitigates quotes by disseminating them only when the size associated with a bid or offer increases by an amount greater than or equal to a certain percentage established by the Exchange. At this time, the Exchange proposes to update BX Options 3, Section 26 to reflect BX's current practice, which is identical to Phlx's practice, and adopt rule text identical to Phlx Options 3, Section 26. Because BX is not amending its practice with respect to the dissemination of quotes, the Exchange notes that there would be no change in the number of quotes that will be disseminated by the Exchange and the proposed change aligns with the original intent of the rule.

BX's rule also proposes to adopt rule text identical to Phlx to permit it to determine the percentage by which it will disseminate an updated bid or offer price based on the size on an issue-by-issue basis.[9] Phlx Options 3, Section 26(a)(3) permits it to determine the percentage in this matter. BX proposes to amend its rule to provide for the same flexibility as Phlx to permit it to determine the way it will mitigate quotes among options. Also, with this proposed change, BX would commence posting the percentage specified within proposed Options 3, Section 26(a)(3) on the Exchange's website. The Exchange believes that posting the percentage will provide transparency to Participants.

Finally, Options 3, Section 26(d) provides that all message traffic mitigation mechanisms which are used on BX will be identical for the OPRA ''top of the book'' broadcast. The text of Options 3, Section 26(d) is unnecessary as OPRA publishes messages disseminated by each options exchange in a similar fashion. Further, BX Options 5, Section 1(17) describes the type of information disseminated by OPRA.

Today, and over the years, Phlx's number of listed underlyings exceeds the underlyings listed on BX and, therefore, utilizing a message traffic protocol identical to Phlx Options 3, Section 26(c) would permit BX to sufficiently mitigate quotes.

Options 3, Section 27

The Exchange proposes to update a citation to Rule 4626 within Options 3, Section 27, Limitation of Liability. The Exchange relocated Rule 4626 to Equity 2, Section 17 in a prior rule change.[10] The Exchange proposes to update the erroneous citation. The proposed amendment is non-substantive.

Options 10, Sections 5, 6 and 9

In 2018, BX's registration requirements[11] were updated to mirror changes made by FINRA to its qualification rules.[12] At that time, BX Options 10, Sections 5, 6 and 9 should have been amended to update certain terminology to align with General 4 terminology.[13] At this time, the

[8] Current Options 3, Section 26(c) refers to an amount ''less than or equal to a percentage.'' The phrase ''equal to'' is incorrect. Today, when the size associated with a bid or offer increases by an amount less [sic] than a percentage (never to exceed 20%) of the size associated with the previously disseminated bid or offer, BX does not and will not disseminate the new bid or offer. This substantive change also adopts rule text identical to Phlx Options 3, Section 26.

[9] BX's current rule is silent regarding the Exchange's ability to set the percentage on an issue-by-issue basis and post the percentage to its website. Today, Phlx and BX both specify the percentage on the Exchange's website. Today, the Exchange has set the same percentage for all options listed on BX.

[10] *See* Securities Exchange Act Release No. 91830 (May 10, 2021), 86 FR 26567 (May 14, 2021) (SR–BX–2021–012) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Relocate Its Equity and General Rules From Its Current Rulebook Into Its New Rulebook Shell).

[11] *See* Securities Exchange Act No. 84353 (October 3, 2018), 83 FR 50999 (October 10, 2018) (SR–BX–2018–047) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend, Reorganize and Enhance Membership, Registration and Qualification Rules, and To Make Conforming Changes to Certain Other Rules).

[12] *See* Securities Exchange Act Release No. 81098 (July 7, 2017), 82 FR 32419 (July 13, 2017) (SR–FINRA–2017–007) (Order Approving Proposed Rule Change To Adopt Consolidated Registration Rules, Restructure the Representative-Level Qualification Examination Program, Allow Permissive Registration, Establish Exam Waiver Process for Persons Working for Financial Services Affiliate of Member, and Amend the Continuing Education Requirements).

[13] Specifically, in 2018, BX amended then Chapter II, Section (2)(g) as Rule 1220(a)(8) (current General 4, Section 1220) to rename the registration category from ''Registered Options and Security Futures Principal'' to ''Registered Options Principal.'' Further, Rule 1220(b), Supplementary Material .02 was amended to provide that each person who is registered with the Exchange as a Registered Options Principal (or as a General Securities Representative, Options Representative, or General Securities Sales Supervisor) shall be eligible to engage in security futures activities as a principal, as applicable, provided that such individual completes a Firm Element program as set forth in proposed Rule 1240 that addresses security futures products before such person engages in security futures activities. All references to a revised examination that includes security futures products were removed and FINRA shortened references to ''Registered Options and Security Futures Principal'' in its rulebook to ''Registered Options Principal''. *See* Securities Exchange Act Release No. 58932 (November 12, 2008), 73 FR 69696 (November 19, 2008) (SR–FINRA–2008–032).

Rule 1220(b), Supplementary Material .02 was amended to provide that each person who is registered with the Exchange as a Registered Options Principal (or as a General Securities Representative, Options Representative, or General Securities Sales Supervisor) shall be eligible to engage in security futures activities as a principal,

Continued

Exchange proposes to update the terminology within Options 10, Sections 5, 6 and 9 so that it is consistent with General 4 terminology. The proposed amendments are non-substantive. Specifically, with respect to Options 10, Section 5, Branch Offices, the manager must be registered as an Options Principal or General Securities Sales Supervisor in accordance with Nasdaq General 4, Section 1220(a)(8)[14] and Supplementary Material .04 of that rule.[15] The Exchange proposes to replace the qualification ''Registered Options and Security Futures Principal'' with ''Registered Options Principal or General Securities Sales Supervisor.'' With respect to Options 10, Section 6, Opening of Accounts, and Options 10, Section 9, Discretionary Accounts, the Exchange proposes to replace the qualification ''Registered Options and Security Futures Principal'' with ''Registered Options Principal'' to align with the current terminology with General 4, Rule 1220.[16]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[17] in general, and furthers the objectives of Section 6(b)(5) of the Act,[18] in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest.

Options 2, Section 10

The Exchange's proposal to amend Options 2, Section 10, Directed Market Makers, to more explicitly describe, within subparagraph (a)(1) of that rule, the price at which a Directed Market Maker must be quoting at to execute against the Directed Order is consistent with the Act. Pursuant to Options 3, Section 4(b)(6), ''A quote will not be executed at a price that trades through another market or displayed at a price that would lock or cross another market. If, at the time of entry, a quote would cause a locked or crossed market violation or would cause a trade-through violation, it will be re-priced to the current national best offer (for bids) or the current national best bid (for offers) and displayed at one minimum price variance above (for offers) or below (for bids) the national best price.'' The re-priced quote may be better than the NBBO but non-displayed on BX.[19] Making clear that ''quoting at the Exchange's best price'' means ''quoting at the better of the internal BBO or the NBBO'' will bring greater clarity to the Directed Market Maker rule.

Options 3, Section 26

The Exchange's proposal to amend Options 3, Section 26, Message Traffic Mitigation, to replace its current rule with a rule identical to Phlx Options 3, Section 26 is consistent with the Act. The proposal will harmonize BX's Options 3, Section 26 with Phlx's Options 3, Section 26 without an impact to the way BX mitigates message traffic today.

Removing current Options 3, Section 26(a), which describes how BX would periodically delist options with an average daily volume of less than 100 contracts and determine the ADV for each series listed on BX and monthly, delist the current series and not list the next series after expiration where the ADV is less than 100 contracts, is consistent with the Act. Options 3, Section 26(a) was intended to mitigate message traffic by requiring the Exchange to delist certain options. While, today, BX does not delist options in accordance with Options 3, Section 26(a), BX does delist options pursuant to Options 4, Section 5.[20] In addition, BX recently filed to delist additional intervals across its weekly programs to further reduce message traffic.[21] The Exchange notes that other Nasdaq affiliated markets also delist according to similar rules.[22] The Exchange's process for delisting options pursuant to Options 4, Section 5 protects investors and the public interest because it accomplishes the same objectives as originally intended for delisting pursuant to subparagraph (a) and ensures mitigation of message traffic by delisting according to Options 4, Section 5.

Removing current BX Options 3, Section 26(b), which describes how BX will implement a replace on queue functionality whereby an outbound quote message that has not been sent, but is about to be sent, will not be sent if a more current quote message for the same series is available for sending is consistent with the Act. Options 3, Section 26(b) was intended to mitigate message traffic by implementing the replace on queue functionality to reduce the message traffic by disseminating only the most current quote in certain instances where a quote was recently updated. While the Exchange did not implement the replace on queue functionality, BX has been mitigating quotations by delisting pursuant to Options 4, Section 5 and mitigating pursuant to Options 3, Section 26(c). The proposal would protect investors and the public interest because BX's quote mitigation process would remain unchanged with this proposal. Also, BX's quote mitigation process is consistent with Phlx's current process for mitigating quotes. The Exchange believes that despite not implementing the replace on queue functionality, it continues to mitigate quotes in a fair and equitable manner consistent with Phlx's process for mitigating quotes.

Amending current Options 3, Section 26(c), as described above, is consistent with the Act because Options 3, Section 26(c) was intended to mitigate message traffic by disseminating quotes only when the size associated with a bid or offer increases by an amount greater than or equal to a certain percentage established by the Exchange. While, today, the Exchange's System is not disseminating quotes as specified within Options 3, Section 26(c), it is

as applicable, provided that such individual completes a Firm Element program as set forth in proposed Rule 1240 that addresses security futures products before such person engages in security futures activities.

[14] General 4, Rule 1220(a)(8) provides, in part, ''Each member that is engaged in transactions in options with the public shall have at least one Registered Options Principal. In addition, each principal as defined in paragraph (a)(1) of this Rule who is responsible for supervising a member's options sales practices with the public shall be required to register with the Exchange as a Registered Options Principal, subject to the following exception. If a principal's options activities are limited solely to those activities that may be supervised by a General Securities Sales Supervisor, then such person may register as a General Securities Sales Supervisor pursuant to paragraph (a)(10) of this Rule in lieu of registering as a Registered Options Principal.''

[15] Supplementary Material .04 to General 4, Rule 1220 provides, in part, ''Any person required to be registered as a principal who supervises sales activities in corporate, municipal and option securities, investment company products, variable contracts, direct participation program securities and security futures may be registered solely as a General Securities Sales Supervisor. In addition to branch office managers, other persons such as regional and national sales managers may also be registered solely as General Securities Sales Supervisors as long as they supervise only sales activities.'' BX General 4 is incorporated by reference to Nasdaq General 4.

[16] The Exchange also proposes to renumber a paragraph within Options 10, Section 9(a) from ''2'' to ''3'' as there are currently two sections numbered as ''2.''

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] *See supra* note 3.

[20] BX currently delists options pursuant to Options 4, Section 5 at Supplementary Material .01(d), Supplementary Material .03(d), Supplementary Material .04(f), and Supplementary Material .07.

[21] *See* Securities Exchange Act Release No. 91125 (February 12, 2021), 86 FR 10375 (February 19, 2021) (SR–BX–2020–032) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1, To Amend Options 4, Section 5, To Limit Short Term Options Series Intervals Between Strikes That Are Available for Quoting and Trading on BX).

[22] *See* Phlx, Nasdaq ISE, LLC (''ISE''), Nasdaq GEMX, LLC (''GEMX'') and Nasdaq MRX, LLC (''MRX'') Options 4, Section 5.

disseminating quotes as specified in Phlx Options 3, Section 26. The Exchange's current practice is aligned with the original intent. Today, BX mitigates quotes by disseminating them only when the size associated with a bid or offer increases by an amount greater than or equal to a certain percentage established by the Exchange. Because BX is not amending its practice with respect to the dissemination of quotes, the Exchange notes that there would be no change in the number of quotes that will be disseminated by the Exchange and the proposed change aligns with the original intent of the rule.

BX's proposal to amend its rule text identical to Phlx to permit it to determine the percentage by which it will disseminate an updated bid or offer price based on the size on an issue-by-issue basis is consistent with the Act. This proposal would provide BX the same flexibility as Phlx to permit it to determine the way it will mitigate quotes among options. BX's proposal to commence posting the percentage specified within proposed Options 3, Section 26(a)(3) on the Exchange's website will continue to provide transparency to Participants.

Finally, removing current Options 3, Section 26(d) which provides that all message traffic mitigation mechanisms which are used on BX will be identical for the OPRA ''top of the book'' broadcast, is consistent with the Act. The Exchange will mitigate quotes pursuant to its rules for all quotes on the Exchange, including those that constitute the Exchange's best bid and offer. The text of Options 3, Section 26(d) is unnecessary as OPRA publishes messages disseminated by each options exchange in a similar fashion. Further, BX Options 5, Section 1(17) describes the type of information disseminated by OPRA.

Today, and over the years, Phlx's number of listed underlyings exceeds the underlyings listed on BX and, therefore, utilizing a message traffic protocol identical to Phlx Options 3, Section 26(c) would permit BX to sufficiently mitigate quotes.

Options 3, Section 27

The Exchange's proposal to update a citation to Rule 4626 within Options 3, Section 27, Limitation of Liability, from Rule 4626 to Equity 2, Section 17 will bring greater clarity to the rule and is therefore consistent with the Act. The proposed amendment is non-substantive.

Options 10, Sections 5, 6, and 9

The Exchange's proposal to amend Options 10, Sections 5, 6, and 9 to amend the certain terminology in those rules to align with General 4 terminology is consistent with the Act. These non-substantive amendments will bring greater clarity to the current registration requirements.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Options 2, Section 10

The Exchange's proposal to amend Options 2, Section 10, Directed Market Makers, to more explicitly describe, within subparagraph (a)(2) of that rule, the price at which a Directed Market Maker must be quoting at to execute against the Directed Order does not impose an undue burden on competition. Every Directed Market Maker must be quoting at the better of the internal BBO or the NBBO to execute against a Directed Order. This amendment will bring greater clarity to the Directed Market Maker rule.

Options 3, Section 26

The Exchange's proposal to amend Options 3, Section 26, Message Traffic Mitigation, to replace its current rule with a rule identical to Phlx Options 3, Section 26 does not create an undue burden on competition. Specifically, removing the rule text within Options 3, Section 26(a), (b) and (d) and amending the rule text within (c) aligns with BX's current practice for mitigating message traffic. BX's current practice will remain unchanged with this proposal. BX would continue to utilize its current quote mitigation strategies without amending the quantity of messages disseminated.

Amending BX's rule text identical to Phlx to permit it to determine the percentage by which it will disseminate an updated bid or offer price based on the size on an issue-by-issue basis does not impose an undue burden on competition, rather the amendment would provide BX the same flexibility as Phlx to permit it to determine the way it will mitigate quotes among options. Posting the percentage specified within proposed Options 3, Section 26(a)(3) on the Exchange's website, does not impose an undue burden on competition, rather the proposal will continue to provide transparency to Participants.

Options 3, Section 27

The Exchange's proposal to update a citation to Rule 4626 within Options 3, Section 27, Limitation of Liability, from Rule 4626 to Equity 2, Section 17 does not impose an undue burden on competition. The proposal will bring greater clarity to the rule. This amendment is non-substantive.

Options 10, Sections 5, 6 and 9

The Exchange's proposal to amend Options 10, Sections 5, 6, and 9 to conform the terminology to General 4 terminology does not impose and undue burden on competition, rather it will bring greater clarity to the current registration requirements. These amendments are non-substantive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[23] and subparagraph (f)(6) of Rule 19b–4 thereunder.[24]

A proposed rule change filed under Rule 19b–4(f)(6)[25] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[26] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the operative delay to permit the Exchange to immediately amend Options 3, Section 26 to adopt a rule identical to Phlx's current rule, which would reflect BX's current quote mitigation practice. According to the Exchange, current Options 3, Section 26 does not correctly explain the way BX mitigates quote messages and the Exchange believes its proposal will provide clarity regarding

[23] 15 U.S.C. 78s(b)(3)(A)(iii).

[24] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[25] 17 CFR 240.19b–4(f)(6).

[26] 17 CFR 240.19b–4(f)(6)(iii).

how BX currently mitigates quote messages.

Further, the Exchange believes that amending Options 2, Section 10 to better describe the price at which a Directed Market Maker must be quoting to execute against the Directed Order will bring greater transparency to the rule. Finally, the Exchange believes that updating the citations and terminology within Options 3, Section 27, and Options 10, Sections 5, 6 and 9 will clarify its Rulebook.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to immediately implement changes to its Rulebook that are designed to reflect the Exchange's current practice with respect to quote mitigation. According to the Exchange, the proposal will not impact BX's current quote mitigation practice and therefore will neither alter the quantity of quotes the Exchanges disseminates, nor the manner in which the Exchange disseminates quote messages. In addition, the Commission believes the proposed changes to Options 2, Section 10, Options 3, Section 27, and Options 10, Sections 5, 6, and 9 are designed to bring greater clarity to the Exchange's Rulebook. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[27]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BX–2021–041 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–BX–2021–041. 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–BX–2021–041 and should be submitted on or before October 15, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

J. Matthew DeLesDernier,

Assistant Secretary.

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[27] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93059; File No. SR–CBOE–2021–054]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Make Certain Corrections and Other Clarifying Changes to the Rules

September 20, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 16, 2021, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to make certain corrections and other clarifying changes to the Rules. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make non-substantive changes to its Cboe Exchange Rulebook (''Rulebook'') in order to correct certain errors and make certain clarifications throughout the Rules.

The proposed rule change corrects cross-reference errors in Rules 1.1, 5.5, 5.6, 5.50, 5.51, 5.80 and 5.91 that are currently inaccurate, as follows:

Rule location of current inaccurate cross-reference	Current cross-reference	Revised/accurate cross-reference
5.5 (System Access and Connectivity) paragraph (b)(2).	5.9	5.10.
5.6 (Order Types, Order Instructions, and Times-in-Force) paragraph (c) (definition of ''Compression or Position Compression Cross (''PCC'') Order'').	5.88	5.85.
5.50 (Market-Maker Appointments) paragraph (h)(1).	Paragraph (g)	Paragraph (h).
5.50 (Market-Maker Appointments) paragraphs (i), (i)(1), (i)(2) and (i)(3).	Paragraph (g) and paragraph (h)	Incorrect cross-references to paragraph (g) should be paragraph (h) and incorrect cross reference to paragraph (h) should be paragraph (i).
5.51 (Market-Maker Obligations) paragraph (c)	8.26	8.19.
5.80 (Admission to and Conduct on the Trading Floor) paragraph (c)(1)(C).	Chapter 3	Chapter 13.
5.91 (Floor Broker Responsibilities) paragraph (d)(2).	8.26	8.19.

The proposed rule change also corrects paragraph numbering and lettering in Rules 5.34 and 6.22. Current Rule 5.34(a)(4) jumps from subparagraph (C) to (E), Rule 5.34(c) jumps from subparagraph (10) to (12), and Rule 6.22 jumps from paragraph (c) to (e). The proposed rule change corrects these paragraph formatting errors by updating Rule 5.34(a)(4)(E) to (D), Rule 5.34(c)(12) to (11), and Rule 6.22(e) to (d).

The proposed rule change removes extraneous rule text from Rule 5.81(h). Specifically, the proposed rule change removes an extraneous ''or'' at the end of the first sentence in that paragraph. The proposed rule change also amends Rule 6.5 to remove the term Voluntary Professional Customer as the Exchange no longer recognizes the concept of Voluntary Professional Customers and no longer uses the term in its Rules.[5] Additionally, the proposed rule change replaces the term ''TPH Department'' with the term ''Exchange'' in Rules 3.7, 3.8, 3.10, 3.11, 3.13, 3.15, 3.50, 3.59, 3.60, and 3.61. In 2018, the Exchange renamed its ''TPH Department'' to be called ''Membership Services.'' The proposed rule change removes reference to a ''summary fine under Rule 13.15'' in Rule 6.1(a)(1), which governs late transaction reports, as a pattern and practice of late reporting without exceptional circumstances may no longer be subject to a summary fine under 13.15.[6] The proposed rule change seeks to use the term the ''Exchange'' as it does throughout the Rulebook when referring to actions taken by the Exchange or information that market participants needs to send to the Exchange. The Exchange prefers to use the term ''Exchange'' rather than reference a specific department to permit internal reorganization or changing of department names without the need for a rule filing. Pursuant to Rule 1.5, the Exchange will communicate to TPHs through notices, regulatory circulars, or other communication where to send information to the Exchange (including to which department such information should be directed).

The proposed rule change relocates Rule 8.43(j) to Rule 8.35(d). The Exchange previously restructured its Rulebook in connection with a 2019 technology migration. Prior to restructuring, the provision currently in Rule 8.43(j) (former Rule 24A.7(d)), which specifically governs FLEX reporting requirements, was a part of former Rule 24A.7, which governed FLEX position limits and general requirements, including reporting. Former Rule 24A.7 was relocated to current Rule 8.35.[7] Current Rule 8.43 (former Rule 4.13), instead, governs reports related to non-FLEX position limits. The provision in Rule 8.43(j) (former 24A.7(d)) was not previously included in the Rule governing reports related to non-FLEX position limits (current Rule 8.43/former Rule 4.13) nor did the Exchange intend for this provision to become a part of the Rule governing non-FLEX reports related to position limits (current Rule 8.43, former Rule 4.13). However, upon restructuring its Rulebook and relocating its Rules related to position and exercise limits, the Exchange inadvertently relocated the provision in regarding FLEX reporting requirements to Rule 8.43.[8] Therefore, the proposed rule change corrects this inadvertent relocation by moving the provision in Rule 8.43(j) back to Rule 8.35 (as Rule 8.35(d)), the appropriate location for FLEX reporting requirements.[9]

The proposed rule change also makes a non-substantive clarification in Rules 5.54, 5.55 and 5.56 in connection with Designated Primary Market-Makers (''DPMs''), Lead Market-Makers (''LMMs''), and Primary Market-Makers (''PMMs'') continuous quoting requirements, respectively. Specifically, the Exchange proposes to add clarity to these Rules by making the definition of continuous electronic quoting explicit in each. All Market Makers, including DPMs, PMMs, and LMMs, are required to provide continuous electronic quotes by submitting continuous bids and offers for 90% of the time during Regular Trading Hours. The definition

[5] *See* Securities Exchange Act Release No. 86173 (June 20, 2019), 84 FR 30267 (June 26, 2019) (SR–CBOE–2019–027).

[6] *See* Securities Exchange Act Release No. 92702 (August 18, 2021), 86 FR 47346 (August 24, 2021) (SR–CBOE–2021–045).

[7] *See* Securities Exchange Act Release No. 87261 (October 9, 2019), 84 FR 55351 (October 16, 2019) (SR–CBOE–2019–096).

[8] *See id.*

[9] In light of the proposed rule change to relocate Rule 8.43(j) to Rule 8.35(d), the proposed rule change also updates cross-references within this provision.

of continuous quoting requirements is explicit in Rule 5.52(d)(2), which provides for a 90% timing requirement for a Market-Maker's continuous electronic quotes.[10] The proposed rule change merely proposes to make the same requirement explicit, thus providing additional clarity in the Rules governing electronic quoting requirements for DPMs, LMMs and PMMs. This is the continuous electronic quoting requirement to which DPMs, LMM and PMMs are currently subject.

Finally, the proposed rule change also makes a non-substantive clarification in Rule 1.1 under the definition of Capacity. The definition of ''L'' Capacity code provides that it is for the account of a non-Trading Permit Holder affiliate. The Exchange notes that the ''L'' Capacity code is specifically defined in and for the purposes described in the Cboe Options Fees Schedule. Therefore, the proposed rule change adds language to the definition of ''L'' Capacity code to make this explicit, thereby providing additional clarity in the Rule.

(a) Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[11] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[12] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[13] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, will protect investors and the public interest by correcting errors and inaccuracies and clarifying text within the Rules. Specifically, by correcting inaccurate cross-references, errors in certain Rule text and in Rule numbering and lettering, updating a defined term, relocating an inadvertently moved Rule to its original and appropriate location and adding clarifying language regarding the timing requirement for continuous quoting requirements, which is the same for all Market-Makers,[14] in the Rules governing quoting requirements for DPMs, LMMs, PMMs, as well as clarifying language in regarding the application of the L Capacity code (*i.e.,* for purposes of the Fees Schedule), the proposed rule change is designed to protect investors by making the Rulebook more accurate and adding clarity to the Rules, thereby mitigating any potential investor confusion. The proposed rule change will have no impact on trading on the Exchange, as all the proposed rule changes are nonsubstantive in nature.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended as a competitive filing, but rather simply updates the Rules to correct certain errors and add clarity. The proposed rule change makes no substantive changes to the Rules, and thus will have no impact on trading on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[15] and Rule 19b–4(f)(6) thereunder.[16]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[17] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[18] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay. The Exchange notes that the proposed rule change will have no impact on trading on the Exchange, as it does not make any substantive changes to the Rules. Rather, the proposal corrects minor errors and makes non-substantive clarifications to mitigate any potential investor confusion. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed rule change is non-substantive in nature as it corrects outdated or incorrect cross references and paragraph numbering, relocates some text, and makes non-substantive clarifications to add clarity to avoid any potential for confusion. Therefore, the Commission hereby waives the operative delay and designates the proposal as operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and

[10] The Exchange notes that the 90% timing requirement for a Market-Maker applies while the Market-Maker is ''required to provide electronic quotes in an appointed option class on a given trading day'' as provided in Rule 5.52(d)(2), while the 90% timing requirement for a DPM, LMM and PMM applies ''during Regular Trading Hours'', as provided in Rules 5.54(a)(1), 5.55(a)(1), and 5.56(a), respectively.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *Id.*

[14] *See supra* note 6.

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–CBOE–2021–054 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–CBOE–2021–054. 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–CBOE–2021–054 and should be submitted on or before October 15, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–20654 Filed 9–23–21; 8:45 am]

BILLING CODE 8011–01–P

[20] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 11547]

Defense Trade Advisory Group; Notice of Open Meeting

The Defense Trade Advisory Group (DTAG) will meet in open session from 1:00 p.m. until 5:00 p.m. on Thursday, November 4, 2021. Based on federal and state guidance in response to the Covid-19 pandemic, the meeting will be held virtually. The virtual forum will open at 12:00 p.m. The membership of this advisory committee consists of private sector defense trade representatives, appointed by the Assistant Secretary of State for Political-Military Affairs, who advise the Department on policies, regulations, and technical issues affecting defense trade. The DTAG was established as an advisory committee under the authority of 22 U.S.C. 2651a and 2656 and the Federal Advisory Committee Act, 5 U.S.C. app. The purpose of the meeting will be to discuss current defense trade issues and topics for further study. The following agenda topics will be discussed and final reports presented: (1) Advise on best practices for conducting internal audits to evaluate ITAR compliance programs, and (2) provide sources for recordkeeping and reporting requirements for all licenses, agreements, and exemptions, as well as industry perceptions of the return on investment of said requirements, plus any recommendations for improvement.

The meeting will be held virtually via WebEx. There will be one WebEx invitation for each attendee, and only the invited attendee should use the invitation. Please let us know if you need any of the following accommodations: Live captions, digital/text versions of webinar materials, or other (please specify).

Members of the public may attend this virtual session and may submit questions by email following the formal DTAG presentation. Members of the public may also submit a brief statement (less than three pages) to the committee in writing for inclusion in the public minutes of the meeting. Each member of the public that wishes to attend this session must provide: Name and contact information, including an email address and phone number, and any request for reasonable accommodation to the DTAG Designated Federal Officer (DFO), Deputy Assistant Secretary Michael Miller, via email at *DTAG@state.gov* by COB Tuesday, November 2, 2021.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Eisenbeiss, PM/DDTC, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC 20522–0112; telephone (202) 663–2835 or email *DTAG@state.gov.*

Michael F. Miller,

Designated Federal Officer, Defense Trade Advisory Group, U.S. Department of State.

[FR Doc. 2021–20739 Filed 9–23–21; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice: 11540]

Imposition of Additional Sanctions on Russia Under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991; Correction

ACTION: Notice.

SUMMARY: The Department of State published a document in the **Federal Register** of September 7, 2021, concerning sanctions and waivers under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991. One of the sanctions measures included an incorrect citation to the U.S. Munitions Import List.

FOR FURTHER INFORMATION CONTACT: Pamela K. Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State, Telephone (202) 647–4930.

SUPPLEMENTARY INFORMATION:

Correction:

In the **Federal Register** of September 7, 2021, in FR Doc. 2021–19117 on page 50204, in the first column, amend the ''Import Restrictions'' paragraph to correct the U.S. Munitions Import List citation to read ''27 CFR 447.21'', as follows:

4. *Import Restrictions:* New or pending permit applications submitted to the Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for the permanent importation into the United States of firearms or ammunition, as defined on the U.S. Munitions Import List (27 CFR

447.21, Categories I and III), that are manufactured or located in the Russian Federation shall be denied in accordance with section 38 of the Arms Export Control Act (22 U.S.C. 2778) and Executive Order 13637. Consistent with authority delegated under Executive Order 12851, the Department of the Treasury has concurred with the imposition of this sanction and its implementation by ATF.

Choo S. Kang,

Acting Assistant Secretary, Bureau of International Security and Nonproliferation, Department of State.

[FR Doc. 2021–20645 Filed 9–23–21; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice: 11548]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Van Eyck to Mondrian: 300 Years of Collecting in Dresden'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the exhibition ''Van Eyck to Mondrian: 300 Years of Collecting in Dresden'' at The Morgan Library & Museum, New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000.

Matthew R. Lussenhop,

Acting Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2021–20732 Filed 9–23–21; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

30-Day Notice of Intent To Seek Extension of Approval of Collections: Rail Carrier Financial Reports

AGENCY: Surface Transportation Board.

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 Surface Transportation Board (Board) gives notice of its intent to request from the Office of Management and Budget (OMB) approval without change of the six existing collections described below. The Board previously published a notice about this collection in the **Federal Register** (June 28, 2021). That notice allowed for a 60-day public review and comment period. No comments were received.

DATES: Comments on these information collections should be submitted by October 25, 2021.

ADDRESSES: Written comments should be identified as ''Paperwork Reduction Act Comments, Surface Transportation Board: Rail Carrier Financial Reports.'' Written comments for the proposed information collection should be submitted via *www.reginfo.gov/public/do/PRAMain.* This information collection can be accessed by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. As an alternative, written comments may be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Michael J. McManus, Surface Transportation Board Desk Officer: Via email at *oira_submission@omb.eop.gov;* by fax at (202) 395–1743; or by mail to Room 10235, 725 17th Street NW, Washington, DC 20503.

Please also direct comments to Chris Oehrle, PRA Officer, Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001 and to *PRA@stb.gov.* For further information regarding this collection, contact Pedro Ramirez at (202) 245–0333 or *pedro.ramirez@stb.gov.* Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Comments are requested concerning each collection as to (1) whether the particular collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility; (2) the accuracy of the Board's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) 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, when appropriate. Submitted comments will be included or summarized in the Board's request for OMB approval.

Description of Collections

In this notice, the Board is requesting comments on the following information collections:

Description of Collection 1

Title: Quarterly Report of Revenues, Expenses, and Income—Railroads (Form RE&I).

OMB Control Number: 2140–0013.

Form Number: Form RE&I.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Seven.

Estimated Time per Response: Six hours.

Frequency of Response: Quarterly.

Total Annual Hour Burden: 168 hours annually.

Total Annual ''Non-Hour Burden'' Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: This collection is a report of railroad operating revenues, operating expenses and income items. It is also a profit and loss statement, disclosing net railway operating income on a quarterly and year-to-date basis for current and prior years. *See* 49 CFR 1243.1. The Board uses the information in this report to ensure competitive, efficient, and safe transportation through general oversight programs that monitor and forecast the financial and operating condition of railroads, and through regulation of railroad rate and service issues and rail restructuring proposals, including railroad mergers, consolidations, acquisitions of control, and abandonments. Information from these reports is used by the Board, other federal agencies, and industry groups to monitor and assess industry growth and operations, detect changes in carrier financial stability, and identify trends that may affect the national

transportation system. Some of the information from these reports is compiled by the Board in our quarterly Selected Earnings Data Report, which is published on the Board's website, *https://prod.stb.gov/reports-data/economic-data/.* The information contained in these reports is not available from any other source.

Description of Collection 2

Title: Quarterly Condensed Balance Sheet—Railroads (Form CBS).

OMB Control Number: 2140–0014.

Form Number: Form CBS.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Seven.

Estimated Time per Response: Six hours.

Frequency of Response: Quarterly.

Total Annual Hour Burden: 168 hours annually.

Total Annual ''Non-Hour Burden'' Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: This collection shows the balance, quarterly and cumulative, for the current and prior year of the carrier's assets and liabilities, gross capital expenditures, and revenue tons carried. *See* 49 CFR 1243.2. The Board uses the information in this report to ensure competitive, efficient, and safe transportation through general oversight programs that monitor and forecast the financial and operating condition of railroads, and through specific regulation of railroad rate and service issues and rail restructuring proposals, including railroad mergers, consolidations, acquisitions of control, and abandonments. Information from these reports is used by the Board, other federal agencies, and industry groups to assess industry growth and operations, detect changes in carrier financial stability, and identify trends that may affect the national transportation system. Revenue ton-miles, which are reported in these reports, are compiled and published by the Board in its quarterly Selected Earnings Data Report, which is published on the Board's website, *https://prod.stb.gov/reports-data/economic-data/.* The information contained in these reports is not available from any other source.

Description of Collection 3

Title: Report of Railroad Employees, Service and Compensation (Wage Forms A and B).

OMB Control Number: 2140–0004.

Form Number: Wage Form A; and Wage Form B.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Seven.

Estimated Time per Response: No more than 3 hours per quarterly report and 4 hours per annual summation.

Frequency of Response: Quarterly, with an annual summation.

Total Annual Hour Burden: No more than 112 hours annually.

Total Annual ''Non-Hour Burden'' Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: This collection shows the number of employees, service hours, and compensation, by employee group (*e.g.,* executive, professional, maintenance-of-way and equipment, and transportation), of the reporting railroads. *See* 49 CFR part 1245. The information is used by the Board to forecast labor costs and measure the efficiency of the reporting railroads. The information is also used by the Board to evaluate proposed regulated transactions that may impact rail employees, including mergers and consolidations, acquisitions of control, purchases, and abandonments. Other federal agencies and industry groups, including the Railroad Retirement Board (RRB), Bureau of Labor Statistics (BLS), and Association of American Railroads (AAR), use the information contained in the reports to monitor railroad operations. Certain information from these reports is compiled and published on the Board's website, *https://prod.stb.gov/reports-data/economic-data/.* The information contained in these reports is not available from any other source.

Description of Collection 4

Title: Monthly Report of Number of Employees of Class I Railroads (Wage Form C).

OMB Control Number: 2140–0007.

Form Number: STB Form C.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Seven.

Estimated Time per Response: 1.25 hours.

Frequency of Response: Monthly.

Total Annual Hour Burden: 105 hours annually.

Total Annual ''Non-Hour Burden'' Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: This collection shows, for each reporting carrier, the average number of employees at mid-month in the six job-classification groups that encompass all railroad employees. *See* 49 CFR part 1246. The information is used by the Board to forecast labor costs and measure the efficiency of the reporting railroads. The information is also used by the Board to evaluate the impact on rail employees of proposed regulated transactions, including mergers and consolidations, acquisitions of control, purchases, and abandonments. Other federal agencies and industry groups, including the RRB, BLS, and AAR, use the information contained in these reports to monitor railroad operations. Certain information from these reports is compiled and published on the Board's website, *https://prod.stb.gov/reports-data/economic-data/.* The information contained in these reports is not available from any other source.

Description of Collection 5

Title: Annual Report of Cars Loaded and Cars Terminated.

OMB Control Number: 2140–0011.

Form Number: Form STB–54.

Type of Review: Extension with change.

Respondents: Class I railroads.

Number of Respondents: Seven.

Estimated Time per Response: Four hours.

Frequency of Response: Annual.

Total Annual Hour Burden: 28 hours annually

Total Annual ''Non-Hour Burden'' Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: This collection reports the number of cars loaded and cars terminated on the reporting carrier's line. *See* 49 CFR part 1247. Information in this report is entered into the Board's Uniform Rail Costing System (URCS), which is a cost measurement methodology. URCS, which was developed by the Board pursuant to 49 U.S.C. 11161, is used as a tool in rail rate proceedings, in accordance with 49 U.S.C. 10707(d), to calculate the variable costs associated with providing a particular service. The Board also uses URCS to carry out more effectively other of its regulatory responsibilities, including: Acting on railroad requests for authority to engage in Board-regulated financial transactions such as mergers, acquisitions of control, and consolidations, *see* 49 U.S.C. 11323–11324; analyzing the information that the Board obtains through the annual railroad industry waybill sample, *see* 49 CFR part 1244; measuring off-branch costs in railroad abandonment proceedings, in accordance with 49 CFR 1152.32(n); developing the ''rail cost adjustment factors,'' in accordance with 49 U.S.C. 10708; and conducting investigations and rulemakings. This collection is compiled and published on the Board's website, *https://prod.stb.gov/reports-data/economic-*

data/. There is no other source for the information contained in this report.

Description of Collection 6

Title: Quarterly Report of Freight Commodity Statistics (Form QCS).

OMB Control Number: 2140–0001.

Form Number: Form QCS.

Type of Review: Extension without change.

Respondents: Class I railroads.

Number of Respondents: Seven.

Estimated Time per Response: One hour.

Frequency of Response: Quarterly, with an annual summation.

Total Annual Hour Burden: 35 hours annually.

Total Annual ''Non-Hour Burden'' Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: This collection, which is based on information contained in carload waybills used by railroads in the ordinary course of business, reports car loadings and total revenues by commodity code for each commodity that moved on the railroad during the reporting period. *See* 49 CFR part 1248. Information in this report is entered into the Board's URCS, the uses of which are explained under Collection Number 5. This collection is compiled and published on the Board's website, *https://prod.stb.gov/reports-data/economic-data/.* There is no other source for the information contained in this report.

Under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Section 3507(b) of the PRA requires, concurrent with an agency's submitting a collection to OMB for approval, a 30-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: September 21, 2021.

Raina S. White,

Clearance Clerk.

[FR Doc. 2021–20793 Filed 9–23–21; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2022–2089]

Petition for Exemption; Summary of Petition Received; Alitalia Societa Aerea Italiana

Correction

In notice document 2021–19543 beginning on page 50754 in the issue of Friday, September 10, 2021, make the following change:

On page 50755, in the first column, in the thirteenth line, ''September 10, 2021'' should read ''September 30, 2021''.

[FR Doc. C1–2021–19543 Filed 9–23–21; 8:45 am]

BILLING CODE 0099–10–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Release From Federal Surplus Property and Grant Assurance Obligations at Syracuse Hancock International Airport (SYR), Syracuse, New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport land.

SUMMARY: The FAA proposes to rule and invites public comment on the application for a release of approximately 101.37 acres of federally obligated airport property at Syracuse Hancock International Airport, Syracuse, New York, from conditions, reservations, and restrictions contained in Airport Improvement Program (AIP) grants and the Federal Surplus Property Quitclaim Deed, dated December 30, 1999. This acreage is composed of portions of two parcels. The first parcel consists of 16.96 acres that were acquired by the City of Syracuse though AIP Grant 3–36–0114–049–1997. The second parcel consists of 84.41 acres that were transferred from the United States of America to the City of Syracuse under the provisions of the Defense Base Closure and Realignment Act of 1990. The release will allow the airport to enter into a long-term non-aeronautical lease for light industrial warehousing. The proposed use of land after the release will be compatible with the airport and will not interfere with the airport or its operation.

DATES: Comments must be received on or before October 25, 2021.

FOR FURTHER INFORMATION CONTACT: Comments on this application may be submitted to Robert Costa, Federal Aviation Administration, New York Airports District Office via phone at (718) 995–5778 or at the email address *Robert.Costa@faa.gov.* Comments on this application may also be mailed or delivered to the FAA at the following address: Evelyn Martinez, Manager, Federal Aviation Administration, New York Airports District Office, **Federal Register** Comment, 1 Aviation Plaza, Jamaica, New York 11434.

SUPPLEMENTARY INFORMATION: In accordance with the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law 106–181 (Apr. 5, 2000; 114 Stat. 61), this notice must be published in the **Federal Register** 30 days before the Secretary may waive any condition imposed on a federally obligated airport by surplus property conveyance deeds or grant agreements. The following is a brief overview of the request.

The City of Syracuse requested a release from grant assurance and surplus property obligations to allow a land-use change in use for approximately 101.37 acres of airport property at Syracuse Hancock International Airport to enable the development of light industrial warehousing. Specifically, the release request seeks approval to allow for the permanent non-aeronautical use of the property, a long-term non-aeronautical lease to be entered into for the property; and the release of the 84.41 acres of property, transferred via the aforementioned Quitclaim Deed, from the National Emergency Use Provision (NEUP). The NEUP allows the United States of America the right to make use of the land during any national emergency as declared by the President or Congress. FAA approval of this request, with respect to the aforementioned 84.41 acres, is contingent on the Department of Defense's concurrence that the 84.41 acres is no longer required for aeronautical purposes.

The airport will retain ownership of the 101.37 acres and will receive fair market value rent for the length of the agreement. The rental income will be devoted to airport operations and capital projects. The proposed use of the property will not interfere with the airport or its operation; and will thereby, serve the interests of civil aviation.

Issued in Jamaica, New York, on September 20, 2021.

Evelyn Martinez,

Manager, New York Airports District Office.

[FR Doc. 2021–20638 Filed 9–23–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2010–0029]

National Railroad Passenger Corporation's Request To Amend Its Positive Train Control Safety Plan and Positive Train Control System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that the National Railroad Passenger Corporation (Amtrak) submitted a request for amendment (RFA) to its FRA-approved Positive Train Control Safety Plan (PTCSP) on August 5, 2021. As this RFA may involve a request for FRA's approval of proposed material modifications to an FRA-certified positive train control (PTC) system, FRA is publishing this notice and inviting public comment on the railroad's RFA to its PTCSP.

DATES: FRA will consider comments received by October 14, 2021. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES:

Comments: Comments may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA–2010–0029. For convenience, all active PTC dockets are hyperlinked on FRA's website at *https://railroads.dot.gov/train-control/ptc/ptc-annual-and-quarterly-reports*. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: *Gabe.Neal@dot.gov*.

SUPPLEMENTARY INFORMATION: In general, Title 49 United States Code (U.S.C.) section 20157(h) requires FRA to certify that a host railroad's PTC system complies with 49 CFR part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTCSP, a host railroad must submit, and obtain FRA's approval of, an RFA to its PTCSP under Title 49 Code of Federal Regulations (CFR) Section 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal and train control system. Accordingly, this notice informs the public that on August 5, 2021, Amtrak submitted an RFA to its PTCSP for its Advanced Civil Speed Enforcement System II (ACSES II) and that RFA is available in Docket No. FRA–2010–0029.

Interested parties are invited to comment on Amtrak's RFA to its PTCSP by submitting written comments or data. During FRA's review of Amtrak's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA to its PTCSP at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy*. See *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*. To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2021–20642 Filed 9–23–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2021–0091]

Petition for Waiver of Compliance

This document provides the public notice that on September 7, 2021, Wisconsin Central Ltd. (WCL) and Canadian National Railway Company (collectively referred to as CN) petitioned the Federal Railroad Administration (FRA) under 49 CFR 211.51 to temporarily suspend for testing purposes, certain provisions of the Federal railroad safety regulations contained at 49 CFR 232.205, *Class I brake test-initial terminal inspection*. Although CN filed its petition under § 211.51, FRA concluded that considering this request under the provisions of 49 CFR part 211, subpart C, *Waivers,* would be more appropriate. Accordingly, FRA assigned the petition Docket Number FRA–2021–0091.

Specifically, CN seeks relief from the requirements of § 232.205(c)(ii)(B) for testing purposes which would allow CN to operate trains with a combined air flow to the brake pipe above 90 cubic feet per minute (CFM) with no individual source of air having a flow greater than 60 CFM or 15 psi gradient. CN seeks a short duration of relief to physically test braking reaction and train performance, under conditions of higher air flow, specifically caused by the addition of air sources (air cars or locomotives) that yield a more even pressure throughout the brake pipe. CN seeks to perform the testing on the WCL Chicago to Winnipeg corridor and the CN Sprague Subdivision, from November 2021 to April 2022, to test under cold temperature conditions. CN has previously conducted similar testing through an exemption granted by Transport Canada between February and April 2020 and November 2020 and March 2021. CN reports that the program yielded positive results, demonstrating that when multiple air sources were used, trains operated at a healthy pressure level in cold weather, which resulted in cars applying an even level of braking effort and greater braking efficiency.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov*.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a

hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at *http://www.regulations.gov*. Follow the online instructions for submitting comments.

Communications received by November 8, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable. Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy*. See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–20644 Filed 9–23–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Numbers FRA–2010–0028, –0029, –0039, –0042, –0043, –0045, –0048, –0051, –0054, –0056, –0057, –0058, –0059, –0060, –0061, –0062, –0064, –0065, and –0070]

Railroads' Requests To Amend Their Positive Train Control Safety Plans and Positive Train Control Systems

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that nineteen host railroads recently submitted requests for amendments (RFA) to their FRA-approved Positive Train Control Safety Plans (PTCSP). As these RFAs may involve requests for FRA's approval of proposed material modifications to FRA-certified positive train control (PTC) systems, FRA is publishing this notice and inviting public comment on railroads' RFAs to their PTCSPs.

DATES: FRA will consider comments received by October 14, 2021. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to PTC systems.

ADDRESSES:

Comments: Comments may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket numbers for the host railroads that filed RFAs to their PTCSPs are cited above and in the Supplementary Information section of this notice. For convenience, all active PTC dockets are hyperlinked on FRA's website at *https://railroads.dot.gov/train-control/ptc/ptc-annual-and-quarterly-reports*. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: *Gabe.Neal@dot.gov*.

SUPPLEMENTARY INFORMATION: In general, Title 49 United States Code (U.S.C.) Section 20157(h) requires FRA to certify that a host railroad's PTC system complies with 49 CFR part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTCSP, a host railroad must submit, and obtain FRA's approval of, an RFA to its PTCSP under Title 49 Code of Federal Regulations (CFR) Section 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal and train control system. Accordingly, this notice informs the public that host railroads' recent RFAs to their PTCSPs are available in their respective public PTC dockets, and this notice provides an opportunity for public comment on these RFAs.

On September 10, 2021, the following 19 host railroads jointly submitted an RFA to their respective PTCSPs for their Interoperable Electronic Train Management Systems (I–ETMS): Alaska Railroad Corporation (ARR), The Belt Railway Company of Chicago (BRC), BNSF Railway (BNSF), Caltrain (PCMZ), Canadian National Railway (CN), Canadian Pacific Railway (CP), Consolidated Rail Corporation (CRSH), CSX Transportation, Inc. (CSX), Kansas City Terminal Railway (KCT), Kansas City Southern Railway (KCS), National Passenger Railroad Corporation (Amtrak), New Mexico Rail Runner Express (NMRX), Northeast Illinois Regional Commuter Railroad Corporation (Metra), Northern Indiana Commuter Transportation District (NICD), Norfolk Southern Railway (NS), South Florida Regional Transportation Authority (SFRV), Southern California Regional Rail Authority (Metrolink), Terminal Railroad Association of St. Louis, and Union Pacific Railroad (UP). Their joint RFA is available in Docket Numbers FRA–2010–0028, –0029, –0039, –0042, –0043, –0045, –0048, –0051, –0054, –0056, –0057, –0058, –0059, –0060, –0061, –0062, –0064, –0065, and –0070.

Interested parties are invited to comment on any RFAs to railroads' PTCSPs by submitting written comments or data. During FRA's review of railroads' RFAs, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to PTC systems. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny railroads' RFAs to their PTCSPs at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy*. See *https://www.regulations.gov/privacy-notice* for the privacy notice of regulations.gov. To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2021–20640 Filed 9–23–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2021–0012]

Request for Information on Transit Worker Safety

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

ACTION: Request for information.

SUMMARY: The Federal Transit Administration (FTA) administers the Public Transportation Safety Program (Safety Program) to improve the safety performance of the Nation's transit systems. FTA adopted the principles and methods of Safety Management Systems (SMS) as the foundation of the Safety Program. FTA uses SMS processes and activities to proactively identify and address safety risk at the industry level. Through this Request for Information (RFI), FTA solicits public input regarding safety topics that affect transit workers in two areas: Rail transit Roadway Worker Protection (RWP) and transit worker assault prevention. FTA will use this information to evaluate potential actions to mitigate the identified safety risk for transit workers.

DATES: Comments are requested by November 23, 2021.

ADDRESSES: You may file comments identified by docket number FTA–2021–0012 by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Ave. SE, between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Instructions: For detailed instructions on submitting comments, see the Public Participation heading of the **SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Privacy Act: Except as provided below, all comments received into the docket will be made public in their entirety. The comments will be searchable by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You should not include information in your comment that you do not want to be made public. You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or at *https://www.transportation.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ray Biggs, Office of Transit Safety and Oversight—Safety Assurance and Risk Management Division, 1200 New Jersey Avenue SE, Mail Stop TSO–10, Washington, DC 20590, (202) 366–4043 or *Ray.Biggs@dot.gov.*

SUPPLEMENTARY INFORMATION: In August 2016, FTA published the Public Transportation Safety Program regulation, 49 CFR part 670, adopting the principles and methods of SMS and clarifying that FTA will follow these principles and methods in its development of rules, regulations, policies, guidance, best practices, and technical assistance administered under the authority of 49 U.S.C. 5329.

FTA expanded its safety oversight capabilities by establishing an internal SMS approach for identifying transit safety hazards and mitigating safety risk. In 2019, FTA implemented its Safety Risk Management (SRM) process to proactively address safety concerns impacting the transit industry. The SRM process follows a five-step approach: (1) Identify safety concerns; (2) assess safety risk; (3) develop mitigation; (4) implement mitigation; and (5) monitor safety performance. As a result of the first two steps, FTA may develop and advance appropriate mitigations to address a safety risk, such as proposed safety regulations, general or special directives, safety advisories, or technical assistance and training activities.

FTA is currently analyzing two safety concerns utilizing its SRM process related to transit worker safety: RWP and transit worker assault prevention. FTA has observed that transit agencies have worked to improve transit worker safety in both safety concern areas through new technologies, increased training, and the establishment of new rules and procedures.

Rail Transit Roadway Worker Protection

An RWP program is a rail transit agency's (RTA) approach to ensuring worker safety during tasks conducted on or about the transit roadway, such as track inspections. These programs are designed to protect workers from the movement of trains, as well as other hazards on the roadway, like electrified third rail. Some programs include redundant protections, or protections beyond the workers' ability to detect a train.

FTA categorizes redundant protection into two main groups, physical and procedural. Physical redundant protections are technological or mechanical interventions that physically stop a train from striking a roadway worker, such as a derailer or shunt in the signal system. Procedural redundant protections are rules-based interventions that rely on worker training and compliance, such as the use of foul time to clear the track for workers.

The National Transportation Safety Board (NTSB) and Transit Advisory Committee for Safety (TRACS) recommended that FTA take action to address safety concerns associated with RWP. The NTSB included ''Improving Rail Worker Safety'' in its 2021–2022 Most Wanted List, which identified FTA's lack of RWP regulations, as well as concerns about a lack of redundant protections and deficiencies in agency RWP training programs. TRACS developed eight RWP recommendations in the final report submitted in September 2020, which included minimum safety rules and requirements, as well as research and best practices for RWP.

Transit Worker Assault Prevention

TRACS also recommended actions to address transit worker assault. FTA continues to explore options for potential FTA actions to address this concern. From 2010 to 2020, FTA has noted an average annual increase of 17 percent in the rate of all security events reported to the National Transit Database (NTD) per passenger boarding. There also has been an increase in the rate of assaults on transit operators, defined by the NTD as the personnel (other than security agents) scheduled to be aboard vehicles in revenue operations, including vehicle operators, conductors, and ticket collectors. Based on a review of NTD data, FTA also notes that other transit workers such as station managers, who do not meet the NTD definition of operators but are public-facing, also experience assaults in transit systems.

For the purposes of this RFI, in discussing transit worker assault, FTA will use definitions established in the NTD. The NTD defines assault as ''an

unlawful attack by one person upon another.''

Questions to the Public

FTA seeks to gather information to support the identification and evaluation of transit worker safety concerns. Respondents to this RFI may respond to any question and do not need to respond to all questions. This RFI offers labor unions, transit industry personnel, researchers, contractors, government entities, safety advocates, transit users, railway operators, and other interested parties the opportunity to inform FTA's potential action on these topics.

The following list of questions and topic areas are intended to guide respondents in this effort:

Rail Transit Roadway Worker Protection

(1) How often do RTA workers work on or about the roadway while passenger trains or other equipment moves are made?

(2) Which RTAs currently have an RWP program?

a. How are these programs implemented?

b. What types of training and certifications are required?

c. What costs are associated with various programs?

(3) What types of redundant protections (physical or procedural, as categorized by FTA) do RTAs use?

a. How do RTAs implement the requirements for redundant protections or what steps do RTAs take to determine what kinds of redundancies to implement?

i. Should physical redundant protections, such as shunts or derailers, be required when train or equipment moves are permitted?

ii. Should procedural redundant protections, such as foul time, be permitted in lieu of physical redundant protections?

(4) How should RWP effectiveness be reviewed and measured by an RTA or other safety stakeholder?

a. How does an RTA review and measure RWP effectiveness?

(5) What approaches to RWP have been most effective and least effective?

(6) If FTA pursues RWP program requirements, what minimum requirements should be included?

a. Should the same requirements apply to each rail transit mode, as defined by the NTD?

(7) What other types of FTA actions might be beneficial to support roadway worker safety?

(8) What information do RTAs collect on RWP that is not reportable to the NTD?

a. What internal thresholds do RTAs use for tracking roadway worker safety events other than those reportable to the NTD?

b. On average, how many additional roadway worker safety events occur per year that do not meet a current NTD reporting requirement?

c. What are or would be the costs associated with collecting and tracking these additional safety events?

(9) What technology is available to improve roadway worker safety?

a. How can FTA better support the development and implementation of these technologies?

Transit Worker Assault Prevention

(10) What types of interactions typically lead to transit worker assaults, including operator assaults?

a. What actions could address and limit these types of interactions?

b. What approaches could prevent transit worker assaults?

c. What differences, if any, are there in approaches to preventing transit worker assaults across different types of transit systems or modes?

(11) If FTA pursues requirements to address transit worker assaults, what minimum requirements should be included?

a. How should the requirements apply to different transit system types or modes?

(12) What other types of FTA actions might be beneficial to support transit worker assault prevention?

(13) What information is collected on transit worker assaults that is not reportable to the NTD?

a. What internal threshold do RTAs use for tracking transit worker assaults other than those reportable to the NTD?

b. On average, how many additional transit worker assaults occur per year that do not meet a current NTD reporting requirement?

i. How many of these additional transit worker assaults are operator assaults?

c. What are or would be the costs associated with tracking these additional assaults?

(14) What technology is available to address transit worker assaults, including operator assaults?

a. How can FTA better support the development and implementation of these technologies?

Please clearly indicate which question(s) you address in your response and any evidence to support assertions, where practicable.

Public Participation

How do I prepare and submit comments?

To ensure that your comments are filed correctly, please include the docket number provided in (FTA–2021–0012) in your comments.

Please submit one copy of your comments, including any attachments, to the docket following the instructions given above under **ADDRESSES**. Please note, if you are submitting comments electronically as a PDF (Adobe) file, these documents must be scanned using an Optical Character Recognition process, thus allowing the Agency to search and copy certain portions of submissions.

Will FTA consider late comments?

FTA will consider all comments received before the close of business on the comment closing date indicated above under **DATES**. To the extent practicable, the Agency may also consider comments received after that date.

How can comments submitted by other people be read?

Comments received may be read at the Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. The hours of the docket are indicated above in the same location. Comments may also be located on the internet, identified by the docket number at the heading of this notice, at *http://www.regulations.gov.*

Please note, this RFI will serve as a planning document. The RFI should not be construed as policy, a solicitation for applications, or an obligation on the part of the Government.

Nuria I. Fernandez,

Administrator.

[FR Doc. 2021–20744 Filed 9–23–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2019–0093]

Deepwater Port License Application: Texas GulfLink LLC

AGENCY: Maritime Administration, U.S. Department of Transportation.

ACTION: Notice of availability, Notice of virtual public meeting, Request for comments.

SUMMARY: The Maritime Administration (MARAD) and the U.S. Coast Guard

(USCG) announce the availability of the Draft Environmental Impact Statement (DEIS) for the Texas GulfLink LLC (GulfLink) deepwater port license application for the export of crude oil from the United States to nations abroad and the re-opening of the public comment period for the DEIS. The DEIS is being reissued to ensure the meaningful engagement of identified Spanish-speaking Limited English Proficient (LEP) persons in the environmental impact review process. Additionally, MARAD and USCG announce a virtual public meeting and virtual open house for the DEIS.

DATES: To ensure comments on the DEIS will be considered, materials submitted in response to this request for comments must be submitted to the *www.regulations.gov* website or the Federal Docket Management Facility as detailed in the **ADDRESSES** section below no later than 45 days after the Environmental Protection Agency (EPA) publishes its notice of availability of the Draft Environmental Impact Statement for GulfLink Deepwater Port License Application MARAD–2019–0093 in the **Federal Register**.

MARAD and USCG will hold one virtual public meeting in connection with the reissuance of the GulfLink DEIS. The public meeting will be held virtually on October 14, 2021, from 6:00 p.m. to 8:00 p.m. Central Time. The virtual public meeting may end later than the stated time, depending on the number of persons who wish to make a comment on the record.

Anyone that is interested in attending the virtual public meeting or speaking during the virtual public meeting must register. Registration information is provided in the Public Meeting and Open House and Registration sections of this Notice.

ADDRESSES: The virtual public meeting will be held remotely due to the nationwide impacts of the existing public health emergency under Section 319 of the Public Health Service Act in response to Coronavirus Disease 2019 (COVID–19). Further, the President's declaration of a national emergency due to the COVID–19 outbreak, and state and local actions in response to COVID–19, have impacted the public's ability to assemble and provide feedback on the GulfLink deepwater port license application through in-person public meetings.

The GulfLink deepwater port license application, comments, supporting information and the DEIS are available for viewing at the *Regulations.gov* website: *http://www.regulations.gov* under docket number MARAD–2019–0093. The Final EIS (FEIS), when published, will be announced and available at this site as well.

The public docket for the GulfLink deepwater port license application is maintained by the U.S. Department of Transportation, Docket Management Facility, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. Comments on the DEIS may be submitted to this address and must include the docket number for this project, which is MARAD–2019–0093. The Federal Docket Management Facility's telephone number is 202–366–9317 or 202–366–9826, the fax number is 202–493–2251. Comments are due to the Federal Docket Management Facility by 45 days after EPA publishes the notice of availability of the Draft Environmental Impact Statement for the GulfLink Deepwater Port License Application MARAD–2019–0093 in the **Federal Register**.

We encourage you to submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov.* If you submit your comments electronically, it is not necessary to also submit a hard copy by mail. If you cannot submit material using *http://www.regulations.gov,* please contact either Mr. Patrick W. Clark, USCG, or Dr. Linden Houston, MARAD, as listed in the following **FOR FURTHER INFORMATION CONTACT** section of this document below. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick W. Clark, Project Manager, USCG, telephone: 202–372–1358, email: *Patrick.W.Clark@uscg.mil;* or Dr. Linden Houston, Transportation Specialist, Office of Deepwater Port Licensing and Port Conveyance, MARAD, telephone: 202–366–4839, email: *Linden.Houston@dot.gov.*

SUPPLEMENTARY INFORMATION: A Notice of Application that summarized the GulfLink deepwater port license application was published in the **Federal Register** on June 26, 2019 (84 FR 30298–30300). A Notice of Intent to Prepare an Environmental Impact Statement (EIS) and Notice of Public Meetings was published in the **Federal Register** on July 3, 2019 (84 FR 32008–32010). A Notice of Availability; Notice of Virtual Public Meetings; Request for Comments for the GulfLink deepwater port license application was published in the **Federal Register** on November 27, 2020 (85 FR 76157–76159). This Notice of Availability incorporates the aforementioned **Federal Register** Notices by reference. The application describes a project that would include pipelines and a crude oil storage terminal located onshore in Brazoria County, Texas, and an offshore pipeline leading to a deepwater port located approximately 26.6 nautical miles off the coast of Brazoria County, Texas.

Publication of this notice announces a 45-day comment period, requests public participation in the environmental impact review process, provides information on how to participate in the environmental impact review process, and announces the informational open house and public meeting that will take place virtually.

This **Federal Register** Notice is being published to reissue the DEIS that was published in the **Federal Register** on November 27, 2020 (85 FR 76157–76158). Spanish language translation and interpretation services will be available during the virtual informational open house and public meeting, but it is requested that you advise MARAD and the USCG accordingly when registering to participate as noted in the Registration section of this Notice.

Request for Comments

We request public comments or other relevant information related to the DEIS for the proposed GulfLink deepwater port. These comments will inform our preparation of the FEIS. We encourage participation in the virtual public meeting; however, you may submit comments electronically, and it is preferred that comments be submitted electronically to the Federal Docket Management Facility website (*http://www.regulations.gov*). If you are unable to submit electronic comments, please contact either Mr. Patrick Clark, USCG, or Dr. Linden Houston, MARAD as listed in the **FOR FURTHER INFORMATION CONTACT** section. Regardless of the method you use to submit comments or material, all submissions will be posted, without change, to the Federal Docket Management Facility website (*http://www.regulations.gov*), and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy and Use Notice that is available on the *www.regulations.gov* website, and the Department of Transportation (DOT) Privacy Act Notice that appeared in the **Federal Register** on April 11, 2000 (65 FR 19477), see PRIVACY ACT. You may view docket submissions at the DOT Docket Management Facility or electronically at the *www.regulations.gov* website.

Virtual Public Meeting and Open House

You are invited to learn about the proposed GulfLink deepwater port at the virtual informational open house and to comment on the proposed action and the environmental impact analysis contained in the DEIS during the virtual public meeting.

The virtual informational open house website (*http://TexasGulfLinkDWP_EIS.consultation.ai*) will be available throughout the public comment period for the Final Environmental Impact Statement (FEIS), which will end 45 days after the FEIS Notice of Availability for the Gulflink Deepwater Port License Application is published in the **Federal Register**.

The website includes information about the project, including the DEIS, presented in a virtual open house format. The project docket, located online at *www.regulations.gov* (docket number MARAD–2019–0093) will be available for viewing during the DEIS public comment period as well as after the end of the DEIS public comment period.

The public meeting will be a virtual event hosted on the Zoom platform. The virtual public meeting will be recorded and transcribed for placement in the public docket for the GulfLink project. The Zoom program can be accessed online by visiting the Zoom website at *www.zoom.us.* Meeting details, such as the virtual room number and access code, will be provided after registration. See the Registration section of this Notice for details.

Registration

Interested parties must register to speak during the virtual public meeting as well as to attend the meeting. You may register at *http://TexasGulfLinkDWP_EIS.consultation.ai* or obtain help registering by contacting AECOM toll free at 833–588–1191.

Public meetings are intended to be accessible to all participants. Individuals who require special assistance such as sign language services, Spanish language interpreters or other reasonable accommodation, please indicate your special assistance need when registering either at *http://TexasGulfLinkDWP_EIS.consultation.ai* or toll free at 833–588–1191. Requests for special assistance must be made at least five business days in advance of the virtual public meeting. It is requested that you advise AECOM of any language needs (such as interpretation) when registering. Please include contact information as well as information about your specific needs. Those requiring special assistance such as sign language services, Spanish language interpreters, or other reasonable accommodations will need to attend the virtual meeting via a computer, tablet, telephone, or smart phone for these services to be accessible. Instructions for accessing the meeting will be sent to all registrants via email or will be provided by AECOM by registrants calling the toll-free number.

Meeting Procedure

Registered speakers will be recognized in the following order: elected officials, public agency representatives, then individuals or groups in the order in which they registered. In order to accommodate all speakers, speaker time may be limited, meeting hours may be extended, or both. Speakers' transcribed remarks will be included in the public docket. You may also submit written material for inclusion in the public docket. Written material must include the author's name. We ask attendees to respect the meeting procedures to ensure a constructive information-gathering session. The presiding officer will use his/her discretion to conduct the meeting in an orderly manner.

Background

On January 31, 2019, MARAD and USCG received a license application from GulfLink for all Federal authorizations required for a license to construct, own, and operate a deepwater port for the export of crude oil. The proposed deepwater port would be located in Federal waters approximately 26.6 nautical miles off the coast of Brazoria County, Texas. Texas was designated as the Adjacent Coastal State (ACS) for the GulfLink license application.

The Federal agencies involved held a public scoping meeting in connection with the GulfLink license application. The public scoping meeting was held in Lake Jackson, Texas on March 20, 2019. The transcript of the scoping meeting is included in the public docket located at *www.regulations.gov* under docket number MARAD–2019–0093.

MARAD and USCG issued a regulatory ''stop-clock'' letter to GulfLink for its application on May 31, 2019, which remained in effect until October 23, 2019, when MARAD, in consultation with the USCG, determined the agencies received sufficient information to continue the Federal review process. A second ''stop clock letter'' was issued to GulfLink on September 15, 2020 for additional information requests and remained in effect until November 30, 2020.

On December 16, 2020 and December 17, 2020, MARAD and USCG held virtual DEIS public meetings for the GulfLink deepwater port license application. During the December 16, 2020 public meeting, the public requested Spanish language assistance. MARAD and the USCG provided limited Spanish language translation at the December 17, 2020 meeting.

After thorough review and consultation with the USCG, MARAD found that the affected environmental justice communities and Limited English Proficient persons had not been provided sufficient and adequate opportunity to fully participate in the complete scope of the application and environmental review process for the GulfLink Deepwater Port License application. Therefore, MARAD and USCG are re-opening the public comment period for the DEIS for an additional 45 days and hosting this virtual public meeting to provide affected communities, including Limited English Proficient persons, further opportunity to review and comment on the DEIS. This **Federal Register** Notice reissues the DEIS that was published in the **Federal Register** on November 27, 2020 (85 FR 76157–76158).

The purpose of the DEIS is to analyze reasonable alternatives to, and the direct, indirect, and cumulative environmental impacts of, the proposed action. The DEIS is currently available for public review at the Federal docket website: *www.regulations.gov* under docket number MARAD–2019–0093.

Summary of the License Application

GulfLink is proposing to construct, own, and operate a deepwater port terminal in the Gulf of Mexico to export domestically produced crude oil. Use of the deepwater port would include the loading of various grades of crude oil at flow rates of up to 85,000 barrels per hour (bph). The GulfLink deepwater port would allow for up to two Very Large Crude Carriers (VLCCs) or other crude oil carriers to moor at single point mooring (SPM) buoys and connect with the deepwater port via floating connecting crude oil hoses. The maximum frequency of loading VLCCs or other crude oil carriers would be 1.1 million barrels per day, 365 days per year.

The overall project would consist of offshore and marine components as well as onshore components as described below.

The GulfLink deepwater port offshore and marine components would consist of the following:

• *An Offshore Platform:* One fixed offshore platform with piles in Outer Continental Shelf Galveston Area Lease Block GA–423, approximately 26.6 nautical miles off the coast of Brazoria County, Texas in a water depth of approximately 104 feet. The fixed offshore platform would have four decks comprising of personal living space, pipeline metering, a surge system, a pig receiving station, generators, lease automatic custody transfer unit, oil displacement prover loop, sample system, radar tower, electrical and instrumentation building, portal cranes, a hydraulic crane, an Operations/Traffic Room, and helicopter deck.

• One 42-inch outside diameter, 28.1-nautical-mile long crude oil pipeline would be constructed from the shoreline crossing in Brazoria County, Texas, to the GulfLink deepwater port for crude oil delivery. This pipeline would connect the proposed onshore Gulflink Jones Creek Terminal described below to the offshore GulfLink deepwater port.

• The fixed offshore platform is connected to VLCC tankers for loading by two separate 42-inch diameter departing pipelines. Each pipeline will depart the fixed offshore platform, carrying the crude oil to a Pipeline End Manifold (PLEM) in approximately 104 feet water depth located 1.25 nautical miles from the fixed offshore platform. Each PLEM is then connected through two 24-inch hoses to a Single Point Mooring (SPM) Buoy. Two 24-inch floating loading hoses will connect the SPM Buoy to the VLCC or other crude oil carrier. SPM Buoy 1 is in Outer Continental Shelf Galveston Area Lease Block GA–423 and SPM Buoy 2 is in Outer Continental Shelf Galveston Area Lease Block GA–A36.

The GulfLink deepwater port onshore storage and supply components would consist of the following:

• *An Onshore Storage Terminal:* The proposed Gulflink Jones Creek Terminal would be located in Brazoria County, Texas, on approximately 262 acres of land, consisting of eight above ground storage tanks, each with a working storage capacity of 708,168 barrels, for a total onshore storage capacity of approximately 6 million barrels. The facility can accommodate four additional tanks, bringing the total to twelve tanks or 8.0 million barrels of shell capacity.

• *The Gulflink Jones Creek Terminal also would include:* Six electric-driven mainline crude oil pumps; three electric driven booster crude oil pumps; one crude oil pipeline pig launcher; one crude oil pipeline pig receiver; two measurement skids for measuring incoming crude oil—one skid located on the Department of Energy's Bryan Mound facility, and one skid installed for the outgoing crude oil barrels leaving the tank storage to be loaded on the VLCC; and ancillary facilities to include an operations control center, electrical substation, offices, and warehouse building.

• Two onshore crude oil pipelines would be constructed onshore to support the GulfLink deepwater port and include the following items:

○ One proposed incoming 9.7 statute mile 36-inch outside diameter pipeline connected to a leased 40-inch ExxonMobil pipeline originating at the Department of Energy's Bryan Mound facility with connectivity to the Houston market.

○ One proposed outgoing 12.7 statute mile 42-inch outside diameter connection from the Gulflink Jones Creek Terminal to the shore crossing where this becomes the pipeline supplying the proposed offshore GulfLink deepwater port.

Additional information regarding the proposed Texas GulfLink Deepwater Port License Application can be found in the public docket located at *www.regulations.gov* under docket number MARAD–2019–0093.

Privacy Act

Regardless of the method used for submitting comments or materials, all submissions will be posted, without change, to *www.regulations.gov* and will include any personal information you provide. Therefore, submitting this information to the docket makes it public. You may wish to read the Privacy and Security Notice, as well as the User Notice, that is available on the *www.regulations.gov* website. The Privacy Act notice regarding the Federal Docket Management System is available in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

(Authority: 33 U.S.C. 1501 *et seq.,* 49 CFR 1.93(h)).

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–20284 Filed 9–23–21; 8:45 am]

BILLING CODE 4910–81–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 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 this person 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: Bradley T. Smith, Acting Director, tel.: 202–622–2490; 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 (*https://www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On September 21, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are blocked under the relevant sanctions authority listed below.

Entity

1. SUEX OTC, S.R.O. (a.k.a. ''SUCCESSFUL EXCHANGE''), Presnenskaya Embankment, 12, Federation East Tower, Floor 31, Suite Q, Moscow 123317, Russia; Skorepka 1058/8 Stare Mesto, Prague 110 00, Czech Republic (Latin: Skořepka 1058/8 Staré Město, Praha 110 00, Czech Republic); website suex.io; Digital Currency Address—XBT 12HQDsicffSBaY dJ6BhnE22sfjTESmmzKx; alt. Digital Currency Address—XBT 1L4ncif9hh9TnUveqWq77HfWWt6CJWtrnb; alt. Digital Currency Address—XBT 13mnk8SvDGqsQTHbiGiHBXqtaQCUKfcsnP; alt. Digital Currency Address—XBT 1Edue8XZCWNoDBNZ gnQkCCivDyr9GEo4x6; alt. Digital Currency Address—XBT 1ECeZBxCVJ8Wm2JSN 3Cyc6rge2gnvD3W5K; alt. Digital Currency Address—XBT 1J9oGoAiHeRfeMZeUn J9W7RpV55CdKtgYE; alt. Digital Currency Address—XBT 1295rkVyNfFpqZpXv KGhDqwhP1jZcNNDMV; alt. Digital Currency Address—XBT 1LiNmTUPSJEd92ZgVJjAV3RT9BzUjvUCkx; alt. Digital Currency Address—XBT 1LrxsRd7zNuxPJcL5rttnoeJFy1y4AffYY; alt.

Digital Currency Address—XBT 1KUUJPkyDhamZXgpsy XqNGc3x1QPXtdhgz; alt. Digital Currency Address—XBT 1CF46Rfbp97absrs7zb 7dFfZS6qBXUm9EP; alt. Digital Currency Address—XBT 1Df883c96LVauVsx9 FEgnsourD8DELwCUQ; alt. Digital Currency Address—XBT bc1qdt3gml5z5 n50y5hm04u2yjdphefkm0fl2zdj68; alt. Digital Currency Address—XBT 1B64QRxfaa 35MVkf7sDjuGUYAP5izQt7Qi; Digital Currency Address—ETH 0x2f389ce8bd8f f92de3402ffce4691d17fc4f6535; alt. Digital Currency Address—ETH 0x19aa5fe 80d33a56d56c78e82ea5e50e5d80b4dff; alt. Digital Currency Address—ETH 0xe7aa314c7 7f4233c18c6cc84384a9247c0cf367b; alt. Digital Currency Address—ETH 0x308ed4b7b49797e1a98d3818b ff6fe5385410370; Organization Established Date 25 Sep 2018; Digital Currency Address—USDT 0x2f389ce8bd8ff 92de3402ffce4691d17fc4f6535; alt. Digital Currency Address—USDT 0x19aa5fe80d 33a56d56c78e82ea5e50e5d80b4dff; alt. Digital Currency Address—USDT 1KUUJPky DhamZXgpsyXqNGc3x1QPXtdhgz; alt. Digital Currency Address—USDT 1CF46Rfbp97absrs7zb7dFfZS6qBXUm9EP; alt. Digital Currency Address—USDT 1LrxsRd7zNuxPJcL5rttnoeJFy1y4AffYY; alt. Digital Currency Address—USDT 1Df883c96LVauVsx9FEgnsourD8DELwCUQ; alt. Digital Currency Address—USDT 16iWn2J1McqjToYLHSsAyS6 En3QA8YQ91H; Company Number 07486049 (Czech Republic); Legal Entity Number 5299007NTWCC3U23WM81 (Czech Republic) [CYBER2].

Designated pursuant to section l(a)(iii)(B) of E.O. 13694, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, an activity described in section 1(a)(ii) of E.O. 13694, as amended.

Dated: September 21, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2021–20745 Filed 9–23–21; 8:45 am]

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Part II

Environmental Protection Agency

40 CFR Part 52

Partial Approval and Partial Disapproval of Air Quality Implementation Plans and Determination of Attainment by the Attainment Date; California; San Joaquin Valley Serious Area and Section 189(d) Plan for Attainment of the 1997 24-Hour $PM_{2.5}$ NAAQS; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2021–0261; FRL–8969–01–R9]

Partial Approval and Partial Disapproval of Air Quality Implementation Plans and Determination of Attainment by the Attainment Date; California; San Joaquin Valley Serious Area and Section 189(d) Plan for Attainment of the 1997 24-Hour $PM_{2.5}$ NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve in part and disapprove in part portions of a state implementation plan (SIP) revision submitted by the State of California to meet Clean Air Act (CAA or ''Act'') requirements for the 1997 24-hour fine particulate matter ($PM_{2.5}$) national ambient air quality standards (NAAQS) in the San Joaquin Valley nonattainment area. Specifically, the EPA is proposing to approve all but the contingency measure element of the submitted SIP revision as meeting all applicable Serious area and CAA section 189(d) requirements for the 1997 24-hour $PM_{2.5}$ NAAQS and is proposing disapproval of the contingency measure element. The EPA is also proposing to determine that the San Joaquin Valley air quality planning area has attained the 1997 24-hour $PM_{2.5}$ NAAQS. This determination is based on sufficient, quality-assured, and certified data for 2018–2020. Based on our proposed finding that the San Joaquin Valley nonattainment area has attained the 1997 24-hour $PM_{2.5}$ NAAQS, we are proposing to determine that the requirement for contingency measures will no longer apply to the San Joaquin Valley nonattainment area for these NAAQS. Thus, the EPA is proposing to issue a protective finding for transportation conformity determinations for this proposed disapproval.

DATES: Any comments on this proposal must be received by October 25, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2021–0261 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (*e.g.,* audio or video) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Ashley Graham, Air Planning Office (ARD–2), EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972–3877, or by email at *graham.ashleyr@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' or ''our'' refer to the EPA.

Table of Contents

I. Background for Proposed Action

A. $PM_{2.5}$ NAAQS

Under section 109 of the CAA, the EPA has established NAAQS for certain pervasive air pollutants (referred to as ''criteria pollutants'') and conducts periodic reviews of the NAAQS to determine whether they should be revised or whether new NAAQS should be established.

On July 18, 1997, the EPA revised the NAAQS for particulate matter by establishing new NAAQS for particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers ($PM_{2.5}$).[1] The EPA established primary and secondary annual and 24-hour standards for $PM_{2.5}$.[2] The annual primary and secondary standards were set at 15.0 micrograms per cubic meter ($\mu g/m^3$), based on a three-year average of annual mean $PM_{2.5}$ concentrations, and the 24-hour primary and secondary standards were set at 65 $\mu g/m^3$, based on the three-year average of the 98th percentile of 24-hour $PM_{2.5}$ concentrations at each monitoring site within an area.[3] Collectively, we refer herein to the 1997 24-hour and annual $PM_{2.5}$ NAAQS as the ''1997 $PM_{2.5}$ NAAQS'' or ''1997 $PM_{2.5}$ standards.''

On October 17, 2006, the EPA revised the level of the 24-hour $PM_{2.5}$ NAAQS to 35 $\mu g/m^3$,[4] and on January 15, 2013, the EPA revised the level of the primary annual $PM_{2.5}$ NAAQS to 12.0 $\mu g/m^3$.[5] Even though the EPA lowered the 24-hour and annual $PM_{2.5}$ NAAQS, the 1997 24-hour $PM_{2.5}$ NAAQS remain in effect and the 1997 primary annual $PM_{2.5}$ NAAQS remains in effect in areas designated nonattainment for that NAAQS.[6]

The EPA established the 1997 $PM_{2.5}$ NAAQS after considering substantial

[1] 62 FR 38652.

[2] For a given air pollutant, ''primary'' NAAQS are those determined by the EPA as requisite to protect the public health, allowing an adequate margin of safety, and ''secondary'' standards are those determined by the EPA as requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air. See CAA section 109(b).

[3] 40 CFR 50.7.

[4] 71 FR 61144.

[5] 78 FR 3086.

[6] 40 CFR 50.13(d).

evidence from numerous health studies demonstrating that serious health effects are associated with exposures to $PM_{2.5}$ concentrations above these levels. Epidemiological studies have shown statistically significant correlations between elevated $PM_{2.5}$ levels and premature mortality. Other important health effects associated with $PM_{2.5}$ exposure include aggravation of respiratory and cardiovascular disease (as indicated by increased hospital admissions, emergency room visits, absences from school or work, and restricted activity dates), changes in lung function and increased respiratory symptoms, and new evidence for more subtle indicators of cardiovascular health. Individuals particularly sensitive to $PM_{2.5}$ exposure include older adults, people with heart and lung disease, and children.[7]

Sources can emit $PM_{2.5}$ directly into the atmosphere as a solid or liquid particle (primary $PM_{2.5}$ or direct $PM_{2.5}$), or $PM_{2.5}$ can form in the atmosphere (secondary $PM_{2.5}$) as a result of various chemical reactions from precursor emissions of nitrogen oxides (NO_X), sulfur oxides (SO_X), volatile organic compounds, and ammonia.[8]

B. San Joaquin Valley $PM_{2.5}$ Designations, Classifications, and SIP Revisions

Following promulgation of a new or revised NAAQS, the EPA is required under CAA section 107(d) to designate areas throughout the nation as attaining or not attaining the NAAQS. Effective April 5, 2005, the EPA established the initial air quality designations for the 1997 24-hour and annual $PM_{2.5}$ NAAQS, using air quality monitoring data for the three-year periods of 2001–2003 and 2002–2004.[9] The EPA designated the San Joaquin Valley as nonattainment for both the 1997 24-hour $PM_{2.5}$ NAAQS (65 $\mu g/m^3$) and the 1997 annual $PM_{2.5}$ NAAQS (15.0 $\mu g/m^3$).[10]

The San Joaquin Valley $PM_{2.5}$ nonattainment area encompasses over 23,000 square miles and includes all or part of eight counties: San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, Kings, and the valley portion of Kern.[11] The area is home to four million people and is one of the nation's leading agricultural regions. Stretching over 250 miles from north to south and averaging 80 miles wide, it is partially enclosed by the Coast Mountain range to the west, the Tehachapi Mountains to the south, and the Sierra Nevada range to the east. Under State law, the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD or ''District'') has primary responsibility for developing plans to provide for attainment of the NAAQS in this area. The District works cooperatively with the California Air Resources Board (CARB) in preparing attainment plans. Authority for regulating sources under state jurisdiction in the San Joaquin Valley is split under State law between the District, which generally has responsibility for regulating stationary and area sources, and CARB, which generally has responsibility for regulating mobile sources.

At the time of the initial designations for the 1997 $PM_{2.5}$ NAAQS, the EPA interpreted the CAA to require implementation of the NAAQS under the general nonattainment plan requirements of subpart 1.[12] Under subpart 1, states were required to submit nonattainment plan SIP submissions within three years of the effective date of designations, that, among other things, provided for implementation of reasonably available control measures (RACM), reasonable further progress (RFP), contingency measures, and a modeled attainment demonstration showing attainment of the NAAQS as expeditiously as practicable but no later than five years from the designation (in this instance, no later than April 5, 2010) unless the state justified an attainment date extension of up to five years.[13]

Between 2007 and 2011, California submitted six SIP revisions to address nonattainment area planning requirements for the 1997 24-hour and annual $PM_{2.5}$ NAAQS in the San Joaquin Valley,[14] which we refer to collectively as the ''2008 $PM_{2.5}$ Plan.'' On November 9, 2011, the EPA approved the portions of the 2008 $PM_{2.5}$ Plan, as revised in 2009 and 2011, that addressed attainment of the 1997 24-hour and annual $PM_{2.5}$ NAAQS in the San Joaquin Valley $PM_{2.5}$ nonattainment area, except for the attainment contingency measures, which we disapproved.[15] We also granted the State's request to extend the attainment deadline for the 1997 $PM_{2.5}$ NAAQS in the San Joaquin Valley to April 5, 2015.[16]

Following a January 4, 2013 decision of the U.S. Court of Appeals for the D.C. Circuit (''D.C. Circuit'') remanding the EPA's 2007 implementation rule for the 1997 $PM_{2.5}$ NAAQS,[17] the EPA published a final rule on June 2, 2014, classifying the San Joaquin Valley as a Moderate nonattainment area for the 1997 24-hour and annual $PM_{2.5}$ NAAQS under subpart 4, part D of title I of the Act.[18] In this action, the EPA acknowledged that states must meet both subpart 1 and subpart 4 requirements in nonattainment plan SIP submissions for the 1997 24-hour and annual $PM_{2.5}$ NAAQS and provided states with additional time to supplement or withdraw and resubmit any pending nonattainment plan SIP submissions.

Effective May 7, 2015, the EPA reclassified the San Joaquin Valley as a Serious nonattainment area for the 1997 $PM_{2.5}$ NAAQS based on the determination that the State could not practicably attain these NAAQS in the San Joaquin Valley nonattainment area by the latest statutory Moderate area attainment date, *i.e.,* April 5, 2015.[19] Upon reclassification as a Serious area, the State became subject to the requirement of CAA section 188(c)(2) to attain the 1997 $PM_{2.5}$ NAAQS, as expeditiously as practicable but no later than ten years after designation, *i.e.,* by no later than December 31, 2015. California submitted its 1997 $PM_{2.5}$ Serious area plan for the San Joaquin Valley in two submissions dated June 25, 2015 and August 13, 2015, including a request under section 188(e) to extend the attainment date for the 1997 24-hour $PM_{2.5}$ NAAQS by three years (to December 31, 2018) and to extend the attainment date for the 1997 annual $PM_{2.5}$ NAAQS by five years (to December 31, 2020). On February 9, 2016, the EPA proposed to approve most of the Serious area plan and to

[7] EPA, Air Quality Criteria for Particulate Matter, No. EPA/600/P–99/002aF and EPA/600/P–99/002bF, October 2004.

[8] For example, see 72 FR 20586, 20589 (April 25, 2007).

[9] 70 FR 944 (January 5, 2005).

[10] 40 CFR 81.305.

[11] For a precise description of the geographic boundaries of the San Joaquin Valley nonattainment area, see 40 CFR 81.305.

[12] 72 FR 20586.

[13] CAA sections 172(a)(2), 172(c)(1), 172(c)(2), and 172(c)(9).

[14] 76 FR 69896, n. 2 (November 9, 2011).

[15] Id. at 69924.

[16] Id.

[17] *Natural Resources Defense Council* v. *EPA,* 706 F.3d. 428 (D.C. Cir. 2013) (''*NRDC*''). In *NRDC,* the court held that the EPA erred in implementing the 1997 $PM_{2.5}$ standards solely pursuant to the general implementation requirements of subpart 1, without also considering the requirements specific to nonattainment areas for particles less than or equal to 10 μm in diameter (PM_{10}) in subpart 4, part D of title I of the CAA. The court reasoned that the plain meaning of the CAA requires implementation of the 1997 $PM_{2.5}$ standards under subpart 4 because $PM_{2.5}$ falls within the statutory definition of PM_{10} and is thus subject to the same statutory requirements as PM_{10}. The court remanded the rule, without vacatur, and instructed the EPA ''to repromulgate these rules pursuant to Subpart 4 consistent with this opinion.''

[18] 79 FR 31566.

[19] 80 FR 18528 (April 7, 2015).

grant the State's request for extensions of the December 31, 2015 attainment date.[20] However, on October 6, 2016, after considering public comments, the EPA denied California's request for these extensions of the attainment dates.[21] Consequently, on November 23, 2016, the EPA determined that the San Joaquin Valley had failed to attain the 1997 24-hour and annual $PM_{2.5}$ NAAQS by the December 31, 2015 Serious area attainment date.[22] This determination triggered a requirement for California to submit a new SIP submission for the 1997 24-hour and annual $PM_{2.5}$ NAAQS for the San Joaquin Valley that satisfies the requirements of CAA section 189(d). The statutory deadline for this additional SIP submission was December 31, 2016. The EPA did not finalize the actions proposed on February 9, 2016, with respect to the submitted Serious area plan.[23]

On December 6, 2018, the EPA determined that California had failed to submit a complete section 189(d) attainment plan for the 1997 24-hour and annual $PM_{2.5}$ NAAQS, among other required SIP submissions for the San Joaquin Valley, by the statutory deadlines.[24] This finding, which became effective on January 7, 2019, triggered clocks under CAA section 179(a) for the application of emissions offset sanctions 18 months after the finding, and highway funding sanctions 6 months thereafter, unless the EPA affirmatively determined that the State has made a complete SIP submission addressing the identified failure to submit deficiencies.[25] The finding also triggered the obligation under CAA section 110(c) for the EPA to promulgate a federal implementation plan no later than two years after the finding, unless the State has submitted, and the EPA has approved, the required SIP submission.[26]

On May 10, 2019, CARB made SIP submissions intended to address the Serious area nonattainment plan and CAA section 189(d) requirements for the 1997 24-hour and annual $PM_{2.5}$ NAAQS, among other requirements for the 2006 and 2012 $PM_{2.5}$ NAAQS.[27] CARB clarified in its May 10, 2019 letter that these new SIP submissions superseded past submissions to the EPA that the agency had not yet acted on for the 1997 $PM_{2.5}$ NAAQS, including the 2015 Serious area attainment plan submissions. On June 24, 2020, the EPA issued a letter finding these submissions complete and terminating the sanctions clocks under CAA section 179(a).[28] The portions of these SIP submissions that pertain to the 1997 24-hour $PM_{2.5}$ NAAQS are the subject of this proposal.

II. Summary and Completeness Review of the San Joaquin Valley $PM_{2.5}$ Plan

The EPA is proposing action on portions of two SIP submissions made by CARB to address nonattainment plan requirements for the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley. Specifically, the EPA is proposing to act on those portions of the following two SIP submissions that pertain to the 1997 24-hour $PM_{2.5}$ NAAQS: (i) The ''2018 Plan for the 1997, 2006, and 2012 $PM_{2.5}$ Standards,'' adopted by the SJVUAPCD on November 15, 2018, and by CARB on January 24, 2019 (''2018 $PM_{2.5}$ Plan''); [29] and (ii) the ''San Joaquin Valley Supplement to the 2016 State Strategy for the State Implementation Plan,'' adopted by CARB on October 25, 2018 (''Valley State SIP Strategy''). CARB submitted the 2018 $PM_{2.5}$ Plan and Valley State SIP Strategy to the EPA as a revision to the California SIP on May 10, 2019.[30] We refer to these two SIP submissions collectively as the ''SJV $PM_{2.5}$ Plan'' or ''Plan.''

The SJV $PM_{2.5}$ Plan addresses the Serious area nonattainment plan and CAA section 189(d) requirements for the 1997 24-hour and annual $PM_{2.5}$ NAAQS in the San Joaquin Valley, including the State's demonstration that the area would attain the 1997 24-hour $PM_{2.5}$ NAAQS by December 31, 2020. In this proposal, the EPA is proposing action only on those portions of the SJV $PM_{2.5}$ Plan that pertain to the 1997 24-hour $PM_{2.5}$ NAAQS. The EPA is acting on the portions of the SJV $PM_{2.5}$ Plan that pertain to the 1997 annual $PM_{2.5}$ NAAQS and subsequent $PM_{2.5}$ NAAQS in separate rulemakings.

CAA sections 110(a)(1) and (2) and 110(l) require each state to provide reasonable public notice and opportunity for public hearing prior to the adoption and submission of a SIP or SIP revision to the EPA. To meet this requirement, every SIP submission must include evidence that the state provided adequate public notice and an opportunity for a public hearing consistent with the EPA's implementing regulations in 40 CFR 51.102.

CAA section 110(k)(1)(B) requires the EPA to determine whether a SIP submission is complete within 60 days of receipt. This section also provides that any plan that the EPA has not affirmatively determined to be complete or incomplete will become complete by operation of law six months after the date of submission. The EPA's SIP completeness criteria are found in 40 CFR part 51, Appendix V.

A. 2018 $PM_{2.5}$ Plan

The following portions of the 2018 $PM_{2.5}$ Plan and related support documents address both the Serious area nonattainment plan requirements in CAA section 189(b) and the CAA section 189(d) requirements for the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley: (i) Chapter 4 (''Attainment Strategy for $PM_{2.5}$''); (ii) Chapter 5 (''Demonstration of Federal Requirements for 1997 $PM_{2.5}$ Standards''); [31] (iii) numerous appendices to the 2018 $PM_{2.5}$ Plan; (iv)

[20] 81 FR 6936. California's request for extension of the Serious Area attainment date for the San Joaquin Valley accompanied its Serious Area attainment plan for the 1997 $PM_{2.5}$ NAAQS and related motor vehicle emission budgets, submitted June 25, 2015 and August 13, 2015, respectively.

[21] 81 FR 69396.

[22] 81 FR 84481.

[23] 81 FR 69396, 69400.

[24] 83 FR 62720.

[25] Id. at 62723.

[26] Id.

[27] Letter dated May 9, 2019, from Richard Corey, Executive Officer, CARB, to Mike Stoker, Regional Administrator, EPA Region 9. The letter clarifies that the 2018 $PM_{2.5}$ Plan supersedes past submittals to the EPA that the agency has not yet acted on for the 1997 $PM_{2.5}$ standards, including the *2015 Plan for the 1997 Standard* (submitted by CARB on June 25, 2015) and motor vehicle emission budgets (submitted by CARB August 13, 2015).

[28] Letter dated June 24, 2020, from Elizabeth J. Adams, Director, Air and Radiation Division, EPA Region IX, to Richard Corey, Executive Officer, CARB, Subject: ''RE: Completeness Finding for State Implementation Plan (SIP) Submissions for San Joaquin Valley for the 1997, 2006, and 2012 Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS) and Termination of Clean Air Act (CAA) Sanction Clocks.''

[29] The 2018 $PM_{2.5}$ Plan was developed jointly by CARB and the District.

[30] Letter dated May 9, 2019, from Richard Corey, Executive Officer, CARB, to Mike Stoker, Regional Administrator, EPA Region 9. The EPA previously acted on those portions of the ''2018 Plan for the 1997, 2006, and 2012 $PM_{2.5}$ Standards'' and the ''San Joaquin Valley Supplement to the 2016 State Strategy for the State Implementation Plan'' that pertain to the 2006 $PM_{2.5}$ NAAQS (85 FR 44192, July 22, 2020), and proposed action on those portions pertaining to the 1997 annual $PM_{2.5}$ NAAQS (86 FR 38652, July 22, 2021) and 2012 annual $PM_{2.5}$ NAAQS (86 FR 49100, September 1, 2021). The EPA is not, at this time, taking any action on those portions that pertain to the 1997 annual $PM_{2.5}$ NAAQS or the 2012 annual $PM_{2.5}$ NAAQS. We intend to act on these portions of the submitted SIP revisions in subsequent rulemakings.

[31] Chapter 6 (''Demonstration of Federal Requirements for the 2006 $PM_{2.5}$ Standard: Serious Plan and Extension Request'') and Chapter 7 (''Demonstration of Federal Requirements for the 2012 $PM_{2.5}$ Standard'') of the 2018 $PM_{2.5}$ Plan pertain to the 2006 $PM_{2.5}$ NAAQS and the 2012 $PM_{2.5}$ NAAQS, respectively. The EPA previously acted on those portions of the Plan that pertain to the 2006 $PM_{2.5}$ NAAQS (85 FR 44192), and proposed action on those portions pertaining to the 2012 annual $PM_{2.5}$ NAAQS (86 FR 49100). The EPA intends to take further action on those portions that pertain to the 2012 annual $PM_{2.5}$ NAAQS in separate rulemakings.

CARB's ''Staff Report, Review of the San Joaquin Valley 2018 Plan for the 1997, 2006, and 2012 $PM_{2.5}$ Standards,'' release date December 21, 2018 (''CARB Staff Report''); [32] and (v) the State's and District's board resolutions adopting the 2018 $PM_{2.5}$ Plan (CARB Resolution 19–1 and SJVUAPCD Governing Board Resolution 18–11–16).[33]

The appendices to the 2018 $PM_{2.5}$ Plan that address the requirements for the 1997 24-hour $PM_{2.5}$ NAAQS include: (i) Appendix A (''Ambient $PM_{2.5}$ Data Analysis''); (ii) Appendix B (''Emissions Inventory''); (iii) Appendix C (''Stationary Source Control Measure Analyses''); (iv) Appendix D (''Mobile Source Control Measure Analyses''); (v) Appendix G (''Precursor Demonstration''); (vi) Appendix H (''RFP, Quantitative Milestones, and Contingency''); [34] (vii) Appendix I (''New Source Review and Emission Reduction Credits''); (viii) Appendix J (''Modeling Emission Inventory''); (ix) Appendix K (''Modeling Attainment Demonstration''); and (x) Appendix L (''Modeling Protocol'').

The District provided public notice and opportunity for public comment prior to its November 15, 2018 public hearing on and adoption of the 2018 $PM_{2.5}$ Plan.[35] CARB also provided public notice and opportunity for public comment prior to its January 24, 2019 public hearing on and adoption of the 2018 $PM_{2.5}$ Plan.[36] The SIP submission includes proof of publication of notices for the respective public hearings. It also includes copies of the written and oral comments received during the State's and District's public review processes and the agencies' responses thereto.[37] Therefore, we find that the 2018 $PM_{2.5}$ Plan meets the procedural requirements for public notice and hearing in CAA sections 110(a) and 110(l) and 40 CFR 51.102. The 2018 $PM_{2.5}$ Plan became complete by operation of law on November 10, 2019.

B. Valley State SIP Strategy

CARB developed the ''Revised Proposed 2016 State Strategy for the State Implementation Plan'' (''2016 State Strategy'') to support attainment planning in the San Joaquin Valley and Los Angeles-South Coast Air Basin (''South Coast'') ozone nonattainment areas.[38] In its resolution adopting the 2016 State Strategy (CARB Resolution 17–7), the Board found that the 2016 State Strategy would achieve 6 tons per day (tpd) of NO_X emissions reductions and 0.1 tpd of direct $PM_{2.5}$ emissions reductions in the San Joaquin Valley by 2025 and directed CARB staff to work with the SJVUAPCD to identify additional reductions from sources under District regulatory authority as part of a comprehensive plan to attain all of the $PM_{2.5}$ NAAQS in the San Joaquin Valley and to return to the Board with a commitment to achieve additional emissions reductions from mobile sources.[39]

CARB responded to this resolution by developing and adopting the ''San Joaquin Valley Supplement to the 2016 State Strategy for the State Implementation Plan'' (''Valley State SIP Strategy'') to support the 2018 $PM_{2.5}$ Plan. The State's May 10, 2019 SIP submission incorporates by reference the Valley State SIP Strategy as adopted by CARB on October 25, 2018 and submitted to the EPA on November 16, 2018.[40]

The Valley State SIP Strategy includes an ''Introduction'' (Chapter 1), a chapter on ''Measures'' (Chapter 2), and a ''Supplemental State Commitment from the Proposed State Measures for the Valley'' (Chapter 3). Much of the content of the Valley State SIP Strategy is reproduced in Chapter 4 (''Attainment Strategy for $PM_{2.5}$'') of the 2018 $PM_{2.5}$ Plan.[41] The Valley State SIP Strategy also includes CARB Resolution 18–49, which, among other things, commits CARB to achieve specific amounts of NO_X and $PM_{2.5}$ emissions reductions by specific years, for purposes of attaining the $PM_{2.5}$ NAAQS in the San Joaquin Valley.[42]

CARB provided the required public notice and opportunity for public comment prior to its October 25, 2018 public hearing on and adoption of the Valley State SIP Strategy.[43] The SIP submission includes proof of publication of the public notice for this public hearing. It also includes copies of the written and oral comments received during the State's public review process and CARB's responses thereto.[44] Therefore, we find that the Valley State SIP Strategy meets the procedural requirements for public notice and hearing in CAA sections 110(a) and 110(l) and 40 CFR 51.102. The Valley State SIP Strategy became complete by operation of law on November 10, 2019.

III. Clean Air Act Requirements for $PM_{2.5}$ Serious Area Plans and for Serious $PM_{2.5}$ Areas That Fail To Attain

A. Requirements for $PM_{2.5}$ Serious Area Plans

Upon reclassification of a Moderate nonattainment area as a Serious nonattainment area under subpart 4 of part D, title I of the CAA, the Act requires the state to make a SIP submission that addresses the following Serious nonattainment area requirements: [45]

1. A comprehensive, accurate, current inventory of actual emissions from all sources of $PM_{2.5}$ and $PM_{2.5}$ precursors in the area (CAA section 172(c)(3));

[32] Letter dated December 11, 2019, from Richard Corey, Executive Officer, CARB, to Mike Stoker, Regional Administrator, EPA Region 9, transmitting the CARB Staff Report [on the 2018 $PM_{2.5}$ Plan]. The CARB Staff Report includes CARB's review of, among other things, the 2018 $PM_{2.5}$ Plan's control strategy and attainment demonstration.

[33] CARB Resolution 19–1, ''2018 $PM_{2.5}$ State Implementation Plan for the San Joaquin Valley,'' January 24, 2019, and SJVUAPCD Governing Board Resolution 18–11–16, ''Adopting the [SJVUAPCD] 2018 Plan for the 1997, 2006, and 2012 $PM_{2.5}$ Standards,'' November 15, 2018.

[34] Appendix H to 2018 $PM_{2.5}$ Plan, submitted February 11, 2020 via the EPA State Planning Electronic Collaboration System. Following the identification of a transcription error in the RFP tables of Appendix H, on February 11, 2020, the State submitted a revised version of Appendix H that corrects the transcription error and provides additional information on the RFP demonstration. All references to Appendix H in this proposed rule are to the revised version submitted on February 11, 2020, which replaces the version submitted with the 2018 $PM_{2.5}$ Plan on May 10, 2019.

[35] SJVUAPCD, ''Notice of Public Hearing for Adoption of Proposed 2018 $PM_{2.5}$ Plan for the 1997, 2006, and 2012 Standards,'' October 16, 2018, and SJVUAPCD Governing Board Resolution 18–11–16.

[36] CARB, ''Notice of Public Meeting to Consider the 2018 $PM_{2.5}$ State Implementation Plan for the San Joaquin Valley,'' December 21, 2018, and CARB Resolution 19–1.

[37] CARB, ''Board Meeting Comments Log,'' March 29, 2019; J&K Court Reporting, LLC, ''Meeting, State of California Air Resources Board,'' January 24, 2019 (transcript of CARB's public hearing), and 2018 $PM_{2.5}$ Plan, Appendix M (''Summary of Significant Comments and Responses'').

[38] The EPA has approved certain commitments made by CARB in the 2016 State Strategy for purposes of attaining the ozone NAAQS in the San Joaquin Valley and South Coast ozone nonattainment areas (see, *e.g.,* 84 FR 3302 (February 12, 2019) and 84 FR 52005 (October 1, 2019)) and for attaining the 2006 $PM_{2.5}$ NAAQS in the San Joaquin Valley (85 FR 44192).

[39] CARB Resolution 17–7, ''2016 State Strategy for the State Implementation Plan,'' March 23, 2017, 6–7.

[40] Letter dated May 9, 2019, from Richard Corey, Executive Officer, CARB, to Mike Stoker, Regional Administrator, EPA Region 9.

[41] For example, Table 2 (proposed mobile source measures and schedule), Table 3 (emissions reductions from proposed mobile source measures), and Table 4 (summary of emission reduction measures) of the Valley State SIP Strategy correspond to tables 4–8, 4–9, and 4–7, respectively, of the 2018 $PM_{2.5}$ Plan, Chapter 4.

[42] CARB Resolution 18–49, ''San Joaquin Valley Supplement to the 2016 State Strategy for the State Implementation Plan,'' October 25, 2018, 5.

[43] CARB, ''Notice of Public Meeting to Consider the San Joaquin Valley Supplement to the 2016 State Strategy for the State Implementation Plan,'' September 21, 2018, and CARB Resolution 18–49.

[44] CARB, ''Board Meeting Comments Log,'' November 2, 2018 and compilation of written comments; and J&K Court Reporting, LLC, ''Meeting, State of California Air Resources Board,'' October 25, 2018 (transcript of CARB's public hearing).

[45] 40 CFR 51.1003(b)(1); 81 FR 58010, 58074–58075 (August 24, 2016).

2. Provisions to assure that the best available control measures (BACM), including best available control technology (BACT), for the control of direct $PM_{2.5}$ and $PM_{2.5}$ precursors shall be implemented no later than four years after the area is reclassified (CAA section 189(b)(1)(B));

3. A demonstration (including air quality modeling) that the plan provides for attainment as expeditiously as practicable but no later than the end of the tenth calendar year after designation as a nonattainment area (*i.e.,* December 31, 2015, for the San Joaquin Valley for the 1997 $PM_{2.5}$ NAAQS);

4. Plan provisions that require RFP (CAA section 172(c)(2));

5. Quantitative milestones that are to be achieved every three years until the area is redesignated attainment and that demonstrate RFP toward attainment by the applicable date (CAA section 189(c));

6. Provisions to assure that control requirements applicable to major stationary sources of $PM_{2.5}$ also apply to major stationary sources of $PM_{2.5}$ precursors, except where the state demonstrates to the EPA's satisfaction that such sources do not contribute significantly to $PM_{2.5}$ levels that exceed the standard in the area (CAA section 189(e));[46]

7. Contingency measures to be implemented if the area fails to meet RFP or to attain by the applicable attainment date (CAA section 172(c)(9)); and

8. A revision to the nonattainment new source review (NSR) program to lower the applicable ''major stationary source'' [47] thresholds from 100 tons per year (tpy) to 70 tpy (CAA section 189(b)(3)).

Serious area plans must also satisfy the requirements for Moderate area plans in CAA section 189(a), to the extent the state has not already met those requirements in the Moderate area plan submitted for the area.[48] In addition, the Serious area plan must meet the general requirements applicable to all SIP submissions under section 110 of the CAA, including the requirement to provide necessary assurances that the implementing agencies have adequate personnel, funding, and authority under section 110(a)(2)(E); and the requirements concerning enforcement provisions in section 110(a)(2)(C).

B. Requirements for Serious $PM_{2.5}$ Areas That Fail To Attain

In the event that a Serious area fails to attain the $PM_{2.5}$ NAAQS by the applicable attainment date, CAA section 189(d) requires that ''the State in which such area is located shall, after notice and opportunity for public comment, submit within 12 months after the applicable attainment date, plan revisions which provide for attainment of the . . . standard . . .'' An attainment plan under section 189(d) must, among other things, demonstrate expeditious attainment of the NAAQS within the time period provided under CAA section 179(d)(3) and provide for annual reductions in emissions of direct $PM_{2.5}$ or a $PM_{2.5}$ plan precursor pollutant within the area of not less than five percent per year from the most recent emissions inventory for the area until attainment.[49] In addition to the requirement to submit control measures providing for a five percent reduction in emissions of certain pollutants on an annual basis, the EPA interprets CAA section 189(d) as requiring a state to submit an attainment plan that includes the same basic statutory plan elements that are required for other attainment plans.[50]

Specifically, a state must submit to the EPA its plan to meet the requirements of CAA section 189(d) in the form of a complete attainment plan submission that includes the following elements: [51]

1. A comprehensive, accurate, current inventory of actual emissions from all sources of $PM_{2.5}$ and $PM_{2.5}$ precursors in the area;

2. A Serious area plan control strategy that ensures that BACM, including BACT, for the control of direct $PM_{2.5}$ and $PM_{2.5}$ precursors are implemented in the area;

3. Additional measures (beyond those already adopted in previous nonattainment plan SIP submissions for the area as RACM/RACT, BACM/BACT, and most stringent measures (MSM) (if applicable)) [52] that provide for attainment of the NAAQS as expeditiously as practicable and, from the date of such submission until attainment, demonstrate that the plan will at a minimum achieve an annual five percent reduction in emissions of direct $PM_{2.5}$ or any $PM_{2.5}$ plan precursor;

4. A demonstration (including air quality modeling) that the plan provides for attainment of the NAAQS at issue as expeditiously as practicable;

5. Plan provisions that require RFP;

6. Quantitative milestones that the state is to meet every three years until the area is redesignated attainment and that demonstrate RFP toward attainment by the applicable date;

7. Contingency measures to be implemented if the state fails to meet any requirement concerning RFP or quantitative milestones or to attain the NAAQS at issue by the applicable attainment date; and

8. Provisions to assure that control requirements applicable to major stationary sources of $PM_{2.5}$, also apply to major stationary sources of $PM_{2.5}$ precursors, except where the state demonstrates to the EPA's satisfaction that such sources do not contribute significantly to $PM_{2.5}$ levels that exceed the NAAQS at issue in the area.[53]

A state's section 189(d) plan submission must demonstrate attainment as expeditiously as practicable, and no later than five years from the date of the EPA's determination that the area failed to attain, consistent with sections 179(d)(3) and 172(a)(2) of the CAA.[54]

A state with a Serious $PM_{2.5}$ nonattainment area that fails to attain the NAAQS by the applicable Serious area attainment date must also address any statutory requirements applicable to Moderate and Serious nonattainment area plans under CAA sections 172 and 189 of the CAA to the extent that those requirements have not already been met.[55] Because the EPA has not previously approved a SIP submission

[46] As discussed in section IV.H, California submitted nonattainment NSR SIP revisions to address the subpart 4 requirements for the San Joaquin Valley Serious $PM_{2.5}$ nonattainment area on November 20, 2019. We are not proposing any action on this submission at this time. We will act on this submission through a separate rulemaking, as appropriate.

[47] For any Serious area, the terms ''major source'' and ''major stationary source'' include any stationary source that emits or has the potential to emit at least 70 tons per year of $PM_{2.5}$. CAA section 189(b)(3) and 40 CFR 51.165(a)(1)(iv)(A)(*1*)(*vii*) and (*viii*) (defining ''major stationary source'' in serious $PM_{2.5}$ nonattainment areas).

[48] Because the EPA has not previously approved a SIP submission for the San Joaquin Valley as meeting the subpart 4 RACM Moderate area planning requirement under CAA section 189 for the 1997 24-hour $PM_{2.5}$ NAAQS, the EPA is evaluating relevant portions of the SJV $PM_{2.5}$ Plan for compliance with these requirements, in addition to the requirements of CAA sections 189(b) and 189(d).

[49] CAA section 189(d), 40 CFR 51.1004(a)(3), 40 CFR 51.1010(c).

[50] 81 FR 58010, 58098.

[51] 40 CFR 51.1003(c)(1).

[52] MSM is applicable if the EPA has previously granted an extension of the attainment date under CAA section 188(e) for the nonattainment area and NAAQS at issue.

[53] As discussed in section IV.H, California submitted nonattainment NSR SIP revisions to address the subpart 4 requirements for the San Joaquin Valley Serious $PM_{2.5}$ nonattainment area on November 20, 2019. We are not proposing any action on this submission at this time. We will act on this submission through a separate rulemaking, as appropriate.

[54] 81 FR 84481, 84482.

[55] 81 FR 58010, 58098.

for the San Joaquin Valley as meeting the subpart 4 RACM Moderate area planning requirements under CAA section 189 for the 1997 24-hour $PM_{2.5}$ NAAQS, the EPA is evaluating relevant portions of the SJV $PM_{2.5}$ Plan for compliance with this requirement. In addition, as discussed above, the EPA has not previously approved a SIP submission for the San Joaquin Valley as meeting the Serious area planning requirements under CAA section 189(b)(1) for the 1997 24-hour $PM_{2.5}$ NAAQS. Some Serious area planning requirements operate on a timeline that is based on the outermost statutory Serious area attainment date of the end of the tenth calendar year following the area's designation to nonattainment. Because section 189(d) requires a state to address any applicable Serious area requirements that the state has not already met in the area, and the section 189(d) obligations do not come into effect until an area has failed to attain the NAAQS by the Serious area attainment date, the EPA proposes that it should evaluate any previously unmet Serious area planning obligations based on the current, applicable attainment date appropriate under section 189(d), and not the original Serious area attainment date.

The EPA provided its preliminary views on the CAA's requirements for particulate matter plans under part D, title I of the Act in the following guidance documents: (1) ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'' (''General Preamble'');[56] (2) ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990; Supplemental'' (''General Preamble Supplement'');[57] and (3) ''State Implementation Plans for Serious PM–10 Nonattainment Areas, and Attainment Date Waivers for PM–10 Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'' (''General Preamble Addendum'').[58] More recently, in an August 24, 2016 final rule entitled, ''Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements'' (''$PM_{2.5}$ SIP Requirements Rule''), the EPA established regulatory requirements and provided further interpretive guidance on the statutory SIP requirements that apply to areas designated nonattainment for the $PM_{2.5}$ NAAQS.[59] We discuss these regulatory requirements and interpretations of the Act as appropriate in our evaluation of the SJV $PM_{2.5}$ Plan that follows.

IV. Review of the San Joaquin Valley $PM_{2.5}$ Plan for the 1997 24-Hour $PM_{2.5}$ NAAQS

The EPA is evaluating the SJV $PM_{2.5}$ Plan against the Serious area requirements for the 1997 24-hour $PM_{2.5}$ NAAQS and the section 189(d) requirements for the 1997 24-hour $PM_{2.5}$ NAAQS, as laid out in section III of this proposal. Many requirements for both a Serious area plan and a section 189(d) plan are structured around the relevant statutory attainment date. The latest statutory Serious area attainment date for the San Joaquin Valley area was December 31, 2015.[60] On November 23, 2016, the EPA determined that the area failed to attain by the Serious area attainment date.

For the purposes of the section 189(d) requirements, the attainment date is the date by which a state can attain the NAAQS as expeditiously as practicable, but no later than five years from the publication date of the final determination of failure to attain.[61] As discussed in section IV.D, the SJV $PM_{2.5}$ Plan projected that attainment could be achieved in fewer than five years, *i.e.,* by December 31, 2020.

When the State submitted the SJV $PM_{2.5}$ Plan in 2019, the State withdrew its previous Serious area plan that it had developed to meet the December 31, 2015 Serious area attainment date. Because the State submitted the SJV $PM_{2.5}$ Plan after the EPA's finding that the area had failed to attain by the applicable Serious area attainment date, the State could not demonstrate in the SJV $PM_{2.5}$ Plan that the area would attain by the Serious area attainment date, nor could it address other requirements based on this attainment date, such as RFP and quantitative milestones, because many of the relevant dates had already passed. As described in section III of this document, in a section 189(d) plan, a state must address any statutory requirements applicable to Moderate and Serious nonattainment area plans to the extent that it has not already met those requirements, but the EPA believes that it should base this evaluation on the current applicable attainment date under section 189(d). For example, it would be illogical to require a state to submit a Serious area modeled attainment demonstration that provided for attainment by December 31, 2015, after the EPA has already determined based on monitoring data that the state failed to attain by such date.

For the purposes of our evaluation of the Serious area plan requirements, although the State is required to submit a Serious area plan, and it must structure such a plan based on the Serious area attainment date, it would serve no purpose to evaluate the SJV $PM_{2.5}$ Plan against the now-passed Serious area attainment date by which the area has already failed to attain. For example, RFP and quantitative milestones normally are dependent upon the attainment date. Accordingly, because the State must still meet all Serious area plan requirements, even if doing so later in conjunction with the section 189(d) plan and its later attainment date, we will evaluate the State's compliance with the Serious area plan requirements in light of the later section 189(d) attainment date, as appropriate. Where the State in the SJV $PM_{2.5}$ Plan applies the section 189(d) attainment date to a Serious area requirement, we will note the statutory Serious area timeline and accept the submission in fulfillment of the State's Serious area plan obligation, but evaluate the submission in light of the section 189(d) attainment date.

A. Emissions Inventories

1. Statutory and Regulatory Requirements

CAA section 172(c)(3) requires that each SIP include a comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant or pollutants in the nonattainment area. The EPA discussed the emissions inventory requirements that apply to $PM_{2.5}$ nonattainment areas in the $PM_{2.5}$ SIP Requirements Rule and codified these requirements in 40 CFR 51.1008.[62] The EPA has also issued guidance concerning emissions

[56] 57 FR 13498 (April 16, 1992).

[57] 57 FR 18070 (April 28, 1992).

[58] 59 FR 41998 (August 16, 1994).

[59] 81 FR 58010.

[60] As discussed in section I.B, California submitted its Serious area plan for the 1997 24-hour $PM_{2.5}$ NAAQS in two submissions dated June 25, 2015 and August 13, 2015, including a request under section 188(e) to extend the attainment date for the 1997 24-hour $PM_{2.5}$ NAAQS by three years (to December 31, 2018). On October 6, 2016, the EPA denied the request for an extension, but did not finalize action on the Serious area plan submissions. Accordingly, the Serious area attainment date remained unchanged: As expeditiously as practicable but no later than December 31, 2015.

[61] CAA section 179(d)(3); 81 FR 84481, 84482. The determination of failure to attain published on November 23, 2016.

[62] Id. at 58098–58099.

inventories for $PM_{2.5}$ nonattainment areas.[63]

The base year emissions inventory for a Serious area attainment plan or a CAA section 189(d) plan must provide a state's best estimate of actual emissions from all sources of the relevant pollutants in the area, *i.e.,* all emissions that contribute to the formation of a particular NAAQS pollutant. For the $PM_{2.5}$ NAAQS, the base year inventory must include direct $PM_{2.5}$ emissions, separately reported filterable and condensable $PM_{2.5}$ emissions,[64] and emissions of all chemical precursors to the formation of secondary $PM_{2.5}$, *i.e.,* nitrogen oxides (NO_X), sulfur dioxide (SO_2), volatile organic compounds (VOC), and ammonia.[65]

The emissions inventory base year for a Serious area attainment plan must be one of the three years for which monitoring data were used to reclassify the area to Serious, or another technically appropriate year justified by the state in its Serious area SIP submission.[66] The emissions inventory base year for a Serious $PM_{2.5}$ nonattainment area subject to CAA section 189(d) must be one of the three years for which the EPA used monitored data to determine that the area failed to attain the $PM_{2.5}$ NAAQS by the applicable Serious area attainment date, or another technically appropriate year justified by the state in its Serious area SIP submission.[67]

A state's SIP submission must include documentation explaining how it calculated emissions data for the inventory. In estimating mobile source emissions, a state should use the latest emissions models and planning assumptions available at the time the SIP is developed. The latest EPA-approved version of California's mobile source emission factor model for estimating tailpipe, brake, and tire wear emissions from on-road mobile sources that was available during the State's and District's development of the SJV $PM_{2.5}$ Plan was EMFAC2014.[68] Following CARB's submission of the Plan, the EPA approved EMFAC2017, the latest revision to this mobile source emissions model. States are also required to use the EPA's ''Compilation of Air Pollutant Emission Factors'' (''AP–42'') road dust method for calculating re-entrained road dust emissions from paved roads.[69] [70]

In addition to the base year inventory submitted to meet the requirements of CAA section 172(c)(3), the state must also submit a projected attainment year inventory and emissions projections for each RFP milestone year.[71] These future emissions projections are necessary components of the attainment demonstrations required under CAA sections 189(b)(1) and 189(d) and the demonstration of RFP required under section 172(c)(2).[72] Emissions projections for future years (referred to in the Plan as ''forecasted inventories'') should account for, among other things, the ongoing effects of economic growth and adopted emissions control requirements. The state's SIP submission should include documentation to explain how the state calculated the emissions projections. Where a state chooses to allow new major stationary sources or major modifications to use emissions reduction credits (ERCs) that were generated through shutdown or curtailed emissions units occuring before the base year of an attainment plan, the projected emissions inventory used to develop the attainment demonstration must explicitly include the emissions from such previously shutdown or curtailed emissions units.[73]

2. Summary of the State's Submission

The State included summaries of the planning emissions inventories for direct $PM_{2.5}$ and $PM_{2.5}$ precursors (NO_X, SO_X,[74] VOC,[75] and ammonia) and the documentation for the inventories for the San Joaquin Valley $PM_{2.5}$ nonattainment area in Appendix B (''Emissions Inventory'') and Appendix I (''New Source Review and Emission Reduction Credits'') of the 2018 $PM_{2.5}$ Plan.

CARB and District staff worked together to develop the emissions inventories for the San Joaquin Valley $PM_{2.5}$ nonattainment area. The District worked with operators of the stationary facilities in the nonattainment area to develop the stationary source emissions estimates. The responsibility for developing emissions estimates for area sources such as agricultural burning and paved road dust was shared by the District and CARB. CARB staff developed the emissions inventories for both on-road and non-road mobile sources.[76]

The Plan includes winter (24-hour) average and annual average daily emissions inventories for the 2013 base year, which CARB derived from the 2012 emissions inventory, and estimated emissions for forecasted years from 2017 through 2028 for the attainment and RFP demonstrations for the 1997, 2006, and 2012 $PM_{2.5}$ NAAQS.[77] In this proposal, we are proposing action on those winter average and annual average emissions inventories necessary to support the Serious area and CAA section 189(d) nonattainment plans for the 1997 24-

[63] ''Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations,'' U.S. EPA, May 2017 (''Emissions Inventory Guidance''), available at *https://www.epa.gov/air-emissions-inventories/air-emissions-inventory-guidance-implementation-ozone-and-particulate.*

[64] The Emissions Inventory Guidance identifies the types of sources for which the EPA expects states to provide condensable PM emissions inventories. Emissions Inventory Guidance, section 4.2.1 (''Condensable PM Emissions''), 63–65.

[65] 40 CFR 51.1008(b)(1) and (c)(1).

[66] 40 CFR 51.1008(b)(1).

[67] 40 CFR 51.1008(c)(1).

[68] 80 FR 77337 (December 14, 2015). EMFAC is short for *EM*ission *FAC*tor. The EPA announced the availability of the EMFAC2014 model, effective on the date of publication in the **Federal Register**, for use in state implementation plan development and transportation conformity in California. Upon that action, EMFAC2014 was required to be used for all new regional emissions analyses and CO, PM_{10}, and $PM_{2.5}$ hot-spot analyses that were started on or after December 14, 2017, which was the end of the grace period for using the prior mobile source emissions model, EMFAC2011.

[69] The EPA released an update to AP–42 in January 2011 that revised the equation for estimating paved road dust emissions based on an updated data regression that included new emissions tests results. 76 FR 6328 (February 4, 2011). CARB used the revised 2011 AP–42 methodology in developing on-road mobile source emissions; see *https://www.arb.ca.gov/ei/areasrc/fullpdf/full7-9_2016.pdf.*

[70] AP–42 has been published since 1972 as the primary source of the EPA's emission factor information and is available at *https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-compilation-air-emissions-factors.* It contains emission factors and process information for more than 200 air pollution source categories. A source category is a specific industry sector or group of similar emitting sources. The emission factors have been developed and compiled from source test data, material balance studies, and engineering estimates.

[71] 40 CFR 51.1008 and 51.1012. See also Emissions Inventory Guidance, section 3 (''SIP Inventory Requirements and Recommendations'').

[72] 40 CFR 51.1004, 51.1008, 51.1011, and 51.1012.

[73] 40 CFR 51.165(a)(3)(ii)(C)(1).

[74] The SJV $PM_{2.5}$ Plan generally uses ''sulfur oxides'' or ''SO_X'' in reference to SO_2 as a precursor to the formation of $PM_{2.5}$. We use SO_X and SO_2 interchangeably throughout this document.

[75] The SJV $PM_{2.5}$ Plan generally uses ''reactive organic gasses'' or ''ROG'' in reference to VOC as a precursor to the formation of $PM_{2.5}$. We use ROG and VOC interchangeably throughout this document.

[76] The EPA regulations refer to ''non-road'' vehicles and engines whereas CARB regulations refer to ''Other Mobile Sources'' or ''off-road'' vehicles and engines. These terms refer to the same types of vehicles and engines. We refer herein to such vehicles and engines as ''non-road'' sources.

[77] 2018 $PM_{2.5}$ Plan, Appendix B, B–18 to B–19. The winter average daily planning inventory corresponds to the months of November through April, when daily, ambient $PM_{2.5}$ concentrations are typically highest. The base year inventory is from the California Emissions Inventory Development and Reporting System and future year inventories were estimated using the California Emission Projection Analysis Model (CEPAM), 2016 SIP Baseline Emission Projections, version 1.05.

hour $PM_{2.5}$ NAAQS, *i.e.,* the 2013 base year inventory, forecasted inventories for the RFP milestone years of 2017, 2020 (attainment year), and 2023 (post-attainment milestone year), and additional forecasted emissions inventories for 2018 and 2019 to support the five percent annual emissions reduction demonstration as required by CAA section 189(d). Each inventory includes emissions from stationary, area, on-road, and non-road sources.

CARB developed the base year inventories for stationary sources using actual emissions reports from facility operators. The State developed the base year emissions inventory for area sources using the most recent models and methodologies available at the time the State was developing the Plan.[78] The Plan also includes background, methodology, and inventories of condensable and filterable $PM_{2.5}$ emissions from stationary point and non-point combustion sources that are expected to generate condensable $PM_{2.5}$.[79] CARB used EMFAC2014 to estimate on-road motor vehicle emissions based on transportation activity data from the 2014 Regional Transportation Plan (2014 RTP) adopted by the transportation planning agencies in the San Joaquin Valley.[80] Re-entrained paved road dust emissions were calculated using a CARB methodology consistent with the EPA's AP–42 road dust methodology.[81]

CARB developed the emissions forecasts by applying growth and control profiles to the base year inventory. CARB's mobile source emissions projections take into account predicted activity rates and vehicle fleet turnover by vehicle model year and adopted controls.[82] In addition, the Plan states that the District is providing for use of pre-base year ERCs as offsets by accounting for such ERCs in the projected 2025 emissions inventory.[83] The 2018 $PM_{2.5}$ Plan identifies growth factors, control factors, and estimated offset use between 2013 and 2025 for direct $PM_{2.5}$, NO_X, SO_X, and VOC emissions by source category and lists all pre-base year ERCs issued by the District for PM_{10}, NO_X, SO_X, and VOC emissions, by facility.[84]

Table 1 provides a summary of the winter (24-hour) average inventories in tons per day (tpd) of direct $PM_{2.5}$ and $PM_{2.5}$ precursors for the 2013 base year. Table 2 provides a summary of annual average inventories of direct $PM_{2.5}$ and $PM_{2.5}$ precursors for the 2013 base year. These annual average inventories provide the basis for the control measure analysis and the RFP and attainment demonstrations in the SJV $PM_{2.5}$ Plan.

TABLE 1—SAN JOAQUIN VALLEY WINTER AVERAGE EMISSIONS INVENTORY FOR DIRECT $PM_{2.5}$ AND $PM_{2.5}$ PRECURSORS FOR THE 2013 BASE YEAR (tpd)

Category	Direct $PM_{2.5}$	NO_X	SO_X	VOC	Ammonia
Stationary Sources	8.5	35.0	6.9	86.6	13.9
Area Sources	41.4	11.5	0.5	156.8	291.5
On-Road Mobile Sources	6.4	188.7	0.6	51.1	4.4
Non-Road Mobile Sources	4.4	65.3	0.3	27.4	0.0
Totals [a]	60.8	300.5	8.4	321.9	309.8

Source: 2018 $PM_{2.5}$ Plan, Appendix B, tables B–1 to B–5.
[a] Totals reflect disaggregated emissions and may not add exactly as shown here due to rounding.

TABLE 2—SAN JOAQUIN VALLEY ANNUAL AVERAGE EMISSIONS INVENTORY FOR DIRECT $PM_{2.5}$ AND $PM_{2.5}$ PRECURSORS FOR THE 2013 BASE YEAR (tpd)

Category	Direct $PM_{2.5}$	NO_X	SO_X	VOC	Ammonia
Stationary Sources	8.8	38.6	7.2	87.1	13.9
Area Sources	41.5	8.1	0.3	153.4	310.9
On-Road Mobile Sources	6.4	183.1	0.6	49.8	4.4
Non-Road Mobile Sources	5.8	87.4	0.3	33.8	0.0
Totals [a]	62.5	317.2	8.5	324.1	329.2

Source: 2018 $PM_{2.5}$ Plan, Appendix B, tables B–1 to B–5.
[a] Totals reflect disaggregated emissions and may not add exactly as shown here due to rounding.

3. The EPA's Review of the State's Submission

We have reviewed the emissions inventories in the SJV $PM_{2.5}$ Plan that pertain to the 1997 24-hour $PM_{2.5}$ NAAQS and the emissions inventory estimation methodologies used by California for consistency with CAA requirements and the EPA's guidance. We find that the inventories are based on the most current and accurate information available to the State and District at the time they were developing the Plan and inventories, including the latest version of California's mobile source emissions model that had been approved by the EPA at the time, EMFAC2014. The inventories comprehensively address all source categories in the San Joaquin Valley $PM_{2.5}$ nonattainment area and are consistent with the EPA's inventory guidance.

In accordance with 40 CFR 51.1008(b)(1), the 2013 base year is one of the three years of monitored data with which the EPA reclassified the San Joaquin Valley area to Serious. Furthermore, in accordance with 40 CFR 51.1008(c)(1), the 2013 base year is one of the three years of monitored data with which the EPA determined that the San Joaquin Valley area failed to attain the $PM_{2.5}$ NAAQS by the applicable Serious area attainment date for the

[78] 2018 $PM_{2.5}$ Plan, Appendix B, section B.2 (''Emissions Inventory Summary and Methodology'').

[79] Id. at B–42 to B–44.

[80] Id. at B–37.

[81] Id. at B–28.

[82] Id. at B–18 and B–19.

[83] 2018 $PM_{2.5}$ Plan, Appendix I, I–1 to I–5.

[84] Id. at tables I–1 to I–5.

1997 24-hour $PM_{2.5}$ NAAQS.[85] The 2013 base year emissions inventories represent actual annual average emissions of all sources within the nonattainment area, direct $PM_{2.5}$ and $PM_{2.5}$ precursors are included in the inventories, and filterable and condensable direct $PM_{2.5}$ emissions are identified separately.

With respect to future year emissions projections, we have reviewed the growth and control factors and find them acceptable and thus conclude that the future baseline emissions projections, which reflect ongoing emissions reductions from existing (*i.e.,* ''baseline'') control measures as discussed in section IV.C.2.a, in the SJV $PM_{2.5}$ Plan reflect appropriate calculation methods and the latest planning assumptions. Also, as a general matter, the EPA will approve a SIP submission that takes emissions reduction credit for a control measure only where the EPA has approved the measure as part of the SIP. Thus, for example, to take credit for the emissions reductions from newly adopted or amended District rules for stationary sources, the related rules must be approved by the EPA into the SIP. Table 1 of the EPA's ''Technical Support Document, San Joaquin Valley $PM_{2.5}$ Plan for the 1997 24-hour $PM_{2.5}$ NAAQS,'' August 2021 (''EPA's 1997 24-hour $PM_{2.5}$ TSD'') shows District rules with post-2013 compliance dates that are reflected in the future year baseline inventories, along with information on the EPA's approval of these rules, and shows that stationary source emissions reductions assumed by the SJV $PM_{2.5}$ Plan for future years are supported by rules approved as part of the California SIP for the San Joaquin Valley. With respect to mobile sources, the EPA has taken action in recent years to approve CARB mobile source regulations into the state-wide portion of the California SIP. We therefore find that the future year baseline projections in the SJV $PM_{2.5}$ Plan are properly supported by SIP-approved stationary and mobile source measures.[86]

For these reasons, we are proposing to approve the 2013 base year emissions inventories in the SJV $PM_{2.5}$ Plan for the 1997 24-hour $PM_{2.5}$ NAAQS as meeting the requirements of CAA section 172(c)(3) and 40 CFR 51.1008 for purposes of both the Serious area and the CAA section 189(d) attainment plans. We are also proposing to find that the forecasted inventories in the Plan for the years 2017, 2018, 2019, 2020, and 2023 provide an adequate basis for the BACM, RFP, and the modeled attainment demonstration analyses in the SJV $PM_{2.5}$ Plan.

B. $PM_{2.5}$ Precursors

1. Statutory and Regulatory Requirements

The composition of $PM_{2.5}$ is complex and highly variable due in part to the large contribution of secondary $PM_{2.5}$ to total fine particle mass in most locations, and to the complexity of secondary particle formation processes. A large number of possible chemical reactions, often non-linear in nature, can convert gaseous NO_X, SO_2, VOC, and ammonia to $PM_{2.5}$, making them precursors to $PM_{2.5}$.[87] Formation of secondary $PM_{2.5}$ may also depend on atmospheric conditions, including solar radiation, temperature, and relative humidity, and the interactions of precursors with preexisting particles and with cloud or fog droplets.[88]

Under subpart 4 of part D, title I of the CAA and the $PM_{2.5}$ SIP Requirements Rule, each state containing a $PM_{2.5}$ nonattainment area must evaluate all $PM_{2.5}$ precursors for regulation unless, for any given $PM_{2.5}$ precursor, the state demonstrates to the Administrator's satisfaction that such precursor does not contribute significantly to $PM_{2.5}$ levels that exceed the NAAQS in the nonattainment area.[89] The provisions of subpart 4 do not define the term ''precursor'' for purposes of $PM_{2.5}$, nor do they explicitly require the control of any specifically identified $PM_{2.5}$ precursor. The statutory definition of ''air pollutant,'' however, provides that the term ''includes any precursors to the formation of any air pollutant, to the extent the Administrator has identified such precursor or precursors for the particular purpose for which the term 'air pollutant' is used.'' [90] The EPA has identified NO_X, SO_2, VOC, and ammonia as precursors to the formation of $PM_{2.5}$.[91] Accordingly, the attainment plan requirements of subpart 4 apply to emissions of all four precursor pollutants and direct $PM_{2.5}$ from all types of stationary, area, and mobile sources, except as otherwise provided in the Act (*e.g.,* CAA section 189(e)).

Section 189(e) of the Act requires that the control requirements for major stationary sources of direct PM_{10} also apply to major stationary sources of PM_{10} precursors, except where the Administrator determines that such sources do not contribute significantly to PM_{10} levels that exceed the standard in the area. Section 189(e) contains the only express exception to the control requirements under subpart 4 (*e.g.,* requirements for RACM and RACT, BACM and BACT, MSM, and new source review (NSR)). Although section 189(e) explicitly addresses only major stationary sources, the EPA interprets the Act as authorizing it also to determine, under appropriate circumstances, that regulation of specific $PM_{2.5}$ precursors from other source categories in a given nonattainment area is not necessary.[92] For example, under the EPA's longstanding interpretation of the control requirements that apply to stationary, area, and mobile sources of PM_{10} precursors in the nonattainment area under CAA section 172(c)(1) and subpart 4,[93] a state may demonstrate in a SIP submission that control of a certain precursor pollutant is not necessary because it does not contribute significantly to ambient PM_{10} levels in the nonattainment area and is not needed for attainment.[94]

Under the $PM_{2.5}$ SIP Requirements Rule, a state may elect to submit to the

[85] 81 FR 84481, 84482.

[86] The baseline emissions projections in the 2018 $PM_{2.5}$ Plan assume implementation of CARB's Zero Emissions Vehicle (ZEV) sales mandate and greenhouse gas (GHG) standards. On September 27, 2019, the U.S. Department of Transportation and the EPA (the Agencies) issued a notice of final rulemaking for the *Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program* (SAFE I) that, among other things, withdrew the EPA's 2013 waiver of preemption for the ZEV sales mandate and vehicle GHG standards. 84 FR 51310. See also proposed SAFE rule at 83 FR 42986 (August 24, 2018). In response to SAFE I, CARB developed EMFAC off-model adjustment factors to account for anticipated changes in on-road emissions. On March 12, 2020, the EPA informed CARB that the EPA considers these adjustment factors to be acceptable for future use. See letter dated March 12, 2020 from Elizabeth J. Adams, EPA Region IX, to Steven Cliff, CARB. On April 30, 2020 (85 FR 24174), the Agencies issued a notice of final rulemaking titled: *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks* (SAFE II), establishing the federal fuel economy and GHG vehicle emissions standards based on the August 2018 SAFE proposal. The effect of both SAFE final rules (SAFE I and SAFE II) on the on-road vehicle mix in the San Joaquin Valley nonattainment area and on the resulting vehicular emissions is expected to be minimal during the timeframe addressed in this SIP revision. Therefore, we anticipate the SAFE final rules would not materially change the attainment, RFP, or five percent reductions demonstrations for the 1997 24-hour $PM_{2.5}$ NAAQS in the SJV $PM_{2.5}$ Plan.

[87] ''Air Quality Criteria for Particulate Matter'' (EPA/600/P–99/002aF), EPA, October 2004, Chapter 3.

[88] ''Regulatory Impact Analysis for the Final Revisions to the National Ambient Air Quality Standards for Particulate Matter'' (EPA/452/R–12–005), EPA, December 2012), 2–1.

[89] 81 FR 58010, 58017–58020.

[90] CAA section 302(g).

[91] 81 FR 58010, 58015.

[92] Id. at 58018–58019.

[93] General Preamble, 13539–13542.

[94] Courts have upheld this approach to the requirements of subpart 4 for PM_{10}. See, *e.g., Assoc. of Irritated Residents* v. *EPA, et al.,* 423 F.3d 989 (9th Cir. 2005).

EPA a ''comprehensive precursor demonstration'' for a specific nonattainment area to show that emissions of a particular precursor from all existing sources located in the nonattainment area do not contribute significantly to $PM_{2.5}$ levels that exceed the standard in the area.[95] If the EPA determines that the contribution of the precursor to $PM_{2.5}$ levels in the area is not significant and approves the demonstration, then the state is not required to control emissions of the relevant precursor from sources in the attainment plan.[96]

In addition, in May 2019, the EPA issued the ''Fine Particulate Matter ($PM_{2.5}$) Precursor Demonstration Guidance'' (''$PM_{2.5}$ Precursor Guidance''),[97] which provides recommendations to states for analyzing nonattainment area $PM_{2.5}$ emissions and developing such optional precursor demonstrations, consistent with the $PM_{2.5}$ SIP Requirements Rule. The $PM_{2.5}$ Precursor Guidance builds upon the draft version of the guidance, released on November 17, 2016 (''Draft $PM_{2.5}$ Precursor Guidance''), which CARB referenced in developing its precursor demonstration in the SJV $PM_{2.5}$ Plan.[98] The EPA's recommendations in the $PM_{2.5}$ Precursor Guidance are generally consistent with those in the Draft $PM_{2.5}$ Precursor Guidance, with some exceptions, including that the EPA's recommended contribution threshold for the 24-hour $PM_{2.5}$ NAAQS changed from 1.3 $\mu g/m^3$ in the draft guidance to 1.5 $\mu g/m^3$ in the final guidance.[99]

We are evaluating the 1997 24-hour $PM_{2.5}$ NAAQS portion of the SJV $PM_{2.5}$ Plan in accordance with the presumption embodied within subpart 4, that states address all $PM_{2.5}$ precursors in the evaluation of potential control measures unless the state adequately demonstrates that emissions of a particular precursor or precursors do not contribute significantly to ambient $PM_{2.5}$ levels that exceed the $PM_{2.5}$ NAAQS in the nonattainment area and are not necessary for attainment. In reviewing any determination by a state to exclude a $PM_{2.5}$ precursor from the required evaluation of potential control measures, we consider both the magnitude of the precursor's contribution to ambient $PM_{2.5}$ concentrations in the nonattainment area and the sensitivity of ambient $PM_{2.5}$ concentrations in the area to reductions in emissions of that precursor.

2. Summary of the State's Submission

The State presents a brief summary of its $PM_{2.5}$ precursor analysis in Chapter 5 of the 2018 $PM_{2.5}$ Plan and the full precursor demonstration in Appendix G (''Precursor Demonstration'') of the 2018 $PM_{2.5}$ Plan.[100] CARB presents additional modeling results in Appendix K (''Modeling Attainment Demonstration''), section 5.6 (''$PM_{2.5}$ Precursor Sensitivity Analysis''). CARB also provided clarifying information on its precursor assessment, including an Attachment A to its letter transmitting the 2018 $PM_{2.5}$ Plan to the EPA [101] and further clarifications in five email transmittals.[102] The CARB Staff Report contains additional discussion of the role of ammonia in the formation of ammonium nitrate and the role of VOC in the formation of ammonium nitrate and secondary organic aerosol.[103]

The 2018 $PM_{2.5}$ Plan provides both concentration-based and sensitivity-based analyses of precursor contributions to ambient $PM_{2.5}$ concentrations in the San Joaquin Valley. The State supplemented the sensitivity analysis, particularly for ammonia, with additional information, including factors identified in the $PM_{2.5}$ Precursor Guidance, such as emissions trends, the appropriateness of future year versus base year sensitivity, available emissions controls, and the severity of nonattainment.[104] These analyses led CARB to conclude that direct $PM_{2.5}$ and NO_X emissions contribute significantly to ambient $PM_{2.5}$ levels that exceed the $PM_{2.5}$ NAAQS in the San Joaquin Valley while ammonia, SO_X, and VOC do not contribute significantly to such exceedances.[105] We summarize the State's analysis and conclusions below. For a more detailed summary of the precursor demonstration in the Plan, please refer to the EPA's ''Technical Support Document, EPA Evaluation of $PM_{2.5}$ Precursor Demonstration, San Joaquin Valley $PM_{2.5}$ Plan for the 2006 $PM_{2.5}$ NAAQS,'' February 2020 (''EPA's February 2020 Precursor TSD'').

For direct $PM_{2.5}$ and NO_X, CARB modeled the sensitivity of ambient $PM_{2.5}$ in the San Joaquin Valley to a 30 percent reduction in anthropogenic emissions of each pollutant in 2013, 2020, and 2024.[106] The State concluded that direct $PM_{2.5}$ and NO_X emissions reductions will continue to have a significant impact on 24-hour $PM_{2.5}$ design values in the San Joaquin Valley, with NO_X reductions being particularly important.[107] Consistent with this conclusion, the State focused the control strategy and attainment demonstration on these two pollutants,

[95] 40 CFR 51.1006(a)(1).

[96] Id.

[97] ''$PM_{2.5}$ Precursor Demonstration Guidance,'' EPA–454/R–19–004, May 2019, including memorandum dated May 30, 2019 from Scott Mathias, Acting Director, Air Quality Policy Division and Richard Wayland, Director, Air Quality Assessment Division, Office of Air Quality Planning and Standards (OAQPS), EPA to Regional Air Division Directors, Regions 1–10, EPA.

[98] ''$PM_{2.5}$ Precursor Demonstration Guidance, Draft for Public Review and Comments,'' EPA–454/P–16–001, November 17, 2016, including memorandum dated November 17, 2016 from Stephen D. Page, Director, OAQPS, EPA to Regional Air Division Directors, Regions 1–10, EPA.

[99] For the 24-hour $PM_{2.5}$ NAAQS, the EPA generally expects that a precursor demonstration showing that the air quality impact of a given precursor at all relevant locations does not exceed a contribution threshold of 1.5 $\mu g/m^3$ will be adequate to exempt sources of that precursor from control requirements. $PM_{2.5}$ Precursor Guidance, 17.

[100] A copy of the contents of Appendix G appears in the CARB Staff Report, Appendix C4 (''Precursor Demonstrations for Ammonia, SO_X, and ROG'').

[101] Letter dated May 9, 2019, from Richard Corey, Executive Officer, CARB, to Michael Stoker, Regional Administrator, EPA Region 9, Attachment A (''Clarifying information for the San Joaquin Valley 2018 Plan regarding model sensitivity related to ammonia and ammonia controls'').

[102] Email dated June 20, 2019, from Jeremy Avise, CARB, to Scott Bohning, EPA Region IX, Subject: ''RE: SJV model disbenefit from SO_X reduction,'' with attachment (''CARB's June 2019 Precursor Clarification''); email dated September 19, 2019, from Jeremy Avise, CARB, to Scott Bohning, EPA Region IX, Subject: ''FW: SJV species responses,'' with attachments (''CARB's September 2019 Precursor Clarification''); email dated October 18, 2019, from Laura Carr, CARB, to Scott Bohning, Jeanhee Hong, and Rory Mays, EPA Region IX, Subject: ''Clarifying information on ammonia,'' with attachment ''Clarifying Information on Ammonia'' (''CARB's October 2019 Precursor Clarification''); email dated April 19, 2021, from Laura Carr, CARB, to Rory Mays, EPA Region IX, Subject: ''Ammonia update,'' with attachment ''Update on Ammonia in the San Joaquin Valley'' (''CARB's April 19, 2021 Precursor Clarification''); and email dated April 26, 2021, from Laura Carr, CARB, to Scott Bohning, EPA Region IX, Subject: ''RE: Ammonia update,'' with attachment ''Ammonia in San Joaquin Valley'' (''CARB's April 26, 2021 Precursor Clarification'').

[103] CARB Staff Report, Appendix C, 9–16. The CARB Staff Report, Appendix C4 (''Precursor Demonstrations for Ammonia, SO_X, and ROG'') is very similar to the contents of Appendix G of the 2018 $PM_{2.5}$ Plan.

[104] $PM_{2.5}$ Precursor Guidance, 18–19 (consideration of additional information), 31 (available emissions controls), and 35–36 (appropriateness of future year versus base year sensitivity).

[105] Direct $PM_{2.5}$ emissions are considered a primary source of ambient $PM_{2.5}$ (*i.e.,* no further formation in the atmosphere is required), and therefore is not considered a precursor pollutant under subpart 4, which may differ from a more generalized understanding of what contributes to ambient $PM_{2.5}$.

[106] 2018 $PM_{2.5}$ Plan, Chapter 5, 5–7 to 5–8. CARB modeled the effects of both NO_X reductions and direct $PM_{2.5}$ reductions but the direct $PM_{2.5}$ results were used only as a point of comparison, as direct $PM_{2.5}$ emissions must be regulated in all $PM_{2.5}$ nonattainment areas.

[107] Id. at 5–8; and 2018 $PM_{2.5}$ Plan, Appendix G, 2. CARB presents its sensitivity analysis for emissions reductions in direct $PM_{2.5}$ and NO_X in the Plan's attainment demonstration appendix. 2018 $PM_{2.5}$ Plan, Appendix K, Table 47 (annual average design values) and Table 48 (24-hour average design values).

as described in section IV.C of this preamble.

For ammonia, SO_X, and VOC, CARB assessed the 2015 annual average concentration of each precursor in ambient $PM_{2.5}$ at Bakersfield, for which the necessary speciated $PM_{2.5}$ data are available and where the highest $PM_{2.5}$ design values have been recorded in most years, and compared those concentrations to the recommended annual average contribution threshold of 0.2 μg/m³ from the Draft $PM_{2.5}$ Precursor Guidance, which was available at the time the State developed the SIP.[108] The contributions of ammonia, SO_X, and VOC were 5.2 μg/m³, 1.6 μg/m³, and 6.2 μg/m³, respectively. Given that these levels are well above the EPA's 0.2 μg/m³ recommended contribution threshold, the State proceeded with a sensitivity-based analysis.

CARB's sensitivity-based analysis used the same Community Multiscale Air Quality (CMAQ) modeling platform as that used for the Plan's attainment demonstration. The State modeled the sensitivity of ambient $PM_{2.5}$ concentration in the San Joaquin Valley to 30 percent and 70 percent emissions reductions in 2013, 2020, and 2024 for each of ammonia, SO_X, and VOC. The State estimated baseline (2013, 2020, and 2024) design values for $PM_{2.5}$ using relative response factors (RRFs) and calculated the ammonia, SO_X, and VOC precursor contribution for a given year and for each sensitivity scenario (30 percent and 70 percent emissions reductions) as the difference between its baseline design value and the design value for each sensitivity scenario.[109]

We summarize the State's sensitivity-based analysis and additional information in the sections that follow for ammonia, SO_X, and VOC.

a. Ammonia

For ammonia, the State compared the 24-hour precursor contributions to 1.3 μg/m³, the recommended contribution threshold in the Draft $PM_{2.5}$ Precursor Guidance. For a modeled 30 percent ammonia emissions reduction, the ambient $PM_{2.5}$ responses in 2013 ranged from 0.9 to 3.3 μg/m³ across 15 monitoring sites, with a majority of sites above the 1.3 μg/m³ contribution threshold (and also above the 1.5 μg/m³ contribution threshold in the final $PM_{2.5}$ Precursor Guidance). $PM_{2.5}$ responses in 2020 ranged from 0.5 to 1.9 μg/m³, with four sites at or above the 1.3 μg/m³ contribution threshold, including one site above the 1.5 μg/m³ contribution threshold in the final $PM_{2.5}$ Precursor Guidance. In 2024, all modeled responses were below both recommended contribution thresholds. For a modeled 70 percent ammonia emissions reduction, the ambient $PM_{2.5}$ responses in 2013 ranged from 3.5 to 12.4 μg/m³, with all monitoring sites above the 1.3 μg/m³ threshold (and above the 1.5 μg/m³ threshold), the $PM_{2.5}$ responses in 2020 ranged from 1.6 to 6.4 μg/m³, and the $PM_{2.5}$ responses in 2024 ranged from 1.2 to 3.0 μg/m³, with most sites above both recommended thresholds. For further detail, please see the EPA's February 2020 Precursor TSD, Table 2, and the 2018 $PM_{2.5}$ Plan, Appendix G, tables 2 through 7. In summary, for a 30 percent ammonia reduction, a majority of sites have $PM_{2.5}$ responses above the contribution threshold in the 2013 modeling, decreasing to a single site above the contribution threshold for 2020, and no sites above the contribution threshold for 2024. For a 70 percent reduction, all sites are above the contribution threshold in the 2013 and 2020 modeling, and a majority of sites are above the contribution threshold in 2024.

The State based its ammonia precursor determination on the sensitivity analysis for the future years, using a 30 percent ammonia emissions reduction. These choices respectively reflect its assessment of research studies and the Plan's projected emissions reductions, and on its assessment of available emissions controls. As explained in the $PM_{2.5}$ Precursor Guidance, precursor responses may be above the recommended contribution threshold and yet not contribute significantly to levels that exceed the standard in the area. Therefore, as recommended by the EPA, the State considered additional information to examine whether the identified $PM_{2.5}$ responses constituted a significant contribution to ambient $PM_{2.5}$ in the San Joaquin Valley. The additional information included research studies, emissions trends, and information to support the State's conclusion that a 30 percent ammonia emissions reduction represented a reasonable upper bound on the ammonia emissions reductions to model in estimating its contribution to ambient $PM_{2.5}$ levels. We summarize this additional information below and provide a more detailed evaluation in the EPA's February 2020 Precursor TSD.

The State describes previous research that supports its finding that ammonium nitrate $PM_{2.5}$ formation is the San Joaquin Valley is NO_X-limited rather than ammonia-limited.[110] Essentially, ammonia is so abundant in the San Joaquin Valley that even with large ammonia emissions reductions there would still be enough ammonia to combine with the available NO_X to readily form particulate ammonium nitrate. Therefore, ammonia emissions reductions would lead to only small decreases in $PM_{2.5}$ concentrations. In contrast, because emissions of NO_X are less abundant in the San Joaquin Valley (*i.e.,* more limited relative to emissions of ammonia after normalizing for their differing molecular weights), the $PM_{2.5}$ concentrations in the atmosphere are more responsive to reductions in NO_X than to reductions of ammonia. Thus, these analyses indicate that the area is NO_X-limited.

The State also points to the conclusions of a study conducted by Lurmann et al., based on ambient measurements during the winter 2000–2001 California Regional Particulate Air Quality Study intensive field study.[111] That study found that most areas of the San Joaquin Valley were NO_X-limited with respect to ammonium nitrate formation. Since that time, large additional NO_X emissions reductions have occurred, which would increase the degree to which ammonium nitrate formation in the San Joaquin Valley is NO_X-limited. Based on more recent aircraft-borne measurements during the 2013 DISCOVER–AQ campaign,[112] the State similarly concluded that ammonium nitrate formation is NO_X-limited based on the large amount of ''excess ammonia,'' which is defined as the amount of measured ammonia left over if all the nitrate and sulfate present

[108] 2018 $PM_{2.5}$ Plan, Appendix G, 3. The Plan does not present a concentration-based analysis for the 24-hour average concentrations in the San Joaquin Valley. Instead, CARB relied on the annual average concentration-based analysis as an interim step to the sensitivity-based analysis, for which CARB assessed the sensitivity of both 24-hour average and annual average ambient $PM_{2.5}$ concentrations to precursor emissions reductions. Separately, the Plan presents a graphical representation of annual average ambient $PM_{2.5}$ components (*i.e.,* crustal particulate matter, elemental carbon, organic matter, ammonium sulfate, and ammonium nitrate) for 2011–2013 for Bakersfield, Fresno, and Modesto. 2018 $PM_{2.5}$ Plan, Chapter 3, 3–3 to 3–4.

[109] This procedure is the procedure recommended by the EPA. $PM_{2.5}$ Precursor Guidance, 37.

[110] 2018 $PM_{2.5}$ Plan, Appendix G, 9–10; CARB Staff Report, Appendix C, 12–15; and Attachment A to CARB's May 9, 2019 submittal letter.

[111] Frederick W. Lurmann, Steven G. Brown, Michael C. McCarthy, and Paul T. Roberts, ''Processes Influencing Secondary Aerosol Formation in the San Joaquin Valley during Winter,'' Journal of the Air & Waste Management Association, (2006), 56:12, 1679–1693, DOI: 10.1080/10473289.2006.10464573.

[112] Deriving Information on Surface conditions from COlumn and VERtically Resolved Observations Relevant to Air Quality,'' *https://www.nasa.gov/mission_pages/discover-aq/index.html.*

were to combine with available ammonia to form particulate.[113] The CARB Staff Report describes these conclusions in more detail and lists results from multiple other recent studies with similar conclusions.[114] Finally, in a supplemental submittal, CARB described the results of two analyses confirming the likely underestimation of ammonia emissions in the modeled emissions inventory inputs.[115] CARB compared CMAQ model predictions of ammonia with the 2013 DISCOVER–AQ aircraft measurements and found ammonia was underpredicted, and noted that this would result in the response to ammonia reductions being overpredicted. CARB also compared 2017 satellite measurements of ammonia with CMAQ model predictions and found that modeled ammonia concentrations were half of the magnitude of the satellite observations at some locations, and the modeled valley-wide average was about 25 percent less than observed. Because the modeling performs well for the various $PM_{2.5}$ components, as well as for ozone and NO_2,[116] the CARB finding of CMAQ model underpredictions for ammonia is consistent with an underestimation of ammonia emissions inventory input to the model.

Regarding emissions trends, the CARB Staff Report presents an emissions inventory-based argument on the relative insensitivity of $PM_{2.5}$ to ammonia reductions.[117] CARB compared the size of the ammonia and NO_X emissions inventories in tons per day, after normalizing for their differing molecular weights, and found that ammonia was roughly three times as abundant as NO_X in 2013 and is projected to be about six times as abundant in 2025, due to the continuing decline in NO_X emissions (while ammonia emissions are generally constant into the future).[118] While the State recognized that this is only a ''first-level assessment,'' it provides additional support for the State's conclusion that NO_X, and not ammonia, is the limiting precursor for ammonium nitrate formation, and that the ammonium nitrate portion of ambient $PM_{2.5}$ would be expected to be relatively insensitive to ammonia emissions reductions. This is also consistent with the ammonia sensitivity modeling for the San Joaquin Valley, which showed that $PM_{2.5}$ concentrations will be less sensitive to ammonia reductions as NO_X emissions go down in the future (*i.e.,* the $PM_{2.5}$ impacts were much smaller in the 2020 and 2024 future modeled cases compared to the 2013 base year).

The State projected that NO_X emissions in the San Joaquin Valley would decrease by 36 percent from 2013 to 2020, and by 53 percent from 2013 to 2024, while ammonia emissions would remain relatively flat, thereby increasing the relative abundance of ammonia.[119] Based on the Plan's emissions reduction projections combined with the research study conclusions, the State relies on the modeled responses for the future years, rather than the 2013 base year, stating that the future year NO_X emissions are more representative of San Joaquin Valley emissions conditions.[120] The State references the Draft $PM_{2.5}$ Precursor Guidance, which notes that it may be appropriate to model future conditions that are more representative of current atmospheric conditions and those conditions expected closer to the attainment date. The State concludes that this in fact applies to the San Joaquin Valley.[121]

With respect to the State's selection of 30 percent as an upper bound on the ammonia reductions to model, the State described its review of the most important ammonia source categories in the San Joaquin Valley, existing control measures that affect ammonia emissions from these sources, additional mitigation options for these sources, and information provided in the $PM_{2.5}$ Precursor Guidance about ammonia reductions achieved nationwide from 2011 to 2017.[122] The primary sources of ammonia emissions identified in the 2018 $PM_{2.5}$ Plan are: (1) Confined animal facilities (CAFs); (2) agricultural fertilizer; (3) biosolids, animal manure, and poultry litter operations; and (4) organic material composting operations.[123] CAFs are subject to District Rule 4570; biosolids, animal manure, and poultry litter operations are subject to District Rule 4565; and organic material composting operations are subject to District Rule 4566. Although these District rules explicitly apply only to VOC emissions from these sources, the State concludes that these rules also reduce ammonia emissions. Appendix C of the 2018 $PM_{2.5}$ Plan cites several scientific studies that address the correlation between VOC and ammonia emissions from these emissions sources.[124] Based on these evaluations, the State concludes that ammonia control measures achieving even the low end of the range (30 percent) are not feasible for implementation in the San Joaquin Valley and that it is therefore reasonable to treat a 30 percent ammonia reduction as an upper bound for modeling in the precursor demonstration.

In summary, the State's sensitivity analysis presents a range of $PM_{2.5}$ responses to ammonia emissions reductions depending on base year versus future year, and on the scale of emissions reductions that may be possible. The Plan provides the State's bases for finding that the future year sensitivity results better represent conditions in the San Joaquin Valley than the 2013 base year and for finding a 30 percent ammonia reduction to be a reasonable upper bound for modeled ammonia emissions reductions in assessing the ammonia contribution. Based on these analyses, the State concludes that ammonia does not contribute significantly to ambient $PM_{2.5}$ levels above the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley.

b. SO_X

For SO_X, the State compared the 24-hour precursor contributions to the recommended draft contribution threshold of 1.3 $\mu g/m^3$ in the Draft $PM_{2.5}$ Precursor Guidance. For modeled SO_X emissions reductions of 30 percent and 70 percent, the ambient $PM_{2.5}$ responses in 2013 ranged from -1.4 to 0.5 $\mu g/m^3$ across 15 monitoring sites, which all fall below the 1.3 $\mu g/m^3$ draft contribution threshold, and hence also below the contribution threshold of 1.5 $\mu g/m^3$ in the final version of the $PM_{2.5}$ Precursor Guidance.[125] The response was below zero at most monitoring sites, indicating an increase, rather than a decrease, in ambient $PM_{2.5}$ in response to SO_X emissions reductions (*i.e.,* a disbenefit). Only the Stockton and Manteca sites had slightly positive responses to 30 percent and 70 percent emissions reductions, and the Tranquillity site also had a slightly positive response only to a 30 percent reduction. For the 15 sites, in 2020, the responses to 30 percent and 70 percent emissions reductions ranged from -1.3 $\mu g/m^3$ to

[113] 2018 $PM_{2.5}$ Plan, Appendix G, Figure 2.

[114] CARB Staff Report, Appendix C, 12.

[115] CARB's April 26, 2021 Precursor Clarification.

[116] EPA's February 2020 Modeling TSD, 21.

[117] CARB Staff Report, Appendix C, 15.

[118] Annual average ammonia emissions are projected to decrease 4.6 tpd (1.4 percent) from 2013 to 2024. 2018 $PM_{2.5}$ Plan, Appendix B, Table B–5.

[119] 2018 $PM_{2.5}$ Plan, Appendix G, 8–9.

[120] Id. at 9.

[121] Id (referencing Draft $PM_{2.5}$ Precursor Guidance, 33). See also $PM_{2.5}$ Precursor Guidance, 35.

[122] 2018 $PM_{2.5}$ Plan, Appendix G and Appendix C, section C–25, and CARB's October 2019 Precursor Clarification.

[123] 2018 $PM_{2.5}$ Plan, Appendix C, section C–25.

[124] Id. at C–314 and following.

[125] 2018 $PM_{2.5}$ Plan, Appendix G, Table 8 and Table 9.

0.5 μg/m^3 while for 2024, the responses ranged from −1.1 μg/m^3 to 0.6 μg/m^3; these are also all below the contribution threshold, with most sites showing a disbenefit from SO_X reductions.[126] The Stockton, Manteca, and Tranquillity sites showed the same pattern of slight benefits as for 2013.[127] For further detail, please see the EPA's February 2020 Precursor TSD, Table 3 and the 2018 $PM_{2.5}$ Plan, Appendix G, tables 8 and 9 and Appendix K, tables 46, 48, and 50.

CARB also included additional information regarding emissions trends and an evaluation of the SO_X emissions reduction disbenefit. We summarize this additional information below and provide a more detailed evaluation in the EPA's February 2020 Precursor TSD.

In terms of emissions trends, the State found that SO_X emissions decreased from 2013 to 2014 and then were expected to very gradually rise to 7.8 tpd in 2020 and 8.0 tpd in 2024.[128] Given that projected SO_X emissions are very similar in 2020 and 2024, the State concluded that the 2020 and 2024 sensitivity results were redundant. Comparing the ambient responses in 2013 and 2024, the State found that the responses were slightly less negative or, for a small number of sites, slightly higher in 2024, but still no more than 0.6 μg/m^3 in response to a 70 percent SO_X emissions reduction.[129] This supports the State's conclusion as to the overall disbenefit of reducing SO_X emissions.

To explain the SO_X emissions reduction disbenefit that is observed in some cases, CARB refers to the non-linearity of inorganic aerosol thermodynamics, as described in a study by West et al.[130] That paper discusses how, under certain conditions, reducing SO_X could free ammonia to combine with nitrate, increasing overall $PM_{2.5}$ mass. To investigate this issue further, CARB conducted simulations with the ISORROPIA inorganic aerosol thermodynamic equilibrium model used within the CMAQ model and provided clarifications to the EPA.[131] In essence, CARB states that for some conditions typical of San Joaquin Valley, ISORROPIA switches to a different chemical regime in which the disbenefit occurs. CARB states that it is not known how well this model behavior reflects the actual atmosphere, but CARB accepts the results because it is a well-known and widely used chemical model.

Based on the small and mostly negative modeled response of ambient $PM_{2.5}$ to SO_X emissions reductions, and based on its scientific understanding of sulfate interactions with other molecules in the air, the State concludes that SO_X does not contribute significantly to ambient $PM_{2.5}$ levels that exceed the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley.

c. VOC

For VOC, CARB compared the 24-hour precursor contributions to the EPA's recommended draft contribution threshold of 1.3 μg/m^3. For a modeled 30 percent VOC emissions reduction, the ambient $PM_{2.5}$ responses in 2013 ranged from 0.1 to 1.9 μg/m^3 across 15 monitoring sites, with two sites above the 1.3 μg/m^3 draft contribution threshold.[132] [133] The 2020 responses ranged from −0.1 to 0.6 μg/m^3, with all monitoring sites below the 1.3 μg/m^3 draft contribution threshold, and hence also below the contribution threshold of 1.5 μg/m^3 that was finalized in the final $PM_{2.5}$ Precursor Guidance. The 2024 responses ranged from −0.4 to 0.0 μg/m^3, with all monitoring sites below both the draft and final contribution thresholds. For a 70 percent VOC emissions reduction, the $PM_{2.5}$ responses in 2013 ranged from 0.2 to 4.8 μg/m^3, including responses above both contribution thresholds at a majority of sites. The 2020 response ranged from −0.2 to 1.5 μg/m^3, with one site at the final contribution threshold. The 2024 response ranged from −1.0 to 0.0 μg/m^3 with monitoring sites below both the contribution thresholds. In other words, in response to either a 30 percent or a 70 percent reduction in VOC emissions, CARB models a decrease in ambient $PM_{2.5}$ levels at all sites for 2013, whereas for 2020, there were just small decreases in ambient $PM_{2.5}$ levels at most sites and an increase at one site, and for 2024 there were increases in $PM_{2.5}$ at all sites, *i.e.,* a disbenefit. For further detail, please see the EPA's February 2020 Precursor TSD, Table 4, and the 2018 $PM_{2.5}$ Plan, Appendix G, tables 10 through 15.

CARB then considered additional information to assess whether these $PM_{2.5}$ responses constituted a significant contribution to ambient $PM_{2.5}$ in the San Joaquin Valley, including emissions trends and an assessment of the modeled disbenefit of VOC emissions reductions. Regarding emissions trends, CARB found that VOC emissions would decrease approximately 30 tpd (or 9 percent) from 2013 to 2024, with approximately 28 out of the 30 tpd reduction taking place by 2020.[134] The State concludes that the formation of ambient $PM_{2.5}$ from VOC may therefore differ in base and future years and that the sensitivity analysis for 2013 is not representative of current or future conditions.

CARB explained the modeled disbenefit of VOC reductions as follows: Emissions of VOC and NO_X react in the atmosphere to form organic nitrate species, such as peroxyacetyl nitrate (PAN), meaning that some portion of the NO_X emissions is not available to react with ammonia to form ammonium nitrate. In other words, VOC emissions are a ''sink'' for NO_X emissions. Reducing VOC emissions therefore reduces the formation of organic nitrates, so the sink is smaller and nitrate molecules are freed to react with ammonia to form particulate ammonium nitrate.[135] The State further explored the VOC disbenefit based on a 2016 CARB modeling assessment provided in Appendix A (''Air Quality Modeling'') of the ''2016 Moderate Area Plan for the 2012 $PM_{2.5}$ Standard'' for the San Joaquin Valley (''2016 $PM_{2.5}$ Plan''), which CARB submitted to the EPA as a SIP revision on May 10, 2019.[136]

Based on its sensitivity-based analysis of VOC emissions reductions, VOC emissions trends, and the scientific understanding of VOC chemistry in the San Joaquin Valley, CARB concludes that VOC emissions do not contribute significantly to $PM_{2.5}$ levels that exceed the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley.

[126] CARB's September 2019 Precursor Clarification, 2020 analysis tables 15 and 16, and 2024 analysis tables 15 and 16.

[127] 2018 $PM_{2.5}$ Plan, Appendix K, Table 48 and Table 50.

[128] 2018 $PM_{2.5}$ Plan, Appendix G, Figure 4.

[129] CARB's September 2019 Precursor Clarification, 2013 analysis Table 16 and 2024 analysis Table 16.

[130] 2018 $PM_{2.5}$ Plan, Appendix K, section 5.6 (''$PM_{2.5}$ Precursor Sensitivity Analysis''); and West, J.J., Ansari, A.S., Pandis, S.N., 1999, Marginal $PM_{2.5}$: Nonlinear aerosol mass response to sulfate reductions in the eastern United States, *Journal of the Air & Waste Management Association,* 49, 1415–1424. *https://doi.org/10.1080/10473289.1999.10463973.*

[131] CARB's June 2019 Precursor Clarification.

[132] 2018 $PM_{2.5}$ Plan, Appendix G, Table 10.

[133] We note that one site (Visalia) has a modeled response above the EPA's final recommended contribution threshold of 1.5 μg/m^3 and one additional site (Bakersfield-California Avenue) has a modeled response below the 1.5 μg/m^3 threshold but above the EPA's draft threshold of 1.3 μg/m^3.

[134] 2018 $PM_{2.5}$ Plan, Appendix G, 19 and Figure 5.

[135] 2018 $PM_{2.5}$ Plan, Appendix K, 72 (citing Meng, Z., D. Dabdub, D., Seinfeld, J.H., Chemical Coupling Between Atmospheric Ozone and Particulate Matter, *Science* 277, 116 (1997). DOI: 10.1126/science.277.5322.116).

[136] 2016 $PM_{2.5}$ Plan, Appendix A, A–57. See also 2018 $PM_{2.5}$ Plan, Appendix K, section 5.6 (''$PM_{2.5}$ Precursor Sensitivity Analysis''), 71–72.

3. The EPA's Review of the State's Submission

The EPA has evaluated the State's precursor demonstration consistent with the $PM_{2.5}$ SIP Requirements Rule and the recommendations in the $PM_{2.5}$ Precursor Guidance. Based on this evaluation, the EPA agrees that NO_X emissions contribute significantly to ambient $PM_{2.5}$ levels that exceed the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley and that NO_X emissions sources, therefore, remain subject to control requirements under subparts 1 and 4 of the part D, title I of the Act. For the reasons provided below, the EPA proposes to approve the State's demonstration that ammonia, SO_X, and VOC emissions do not contribute significantly to ambient $PM_{2.5}$ levels that exceed the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley.

Regarding the State's analytical approach, the EPA finds that the State based its analyses on the latest available data and studies concerning ambient $PM_{2.5}$ formation in the San Joaquin Valley from precursor emissions. Regarding the required concentration-based analysis, the EPA finds that the State assessed the absolute annual average contribution of each precursor in ambient $PM_{2.5}$ (*i.e.,* in 2015). On the basis of the absolute concentrations being well above the EPA's recommended contribution thresholds for both the 24-hour and annual average NAAQS, the State proceeded with its sensitivity-based analysis, which is the recommended sequence under the final $PM_{2.5}$ Precursor Guidance.[137]

With respect to the sensitivity-based analysis, we find that the State performed its analyses following the steps of the EPA's recommended approach—*i.e.,* for each modeled year and percent precursor emissions reduction, the State estimated the ambient $PM_{2.5}$ response using the procedure recommended in the $PM_{2.5}$ Precursor Guidance and compared the result to the recommended contribution threshold. The EPA also finds that the performance of the photochemical model was adequate for use in estimating the ambient $PM_{2.5}$ responses, as discussed in section J (''Air Quality Model Performance'') of the EPA's ''Technical Support Document, EPA Evaluation of Air Quality Modeling, San Joaquin Valley $PM_{2.5}$ Plan for the 2006 $PM_{2.5}$ NAAQS,'' February 2020 (''EPA's February 2020 Modeling TSD''). The State considered the EPA's recommended range of emissions reductions (30 percent to 70 percent) for the 2013 base year, the projected 2020 attainment year for the 1997 24-hour $PM_{2.5}$ NAAQS, and the projected 2024 attainment year for the 2006 $PM_{2.5}$ NAAQS, and quantified the estimated response of ambient $PM_{2.5}$ concentrations to precursor emissions changes for the first time in a $PM_{2.5}$ SIP submission for the San Joaquin Valley. The EPA finds that such quantification and CARB's consideration of additional information provide an informed basis on which to make a determination as to whether ammonia, SO_X, and VOC do or do not contribute significantly to ambient $PM_{2.5}$ levels that exceed the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley.[138] Therefore, we turn to our evaluation of the State's determination for each of these three precursor pollutants.

a. Ammonia

For ammonia, as detailed above, CARB estimated the ambient $PM_{2.5}$ response to both a 30 percent and a 70 percent emissions reduction. We find that it was appropriate for the State to consider additional information to interpret those results to determine whether the ammonia contribution is significant. The primary conclusion demonstrated by the State's analysis of additional information is that ammonium nitrate formation is NO_X-limited. As discussed in more detail below, we agree with this conclusion. We have evaluated CARB's determination that a projected future year is more representative of conditions in the San Joaquin Valley for sensitivity-based analyses and that 30 percent is a reasonable upper bound for ammonia emissions reductions to assess the precursor contribution, as discussed below.

The State provided ample information from scientific studies based on ambient measurements to help assess the estimated sensitivity of ambient $PM_{2.5}$ to ammonia reductions. Conclusions based on ambient data are particularly relevant because they provide direct evidence of the chemical state of the atmosphere and are not dependent on modeled estimates of emissions or modeled ambient $PM_{2.5}$ concentrations. Measurements represent the ''real world'' result of the pollutants' differing geographic distributions, the various meteorological and chemical factors influencing their conversion to particulate, and their removal from the atmosphere by deposition and other processes. The observed abundance of ammonia relative to nitric acid, and the positive amount of chemically excess ammonia, both provide strong evidence that ammonia is not the limiting pollutant for particulate ammonium nitrate formation. They also support the State's conclusion that $PM_{2.5}$ concentrations are insensitive to ammonia emissions reductions.

The relative amount of ammonia and NO_X emissions is one of the most critical factors in determining the sensitivity of ambient $PM_{2.5}$ to ammonia reductions. We note that the model response to precursor reductions may be unrealistically large due to the underestimation of ammonia emissions and therefore of the ratio of ammonia to NO_X emissions. There is evidence that ammonia emissions may be underestimated based on direct measurements of ammonia emissions flux during two measurement campaigns, as discussed in the EPA's February 2020 Precursor TSD. If ammonia emissions were higher in the modeling, then ammonia would be more abundant relative to nitrate and particulate nitrate formation would be more NO_X-limited and less sensitive to ammonia reductions. This would make the model response more consistent with the ambient measurement studies, which suggest a very low sensitivity to ammonia. This evidence indicates that ammonia contribution to $PM_{2.5}$ levels above the standard is likely to be less than estimated by the State's modeling in each of the three years. In comparison to the 2013 and 2020 modeling, the modeling for the year 2024 incorporates lower NO_X emissions and so has a larger abundance of ammonia relative to nitrate, more similar to the studies' ambient measurements. Thus, the 2024 response to ammonia reductions is likely to be more reliable than the 2013 and 2020 responses and appears to be more representative of current atmospheric conditions despite the use of emissions projections for a future year.

The relative sizes of the ammonia and NO_X precursor emissions inventories after accounting for their differing molecular weights are a rough indicator of which pollutant is the limiting pollutant for production of ammonium nitrate because ammonium nitrate forms from a one-to-one ratio of molecules derived from each precursor (*i.e.,* one ammonium nitrate forms from one

[137] For further discussion of the EPA's evaluation of the State's concentration-based analysis, see the EPA's February 2020 Precursor TSD, sections entitled ''Concentration-based analysis'' within the EPA's evaluation for each of ammonia, SO_X, and VOC.

[138] The State did not evaluate the 2015 Serious area attainment year. Because the year has passed and the area failed to attain by the Serious area attainment date, we will evaluate the precursor analysis for the Serious area plan based on the current section 189(d) projected attainment date of December 31, 2020.

ammonium and one nitrate). However, unlike measurements and photochemical modeling, a simple emissions ratio does not account for various processes mentioned above; it assumes all the emitted molecules find one another and react. The State found ammonia to be roughly three times as abundant as NO_X in 2013 after accounting for their differing molecular weights, and even more abundant in future years. The EPA repeated the exercise to account for SO_X and found that the ratio of total ammonia to the ammonia needed to react with both nitrate and sulfate ranged from 2.7 in 2013 to 5.6 in 2028. These results are approximately the same as the CARB NO_X-only results because SO_X emissions are very small relative to NO_X and ammonia emissions (*e.g.,* in 2013, winter daily emissions were 8.4 tpd of SO_X versus 300.5 tpd of NO_X and 309.8 tpd of ammonia).[139] These observations support the State's finding that $PM_{2.5}$ is expected to be relatively insensitive to ammonia reductions, though they are not definitive on their own.

The State also points to large decreases or projected decreases in NO_X emissions in the San Joaquin Valley from 2013 to 2024, including a 36 percent reduction from baseline measures by 2020, and a 53 percent reduction by 2024, while CARB projects that ammonia emissions will remain roughly constant (*i.e.,* decreasing 1–2 percent). In conjunction with the ambient evidence that ammonia is already chemically overabundant relative to NO_X in the San Joaquin Valley, this indicates that the overabundance will become even greater in the future, and thus ambient $PM_{2.5}$ is expected to be even less responsive to ammonia reductions. This adds conservatism to the State's conclusions about ammonia sensitivity based on the scientific studies.

While the base year for an attainment plan for a given nonattainment area is generally more representative of current conditions, there can be situations in which is it more appropriate to use future conditions representative of when sources will operate, and the EPA believes that states may use either a base year or a future year for modeling an ambient $PM_{2.5}$ response to precursor emissions reductions, provided the state explains how the choice of analysis year and associated assumptions are appropriate.[140] The 2013 modeled responses cannot be considered current at the present time, in comparison to the 2020 results. Large NO_X emissions reductions have occurred from 2013–2020 and are projected to continue to occur on through 2024, continuing to decrease the ratio of NO_X to ammonia. In light of this ongoing trend, and the ambient data indicating that models underestimate ammonia, the EPA believes that future year results, which more accurately reflect the expected NO_X to ammonia ratio, will continue to be representative, unlike the 2013 base year. These reductions are the result of regulations put in place by past air quality planning decisions and they will occur regardless of the actions that are being proposed herein. In assessing the effect of potential ammonia reductions, the EPA believes it is reasonable to account for these NO_X reductions. In addition, as noted above, the greater abundance of ammonia relative to NO_X in the 2024 year modeling is more consistent with recent ambient measurements, which suggest that the 2024 responses are more representative of current atmospheric conditions than the other model years for assessing sensitivity to ammonia reductions. Therefore, in consideration of the scientific studies and emissions trends, including the projected large amount of NO_X emissions reductions through the attainment period, the EPA agrees that use of a future year is appropriate. Given the available research and ambient data, we conclude that the modeled 2024 year is the most representative of conditions in the San Joaquin Valley.

Even if we were to set aside the more representative 2024 modeling, in the 2020 modeled responses, only the Bakersfield-Planz site is above the contribution threshold, at 1.9 $\mu g/m^3$. A single value above the threshold is not determinative, particularly in light of the additional information provided above, indicating that the modeled values overestimate the contribution of ammonia to ambient $PM_{2.5}$ levels, and that the trend continues toward less contribution in the future as the ratio of NO_X to ammonia continues to drop. Moreover, the monitored 2020 design value is attaining the 1997 24-hour $PM_{2.5}$ NAAQS because, as discussed above and in section V of this proposal, at the current time there are not $PM_{2.5}$ levels above the NAAQS. This is further evidence that the single 2020 modeled response above the contribution threshold is not a significant contribution to $PM_{2.5}$ levels in excess of the NAAQS, even if the 2020 modeling were considered representative.

In the context of interpreting the full set of modeling results for ammonia emissions reductions, the EPA also considered the State's conclusion that the absence of available ammonia controls for sources in the San Joaquin Valley supports its decision to treat a 30 percent reduction as a reasonable upper bound on the ammonia emissions reductions to model in estimating the precursor contribution. As the State correctly notes, the 30 percent to 70 percent range recommended by the EPA is based on historical NO_X and SO_X emissions reductions, and changes in ammonia emissions levels nationally from 2011 to 2017 ranged from a 9 percent decrease to a 6 percent increase.[141] The State's descriptions of past research relied upon to develop existing rules that apply to ammonia emissions sources, as well as ongoing research, show that it has considered the availability of ammonia controls both in the past and present context, and that the State has a basis for its conclusion that 30 percent is a reasonable upper bound on achievable reductions for ammonia.

In sum, we find that the State quantified the sensitivity of ambient $PM_{2.5}$ levels to reductions in ammonia using appropriate modeling techniques that performed well, and that the State's analysis and use of future year sensitivity data, both 2020 and 2024, is well-supported. We also find that the State adequately documented its basis for using a 30 percent reduction in ammonia emissions as an upper bound in the modeling to assess ambient sensitivity to ammonia emissions reductions. Based on these considerations, the EPA proposes to approve the State's demonstration that ammonia emissions do not contribute significantly to ambient $PM_{2.5}$ levels that exceed the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley.

b. SO_X

For SO_X, the State found that the ambient $PM_{2.5}$ responses to SO_X emissions reductions were below the EPA's recommended contribution threshold of 1.3 $\mu g/m^3$ in the Draft $PM_{2.5}$ Precursor Guidance (and below the EPA recommended threshold of 1.5 $\mu g/m^3$ in the final $PM_{2.5}$ Precursor Guidance), and that for most sites there would be an increase in ambient $PM_{2.5}$ levels in response to SO_X reductions (*i.e.,* a disbenefit). The EPA has evaluated the State's analysis of this disbenefit and resulting conclusion regarding significance.

Because the results of the sensitivity analysis were all below the EPA's recommended 24-hour contribution thresholds at both the 30 percent and 70

[139] 2018 $PM_{2.5}$ Plan, Appendix B, tables B–2, B–3, and B–4.

[140] $PM_{2.5}$ Precursor Guidance, 35–36.

[141] Id. at 30, Table 2.

percent emissions reductions, and in both the 2013 base year and 2020 (and 2024) future year, it is not necessary to distinguish between the timing and scale of emissions reductions with respect to the response of ambient $PM_{2.5}$ levels as in the ammonia evaluation where the results diverged according to scale and timing of modeled emissions reductions. The EPA's February 2020 Precursor TSD contains additional detail on the EPA's evaluation of SO_X as a $PM_{2.5}$ precursor, including the disbenefit associated with a reduction in SO_X emissions. Accordingly, we find that the State's decision to rely on the 2013 sensitivity modeling results for a 30 percent SO_X reduction is acceptable.

Therefore, on the basis of the modeled ambient $PM_{2.5}$ response to both a 30 percent and 70 percent reduction in SO_X emissions in 2013, and on the facts and circumstances of the area, the EPA proposes to approve the State's demonstration that SO_X emissions do not contribute significantly to ambient $PM_{2.5}$ levels that exceed the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley.

c. VOC

For VOC, the State found that the ambient $PM_{2.5}$ response to VOC emissions reductions were generally below the EPA's recommended contribution threshold of 1.3 $\mu g/m^3$ in the Draft $PM_{2.5}$ Precursor Guidance and below the EPA's recommended threshold of 1.5 $\mu g/m^3$ in the final $PM_{2.5}$ Precursor Guidance, and often predicted an increase in ambient $PM_{2.5}$ levels in response to such reductions (*i.e.,* a disbenefit), except for a 70 percent emissions reduction for the 2013 base year, where the State predicted the ambient $PM_{2.5}$ response to be above both recommended thresholds at a majority of sites. The EPA has evaluated and agrees with the State's determination that the modeling for future years is more representative of conditions in the San Joaquin Valley than the 2013 modeling for sensitivity-based analyses and the State's resulting conclusion as to whether the contribution from VOC emissions is significant.

Regarding emissions trends, the EPA agrees that the 8.6 percent decrease in VOC emissions from 2013 to 2020 and the 9.2 percent projected decrease from 2013 to 2024 favors reliance on the future year modeling results. Furthermore, there is a large decrease in NO_X emissions over this period, as discussed in the EPA's evaluation of ammonia, which affects the atmospheric chemistry with respect to ambient $PM_{2.5}$ formation from VOC emissions. The 9 percent VOC emissions reductions and the NO_X emissions reductions are projected to result from implementation of existing baseline measures. We therefore find it reasonable to rely on future year 2020 or 2024 modeled responses to VOC emissions reductions, and both years show a disbenefit from VOC emissions reductions. The EPA also finds that the State provided a reasonable explanation for the VOC reduction disbenefit and evidence that it occurs in the San Joaquin Valley.

For these reasons, we propose to approve the State's demonstration that VOC emissions do not contribute significantly to ambient $PM_{2.5}$ levels that exceed the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley.

C. Attainment Plan Control Strategy

1. Statutory and Regulatory Requirements

Section 189(b)(1)(B) of the Act requires for any Serious $PM_{2.5}$ nonattainment area that the state submit provisions to assure that BACM for the control of $PM_{2.5}$ and $PM_{2.5}$ precursors shall be implemented no later than four years after the date the area is reclassified as a Serious area. The EPA has defined BACM in the $PM_{2.5}$ SIP Requirements Rule to mean ''any technologically and economically feasible control measure that . . . can achieve greater permanent and enforceable emissions reductions of direct $PM_{2.5}$ emissions and/or emissions of $PM_{2.5}$ plan precursors from sources in the area than can be achieved through the implementation of RACM on the same source(s). BACM includes best available control technology (BACT).'' [142]

Because the 2015 Serious area attainment date has passed, and the EPA found that the area failed to attain by the Serious area attainment date, we are evaluating the submission for compliance with the BACM/BACT requirements now, in conjunction with the State's SIP submission intended to meet both the Serious area plan and section 189(d) plan requirements.

The EPA generally considers BACM a control level that goes beyond existing RACM-level controls, for example by expanding the use of RACM controls or by requiring preventative measures instead of remediation.[143] Indeed, as implementation of BACM and BACT is required when a Moderate nonattainment area is reclassified as Serious due to its inability to attain the NAAQS through implementation of ''reasonable'' measures, it is logical that ''best'' control measures should represent a more stringent and potentially more costly level of control.[144] If RACM and RACT level controls of emissions have been insufficient to reach attainment, the CAA contemplates the implementation of more stringent controls, controls on more sources, or other adjustments to the control strategy are necessary to attain the NAAQS in the area.

Under the $PM_{2.5}$ SIP Requirements Rule, those control measures that otherwise meet the definition of BACM/BACT but ''can only be implemented in whole or in part beginning four years after reclassification'' are referred to as ''additional feasible measures.'' [145] In accordance with the requirements of CAA section 172(c)(6), a Serious area plan must include any additional feasible measures to control emissions of direct $PM_{2.5}$ and $PM_{2.5}$ precursors that are necessary and appropriate to provide for attainment of the relevant NAAQS as expeditiously as practicable and no later than the applicable attainment date.[146]

Consistent with longstanding guidance provided in the General Preamble Addendum, the preamble to the $PM_{2.5}$ SIP Requirements Rule discusses the following steps for determining BACM and BACT and additional feasible measures:

(1) Develop a comprehensive emissions inventory of the sources of $PM_{2.5}$ and $PM_{2.5}$ precursors;

(2) Identify potential control measures;

(3) Determine whether an available control measure or technology is technologically feasible;

(4) Determine whether an available control measure or technology is economically feasible; and

(5) Determine the earliest date by which a control measure or technology can be implemented in whole or in part.[147]

The EPA allows consideration of factors such as physical plant layout,

[142] 40 CFR 51.1000 (definitions). In longstanding guidance, the EPA has similarly defined BACM to mean, ''among other things, the maximum degree of emissions reduction achievable for a source or source category, which is determined on a case-by-case basis considering energy, environmental, and economic impacts.'' General Preamble Addendum, 42010, 42013.

[143] 81 FR 58010, 58081 and General Preamble Addendum, 42011, 42013.

[144] Id. and General Preamble Addendum, 42009–42010.

[145] 40 CFR 51.1000, 40 CFR 51.1010(a)(4)(ii).

[146] Because the Serious area attainment year has passed and the area failed to attain by the Serious area attainment date, we will evaluate the BACM/BACT and additional feasible measure analysis for the Serious area plan with respect to the current section 189(d) projected attainment date of December 31, 2020.

[147] 81 FR 58010, 58083–58085.

energy requirements, needed infrastructure, and workforce type and habits when considering technological feasibility. For purposes of evaluating economic feasibility, the EPA allows consideration of factors such as the capital costs, operating and maintenance costs, and cost effectiveness (*i.e.,* cost per ton of pollutant reduced by a measure or technology) associated with the measure or control.[148]

Once these analyses are complete, the state must use this information to develop enforceable control measures and submit them to the EPA for evaluation as SIP revisions to meet the basic requirements of CAA section 110 and any other applicable substantive provisions of the Act. The EPA is using these steps as guidelines in the evaluation of the BACM and BACT measures and related analyses in the SJV $PM_{2.5}$ Plan. Furthermore, because the EPA has not previously taken action to approve the California SIP as meeting the subpart 4 Moderate area planning requirements under CAA section 189 for the 1997 24-hour $PM_{2.5}$ NAAQS for the San Joaquin Valley area, the EPA is reviewing the SJV $PM_{2.5}$ Plan for compliance with those requirements.[149]

The overarching requirement for the CAA section 189(d) attainment control strategy is that it provides for attainment of the NAAQS as expeditiously as practicable.[150] The control strategy must include any additional measures (beyond those already adopted in previous nonattainment plans for the area as RACM/RACT or BACM/BACT) that are needed for the area to attain expeditiously. This includes reassessing any measures previously rejected during the development of any Moderate area or Serious area attainment plan control strategy.[151] The state must also demonstrate that it will, at a minimum, achieve an annual five percent reduction in emissions of direct $PM_{2.5}$ or any $PM_{2.5}$ plan precursor from sources in the area, based on the most recent emissions inventory for the area.[152]

In the $PM_{2.5}$ SIP Requirements Rule, the EPA clarified its interpretation of the statutory language in CAA section 189(d) requiring a state to submit a new attainment plan to achieve annual reductions ''from the date of such submission until attainment,'' to mean annual reductions beginning from the due date of such submission until the new projected attainment date for the area based on the new or additional control measures identified to achieve at least five percent emissions reductions annually.[153] This interpretation is intended to make clear that even if a state is late in submitting its CAA section 189(d) plan, the area must still achieve its annual five percent emissions reductions beginning from the date by which the state was required to make its CAA section 189(d) submission, not by some later date. Because the deadline for California to submit a section 189(d) plan for the 1997 $PM_{2.5}$ NAAQS in the San Joaquin Valley was December 31, 2016, one year after the December 31, 2015 attainment date for these NAAQS under CAA section 188(c)(2), the starting point for the five percent emissions reduction requirement under section 189(d) for this area is 2017.

2. Summary of the State's Submission and the EPA's Evaluation and Proposed Action

a. Control Strategy

For the Serious area and section 189(d) plan requirements for the 1997 24-hour $PM_{2.5}$ NAAQS the State based the control strategy in the SJV $PM_{2.5}$ Plan on ongoing emissions reductions from baseline control measures.[154] As we use the term here, baseline measures are State and District regulations adopted prior to the development of the SJV $PM_{2.5}$ Plan that continue to achieve emissions reductions through the projected 2020 attainment year for the 1997 24-hour $PM_{2.5}$ NAAQS and beyond. The State describes the baseline measures in the 2018 $PM_{2.5}$ Plan in Chapter 4,[155] Appendix C (''Stationary Source Control Measure Analyses''), and Appendix D (''Mobile Source Control Measure Analyses''). The State incorporates reductions generated by these baseline measures into the projected baseline inventories and reductions resulting from District measures are individually quantified in Appendix C.

In the 2018 $PM_{2.5}$ Plan, CARB indicates that mobile sources emit over 85 percent of the NO_X emissions in the San Joaquin Valley and that CARB has adopted and amended regulations to reduce public exposure to diesel particulate matter, which includes direct $PM_{2.5}$ and NO_X, from ''fuel sources, freight transport sources like heavy-duty diesel trucks, transportation sources like passenger cars and buses, and non-road sources like large construction equipment.'' [156]

Given the need for substantial emissions reductions from mobile and area sources to meet the NAAQS in California nonattainment areas, the State of California has developed stringent control measures for on-road and non-road mobile sources and the fuels that power them. California has unique authority under CAA section 209 (subject to a waiver or authorization as applicable by the EPA) to adopt and implement new emissions standards for many categories of on-road vehicles and engines and new and in-use non-road vehicles and engines. The EPA has approved many such mobile source regulations for which it has issued waiver authorizations as revisions to the California SIP.[157]

CARB's mobile source program extends beyond regulations that are subject to the waiver or authorization process set forth in CAA section 209 to include standards and other requirements to control emissions from in-use heavy-duty trucks and buses, gasoline and diesel fuel specifications, and many other types of mobile sources. Generally, these regulations have also been submitted and approved as revisions to the California SIP.[158]

As to stationary and area sources, the SJV $PM_{2.5}$ Plan indicates that regulations adopted for prior attainment plans

[148] 40 CFR 51.1010(a)(3) and 81 FR 58010, 58041–58042.

[149] The EPA does not normally conduct a separate evaluation to determine whether a Serious area plan's measures also meet the RACM requirements. As explained in the General Preamble Addendum, we interpret the BACM requirement as generally subsuming the RACM requirement—*i.e.,* if we determine that the measures are indeed the ''best available,'' we have necessarily concluded that they are ''reasonably available.'' (General Preamble Addendum, 42010). Therefore, a separate analysis to determine if the measures represent a RACM level of control is not necessary. A proposed approval of a Plan's provisions concerning implementation of BACM is also a proposed finding that the Plan provides for the implementation of RACM.

[150] 81 FR 58010, 58100.

[151] 40 CFR 50.1010(c)(2)(ii).

[152] CAA section 189(d) and 40 CFR 51.1010(c).

[153] 81 FR 58010, 58101.

[154] Because the 2015 Serious area attainment date has passed, and the EPA found that the area failed to attain by the Serious area attainment date, we are evaluating the control strategy for the Serious area requirements based on the timeline associated with the current section 189(d) projected attainment date of December 31, 2020.

[155] 2018 $PM_{2.5}$ Plan, Chapter 4, Table 4–2.

[156] 2018 $PM_{2.5}$ Plan, Chapter 4, 4–9. For CARB's BACM analysis for mobile source measures, see 2018 $PM_{2.5}$ Plan, Appendix D, including analyses for on-road light-duty vehicles and fuels (starting on page D–17), on-road heavy-duty vehicles and fuels (starting on page D–35), and non-road sources (starting on page D–64).

[157] For example, see 81 FR 39424 (June 16, 2016); 82 FR 14446 (March 21, 2017); and 83 FR 23232 (May 18, 2018).

[158] For example, see the EPA's approval of standards and other requirements to control emissions from in-use heavy-duty diesel trucks (77 FR 20308, April 4, 2012), revisions to the California on-road reformulated gasoline and diesel fuel regulations (75 FR 26653, May 12, 2010), and revisions to the California motor vehicle inspection and maintenance program (75 FR 38023, July 1, 2010).

continue to reduce emissions of NO_X and direct $PM_{2.5}$.[159] Specifically, Table 4–1 of the 2018 $PM_{2.5}$ Plan identifies 33 District measures that limit NO_X and direct $PM_{2.5}$ emissions.[160] The EPA has approved each of the identified measures into the California SIP,[161] with two exceptions.

First, the District amended Rule 4905 (''Natural Gas-fired, Fan-type, Residential Central Furnaces'') on October 15, 2020, to extend the period during which manufacturers may pay emissions fees in lieu of meeting the rule's NO_X emissions limits.[162] CARB submitted the amended rule to the EPA on December 30, 2020,[163] and the EPA has not yet proposed any action on this submission. The EPA approved a prior version of Rule 4905 into the California SIP on March 29, 2016.[164] As part of that rulemaking, the EPA noted that because of the option in Rule 4905 to pay mitigation fees in lieu of compliance with emissions limits, emissions reductions associated with the rule's emissions limits would not be creditable in any attainment plan without additional documentation.[165] Until the District submits the necessary documentation to credit emissions reductions achieved by Rule 4905 toward an attainment control strategy, this rule is not creditable for SIP purposes. The Plan indicates that the District attributed 0.06 tpd of NO_X reductions between 2013 and 2020 to Rule 4905.[166] These emissions reductions have de minimis impacts on the attainment demonstration for the 1997 24-hour $PM_{2.5}$ NAAQS in the SJV $PM_{2.5}$ Plan.

Second, the 2018 $PM_{2.5}$ Plan lists Rule 4203 (''Particulate Matter Emissions from Incineration of Combustible Refuse'') as a baseline measure. This rule has not been approved into the California SIP.[167] Appendix C of the 2018 $PM_{2.5}$ Plan indicates, however, that the emissions inventory for incineration of combustible refuse is 0.00 tpd of NO_X and 0.00 direct $PM_{2.5}$ from 2013 through 2020.[168] Thus, although the District included this rule as a baseline measure, there are no meaningful reductions associated with this rule that would affect the attainment demonstration in the SJV $PM_{2.5}$ Plan.

In sum, although Table 4–1 of the 2018 $PM_{2.5}$ Plan identifies two baseline measures that are not creditable for SIP purposes at this time, we find that the total emissions reductions attributed to these measures in the future baseline inventories have de minimis effects on the attainment demonstration in the Plan.

b. Best Available Control Measures

We are evaluating the State's BACM demonstration for the 1997 24-hour $PM_{2.5}$ NAAQS against the section 189(b)(1)(B) Serious area plan BACM requirement, and the section 189(d) plan requirement to address all Serious area plan requirements that the State has not already met. Because we have already found that the State failed to attain the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley area by the Serious area attainment date, and because we have not previously found that the state has met the BACM requirement for purposes of the 1997 24-hour $PM_{2.5}$ NAAQS, we are evaluating the State's submission against the Serious area BACM requirement in light of the section 189(d) control plan timeline. The State's BACM demonstration is presented in Appendix C (''Stationary Source Controls'') and Appendix D (''Mobile Source Control Measure Analyses'') of the 2018 $PM_{2.5}$ Plan.[169] As discussed in section IV.A of this proposed rule, Appendix B (''Emissions Inventory'') of the 2018 $PM_{2.5}$ Plan contains the planning inventories for direct $PM_{2.5}$ and all $PM_{2.5}$ precursors (NO_X, SO_X, VOC, and ammonia) for the San Joaquin Valley nonattainment area together with documentation to support these inventories. Each inventory includes emissions from stationary, area, on-road, and non-road emissions sources, and the State specifically identifies the condensable component of direct $PM_{2.5}$ for relevant stationary source and area source categories. As discussed in section IV.B of this proposed rule, the State concludes that the Plan should control emissions of $PM_{2.5}$ and NO_X to reach attainment. Accordingly, the BACM and BACT evaluation in the Plan addresses potential controls for sources of those pollutants.

For stationary and area sources, the District identifies the sources of direct $PM_{2.5}$ and NO_X in the San Joaquin Valley that are subject to District emissions control measures and provides its evaluation of these regulations for compliance with BACM requirements in Appendix C of the 2018 $PM_{2.5}$ Plan. As part of its process for identifying candidate BACM and considering the technical and economic feasibility of additional control measures, the District reviewed the EPA's guidance documents on BACM, additional guidance documents on control measures for direct $PM_{2.5}$ and NO_X emissions sources, and control measures implemented in other ozone and $PM_{2.5}$ nonattainment areas in California and other states.[170] The District also provides an analysis of several SIP-approved VOC regulations that, according to the District, also provide ammonia co-benefits.[171] Based on these analyses, the District concludes that all best available control measures for stationary and area sources are in place in the San Joaquin Valley for NO_X and directly emitted $PM_{2.5}$ for purposes of meeting the BACM/BACT requirement for the 1997 24-hour $PM_{2.5}$ NAAQS. We provide an evaluation of many of the District's control measures for stationary sources and area sources in section III of the EPA's 1997 24-hour $PM_{2.5}$ TSD together with recommendations for possible future improvements to these rules.

For mobile sources, CARB identifies the sources of direct $PM_{2.5}$ and NO_X in the San Joaquin Valley that are subject to the State's emissions control measures and provides its evaluation of these regulations for compliance with BACM requirements in Appendix D of the 2018 $PM_{2.5}$ Plan. Appendix D describes CARB's process for determining BACM, including identification of the sources of direct $PM_{2.5}$ and NO_X in the San Joaquin

[159] 2018 $PM_{2.5}$ Plan, Chapter 4, 4–3. For the District's BACM analysis of stationary and area source measures, see 2018 $PM_{2.5}$ Plan, Appendix C.

[160] 2018 $PM_{2.5}$ Plan, Chapter 4, Table 4–1.

[161] See EPA Region IX's website for information on District control measures that have been approved into the California SIP, available at: *https://www.epa.gov/sips-ca/epa-approved-san-joaquin-valley-unified-air-district-regulations-california-sip*.

[162] SJVUAPCD, Final Draft Staff Report with Appendix for Proposed Amendments to Rule 4905, ''Adopt Proposed Amendments to Rule 4905 (Natural Gas-fired, Fan-type Central Furnaces),'' 2.

[163] Letter dated December 28, 2020, from Richard W. Corey, Executive Officer, CARB, to John Busterud, Regional Administrator, EPA Region 9. CARB's submittal letter formally withdrew a previously amended version of Rule 4905 adopted by the District on June 21, 2018 and submitted to the EPA by CARB on November 21, 2018.

[164] 81 FR 17390 (March 29, 2016) (approving Rule 4905 as amended January 22, 2015).

[165] EPA, Region IX Air Division, ''Technical Support Document for EPA's Proposed Rulemaking for the California State Implementation Plan (SIP), San Joaquin Valley Unified Air Pollution Control District's Rule 4905, Natural Gas-Fired, Fan-Type Central Furnaces,'' October 5, 2015, n. 8.

[166] 2018 $PM_{2.5}$ Plan, Appendix C, C–290.

[167] The EPA does not have any pending SIP submission for Rule 4203.

[168] 2018 $PM_{2.5}$ Plan, Appendix C, C–46.

[169] Appendices C and D also present an MSM analysis for the purposes of meeting a precondition for an extension of the Serious area attainment date under CAA section 188(e) for the 2006 $PM_{2.5}$ NAAQS. The San Joaquin Valley area is not subject to the MSM requirement for the 1997 24-hour $PM_{2.5}$ NAAQS. Thus, the EPA is evaluating the Plan's control strategy for implementation of BACM and BACT only.

[170] 2018 $PM_{2.5}$ Plan, Chapter 4, section 4.3.1.

[171] 2018 $PM_{2.5}$ Plan, Appendix C., section C.25.

Valley, identification of potential control measures for such sources, assessment of the stringency and feasibility of the potential control measures, and adoption and implementation of feasible control measures.[172]

Mobile source categories for which CARB has primary responsibility for reducing emissions in California include most new and existing on- and non-road engines and vehicles and motor vehicle fuels. The SJV $PM_{2.5}$ Plan's BACM demonstration provides a general description of CARB's key mobile source programs and regulations and a comprehensive table listing on-road and non-road mobile source regulatory actions taken by CARB since 1985.[173]

Appendix D of the 2018 $PM_{2.5}$ Plan also describes the current efforts of the eight local jurisdiction metropolitan planning organizations (MPOs) to implement cost-effective transportation control measures (TCMs) in the San Joaquin Valley.[174] TCMs are projects that reduce air pollutants from transportation sources by reducing vehicle use, traffic congestion, or vehicle miles traveled. TCMs are currently being implemented in the San Joaquin Valley as part of the Congestion Mitigation and Air Quality cost effectiveness policy adopted by the eight local jurisdiction MPOs and in the development of each Regional Transportation Plan (RTP). The Congestion Mitigation and Air Quality policy, which is included in a number of the District's prior attainment plan submissions for the ozone and $PM_{2.5}$ NAAQS, provides a standardized process for distributing 20 percent of the Congestion Mitigation and Air Quality funds to projects that meet a minimum cost effectiveness threshold beginning in fiscal year 2011. The MPOs revisited the minimum cost effectiveness standard during the development of their 2018 RTPs and 2019 Federal Transportation Improvement Program and concluded that they were implementing all reasonable transportation control measures.[175] Appendix D of the District's ''2016 Ozone Plan for 2008 8-Hour Ozone Standard,'' adopted June 16, 2016, contains a listing of adopted TCMs for the San Joaquin Valley.[176]

We have reviewed the State's and District's analysis and determination in the SJV $PM_{2.5}$ Plan that their baseline mobile, stationary, and area source control measures meet the requirements for BACM for sources of direct $PM_{2.5}$ and applicable $PM_{2.5}$ plan precursors (*i.e.,* NO_X) for purposes of the 1997 24-hour $PM_{2.5}$ NAAQS. In our review, we considered our evaluation of the State's and District's rules in connection with our approval of the demonstrations for BACM (including BACT) and MSM for the 2006 $PM_{2.5}$ NAAQS.[177] We find that the evaluation processes followed by CARB and the District in the SJV $PM_{2.5}$ Plan to identify potential BACM were generally consistent with the requirements of the $PM_{2.5}$ SIP Requirements Rule, the State's and District's evaluation of potential measures is appropriate, and the State and District have provided reasoned justifications for their rejection of potential measures based on technological or economic infeasibility. We also agree with the District's conclusion that all reasonable TCMs are being implemented in the San Joaquin Valley and propose to find that these TCMs implement BACM for transportation sources.

For the foregoing reasons, we propose to find that the SJV $PM_{2.5}$ Plan provides for the implementation of BACM for sources of direct $PM_{2.5}$ and NO_X as expeditiously as practicable in accordance with the requirements of CAA section 189(b)(1)(B), and in satisfaction of both the Serious area and section 189(d) plan requirements.

c. Section 189(d) Five Percent Requirement

The SJV $PM_{2.5}$ Plan's demonstration of annual five percent reductions in NO_X emissions is in section 5.2 of the 2018 $PM_{2.5}$ Plan. As shown in Table 3, the demonstration uses the 2013 base year inventory as the starting point from which the five percent per year emissions reductions are calculated and uses 2017 as the year from which the reductions start. The target required reduction in 2017 is five percent of the base year (2013) inventory, which is a reduction of approximately 15.9 tpd of NO_X, and the targets for subsequent years are additional reductions of five percent per year until the 2020 attainment year. The projected emissions inventories reflect NO_X emissions reductions achieved by baseline control measures and the demonstration shows that these NO_X emissions reductions are greater than the required five percent per year.

TABLE 3—2017–2020 ANNUAL FIVE PERCENT EMISSIONS REDUCTIONS DEMONSTRATION FOR THE SAN JOAQUIN VALLEY

Year	% Reduction from 2013 base year	5% Target (tpd NO_X)	CEPAM inventory v1.05 (tpd NO_X)	Meets 5%?
2013 (base year)	.....	.....	317.3	
2017	5	301.3	233.4	Yes.
2018	10	285.5	221.5	Yes.
2019	15	269.6	214.5	Yes.
2020	20	253.8	203.3	Yes.

Source: 2018 $PM_{2.5}$ Plan, Table 5–2.

The EPA proposes to find that the State's use of 2017 as the starting point from which the five percent per year emissions reductions should begin is reasonable and consistent with the CAA. As discussed in section IV.C.1 of this document, the EPA interprets the language under CAA section 189(d) to require a state to submit a new attainment plan to achieve annual reductions ''from the date of such submission until attainment.'' The 2018 $PM_{2.5}$ Plan was not submitted until May 10, 2019. However, the Serious area attainment deadline for the San Joaquin Valley nonattainment area for the 1997 $PM_{2.5}$ NAAQS was December 31, 2015.[178] Accordingly, a plan submittal

[172] 2018 $PM_{2.5}$ Plan, Appendix D, Chapter II.

[173] Id. at Table 17.

[174] Id. at D–127 and D–128.

[175] Id. at D–127.

[176] Id. and SJVUAPCD, ''2016 Ozone Plan for 2008 8-Hour Ozone Standard'' (adopted June 16, 2016), Appendix D, Attachment D, tables D–10 to D–17.

[177] 85 FR 44192.

[178] 80 FR 18528.

to meet the requirements under section 189(d) was due by December 31, 2016, and reductions were required to occur as of that date. The decline in emissions from 2017 to 2020 shows that reductions did, in fact, occur within the required timeframe. Furthermore, the State's demonstration shows that NO_X emissions reductions from 2017 to 2020 are greater than the required five percent per year. Thus, the EPA proposes to find that the SJV $PM_{2.5}$ Plan meets the CAA 189(d) requirement to provide for an annual reduction in $PM_{2.5}$ or $PM_{2.5}$ precursor emissions of not less than five percent of the amount of such emissions reported in the most recent inventory prepared for the area.

D. Attainment Demonstration and Modeling

1. Statutory and Regulatory Requirements

Section 189(b)(1)(A) of the CAA requires that each Serious area plan include a demonstration (including air quality modeling) that the plan provides for attainment of the $PM_{2.5}$ NAAQS by the applicable attainment date. As discussed in section IV of this proposal, given that the outermost statutory Serious area attainment date for the San Joaquin Valley area (*i.e.,* December 31, 2015) has passed and that the EPA has already found that the SJV area failed to attain by that date, the EPA must evaluate the State's plan for attainment by a later attainment date. Given that the finding of failure to attain triggered the State's obligation to submit a new plan meeting the requirements of section 189(d), the EPA is evaluating the SJV $PM_{2.5}$ Plan in light of the outermost attainment date required in section 189(d). That section requires that the attainment date be as expeditious as practicable, but not later than five years following the EPA's finding that the area failed to attain the NAAQS by the applicable Serious area attainment date. In this case, the State projected such attainment by December 31, 2020, *i.e.,* by the relevant statutory date.

The $PM_{2.5}$ SIP Requirements Rule explains that the same general requirements that apply to Moderate and Serious area plans under CAA sections 189(a) and 189(b) should apply to plans developed pursuant to CAA section 189(d)—*i.e.,* the plan must include a demonstration (including air quality modeling) that the control strategy provides for attainment of the $PM_{2.5}$ NAAQS as expeditiously as practicable.[179] For purposes of determining the attainment date that is as expeditious as practicable, the state must conduct future year modeling that takes into account emissions growth, known controls (including any controls that were previously determined to be RACM/RACT or BACM/BACT), the five percent per year emissions reductions required by CAA section 189(d), and any other emissions controls that are needed for expeditious attainment of the NAAQS.

The EPA's $PM_{2.5}$ modeling guidance [180] (''Modeling Guidance'' and ''Modeling Guidance Update'') recommends that a photochemical model, such as the Comprehensive Air Quality Model with Extensions (CAMx) or Community Multiscale Air Quality Model (CMAQ), be used to simulate a base case, with meteorological and emissions inputs reflecting a base case year, to replicate concentrations monitored in that year. The model application to the base year undergoes a performance evaluation to ensure that it satisfactorily corroborates the concentrations monitored in that year. The model may then be used to simulate emissions occurring in other years required for a plan, namely the base year (which may differ from the base case year) and future year.[181] The modeled response to the emissions changes between those years is used to calculate relative response factors (RRFs) that are applied to the design value in the base year to estimate the projected design value in the future year for comparison against the NAAQS. Separate RRFs are estimated for each chemical species component of $PM_{2.5}$, and for each quarter of the year, to reflect their differing responses to seasonal meteorological conditions and emissions. Because each species is handled separately, before applying an RRF, the base year design value should be speciated using available chemical species measurements—that is, each day's measured $PM_{2.5}$ design value must be split into its species components. The Modeling Guidance provides additional detail on the recommended approach.[182]

2. Summary of the State's Submission

As discussed in section IV.C, the SJV $PM_{2.5}$ Plan includes a modeled demonstration projecting that the San Joaquin Valley would attain the 1997 24-hour $PM_{2.5}$ NAAQS by December 31, 2020, based on ongoing emissions reductions from baseline control measures. CARB conducted photochemical modeling with the CMAQ model using inputs developed from routinely available meteorological and air quality data, as well as more detailed and extensive data from the DISCOVER–AQ field study conducted in January and February of 2013.[183] The Plan's primary discussion of the photochemical modeling appears in Appendix K (''Modeling Attainment Demonstration'') of the 2018 $PM_{2.5}$ Plan. The State briefly summarizes the area's air quality problem in Chapter 2 (''Air Quality Challenges and Trends'') and the modeling results in Chapter 5.3 (''Attainment Demonstration and Modeling'') of the 2018 $PM_{2.5}$ Plan. The State provides a conceptual model of $PM_{2.5}$ formation in the San Joaquin Valley as part of the modeling protocol in Appendix L (''Modeling Protocol''). Appendix J (''Modeling Emission Inventory'') describes emissions input preparation procedures. The State presents additional relevant information in Appendix C (''Weight of Evidence Analysis'') of the CARB Staff Report, which includes ambient trends and other data in support of the attainment demonstration.

CARB's air quality modeling approach investigated the many inter-connected facets of modeling ambient $PM_{2.5}$ in the San Joaquin Valley, including model input preparation, model performance evaluation, use of the model output for the numerical NAAQS attainment test, and modeling documentation. Specifically, this required the development and evaluation of a conceptual model, modeling protocol, episode (*i.e.,* base year) selection, modeling domain, CMAQ model selection, initial and boundary condition procedures, meteorological

[179] 40 CFR 51.1011(b)(1); 81 FR 58010, 58102.

[180] Memorandum dated November 29, 2018, from Richard Wayland, Air Quality Assessment Division, Office of Air Quality Planning and Standards, EPA, to Regional Air Division Directors, EPA, Subject: ''Modeling Guidance for Demonstrating Air Quality Goals for Ozone, $PM_{2.5}$, and Regional Haze,'' (''Modeling Guidance''), and memorandum dated June 28, 2011 from Tyler Fox, Air Quality Modeling Group, Office of Air Quality Planning and Standards, EPA, to Regional Air Program Managers, EPA, Subject: ''Update to the 24 Hour $PM_{2.5}$ NAAQS Modeled Attainment Test,'' (''Modeling Guidance Update'').

[181] In this section, we use the terms ''base case,'' ''base year'' or ''baseline,'' and ''future year'' as described in section 2.3 of the EPA's Modeling Guidance. The ''base case'' modeling simulates measured concentrations for a given time period, using emissions and meteorology for that same year. The modeling ''base year'' (which can be the same as the base case year) is the emissions starting point for the plan and for projections to the future year, both of which are modeled for the attainment demonstration. Modeling Guidance, 37–38.

[182] Modeling Guidance, section 4.5, ''What is the Recommended Modeled Attainment Test for the 24-Hour NAAQS.''

[183] NASA, ''Deriving Information on Surface conditions from COlumn and VERtically Resolved Observations Relevant to Air Quality,'' available at *https://www.nasa.gov/mission_pages/discover-aq/index.html.*

model choice and performance, modeling emissions inventory preparation procedures, model performance, attainment test procedure, adjustments to baseline air quality for modeling, the 2020 attainment test, and an unmonitored area analysis. CARB's supplemental weight of evidence analysis further supports the Plan's demonstration of attainment by the end of 2020. These analyses are generally consistent with the EPA's recommendations in the Modeling Guidance.

The model performance evaluation in Appendix K includes statistical and graphical measures of model performance. The magnitude and timing of predicted concentrations of total $PM_{2.5}$, as well as of its ammonium and nitrate components, generally match the occurrence of elevated $PM_{2.5}$ levels in the measured observations. A comparison to other recent modeling efforts shows good model performance on bias, error, and correlation with measurements, for total $PM_{2.5}$ and for most of its chemical components. The Weight of Evidence Analysis shows the downward trend in NO_X emissions along with a 70 percent decrease between 1999 and 2017 in the number of days above the 1997 24-hour $PM_{2.5}$ NAAQS.[184] The analysis also shows decreases in daily $PM_{2.5}$ concentrations during winter, and in the frequency of high $PM_{2.5}$ concentrations generally.[185] Available ambient air quality data show that total $PM_{2.5}$ and ammonium nitrate concentrations have declined over the 2004–2017 period, despite some increases from time to time.[186] These trends show that there has been an improvement in air quality due to emissions reductions in the San Joaquin Valley, although that point is not fully reflected in the 98th percentile statistic, which is the basis for the regulatory design value.

The State conducted three CMAQ[187] simulations: (1) A 2013 base year simulation to demonstrate that the model reasonably reproduced the observed $PM_{2.5}$ concentrations in the San Joaquin Valley; (2) a 2013 baseline year simulation that was the same as the 2013 base year simulation but excluded exceptional event emissions, such as wildfire emissions; and (3) a 2020 future year simulation that reflects projected emissions growth and reductions due to controls that have already been adopted and implemented.[188]

Table 4 shows the 2013 base year and 2020 projected future year 24-hour $PM_{2.5}$ design values at monitoring sites in the San Joaquin Valley. As recommended by the EPA's guidance, the 2013 base year design value for modeling purposes is a weighted average of three monitored design values, to minimize the influence of year-to-year variability. The highest 2020 projected design value is 47.6 µg/m^3 at the Bakersfield–California monitoring site, which is below the 65 µg/m^3 level of the 1997 24-hour $PM_{2.5}$ NAAQS.

TABLE 4—PROJECTED FUTURE 24-HOUR $PM_{2.5}$ DESIGN VALUES AT MONITORING SITES IN THE SAN JOAQUIN VALLEY (µg/m^3)

Monitoring site	2013 Base design value	2020 Projected design value
Bakersfield—California	64.1	47.6
Fresno-Garland	60.0	44.3
Hanford	60.0	43.7
Fresno-Hamilton & Winery	59.3	45.6
Clovis	55.8	41.1
Visalia	55.5	42.8
Bakersfield-Planz	55.5	41.2
Madera	51.0	38.9
Turlock	50.7	37.8
Modesto	47.9	35.8
Merced-M. Street	46.9	32.9
Stockton	42.0	33.5
Merced-S Coffee	41.1	30.0
Manteca	36.9	30.1
Tranquility	29.5	21.5

Source: 2018 $PM_{2.5}$ Plan, Table 5–5.

3. The EPA's Review of the State's Submission

The EPA must make several findings in order to approve the modeled attainment demonstration in an attainment plan SIP submission. First, we must find that the attainment demonstration's technical bases, including the emissions inventories and air quality modeling, are adequate. As discussed in section IV.A of this preamble, we are proposing to approve the emissions inventories on which the SJV $PM_{2.5}$ Plan's attainment demonstration and related provisions are based. Furthermore, the EPA has evaluated the State's choice of model and the extensive discussion in the Modeling Protocol about modeling procedures, tests, and performance analyses. We find that the analyses are consistent with the EPA's guidance on modeling for $PM_{2.5}$ attainment planning purposes. Based on these reviews, we find that the modeling in the Plan is adequate for the purposes of supporting the RFP demonstration and demonstration of attainment by 2020 and are proposing to approve the air quality modeling. For further detail, see the EPA's February 2020 Modeling TSD.

Second, we must find that the SIP submittal provides for expeditious attainment through the timely implementation of the control strategy. As discussed in section IV.C of this preamble, we are proposing to approve the control strategy in the SJV $PM_{2.5}$ Plan, including the BACM/BACT demonstration and the five percent emissions reduction requirement under CAA sections 189(b)(1)(B) and 189(d), respectively.

[184] Weight of Evidence Analysis, 27–28, Figure 14, and Figure 24.

[185] Id. at Figure 16 and Figure 17.

[186] Id. at Figure 21.

[187] CMAQ Version 5.0.2.

[188] 2018 $PM_{2.5}$ Plan, 5–5.

Third, the EPA must find that the emissions reductions that are relied on for attainment in the SIP submission are creditable. As discussed in section IV.C.2.a, the SJV $PM_{2.5}$ Plan relies principally on rules that have already been adopted and approved by the EPA to achieve the emissions reductions needed to attain the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley. We present our evaluation of the rules in section IV.C.2.a and in sections II and III of the EPA's 1997 24-hour $PM_{2.5}$ TSD. We find that all but two of these rules are SIP-creditable and that the total emissions reductions attributed to the two measures that are not SIP-creditable have de minimis impacts on the attainment demonstration in the Plan.

The EPA has also reviewed ambient monitoring data recorded at air quality monitors throughout the San Joaquin Valley $PM_{2.5}$ nonattainment area during the three years leading up to the projected December 31, 2020 attainment date (*i.e.,* 2018–2020). As discussed in section V of this proposal, based on these data, we are proposing to find that the San Joaquin Valley area attained the 1997 24-hour $PM_{2.5}$ NAAQS by the December 31, 2020 attainment date.

Based on these evaluations, we propose to determine that the SJV $PM_{2.5}$ Plan provides for attainment of the 1997 24-hour $PM_{2.5}$ NAAQS by the most expeditious date practicable, consistent with the requirements of CAA section 189(d). Furthermore, because the 2015 Serious area attainment date has passed, and the EPA found that the area failed to attain by the Serious area attainment date, we are evaluating the State's compliance with the Serious area plan requirements in light of the attainment date required under CAA section 189(d).[189] Thus, we are also proposing to determine that the Plan meets the Serious area attainment plan requirement under CAA section 189(b)(1)(A).

E. Reasonable Further Progress and Quantitative Milestones

1. Statutory and Regulatory Requirements

CAA section 172(c)(2) provides that all nonattainment area plans shall require RFP toward attainment. In addition, CAA section 189(c) requires that all $PM_{2.5}$ nonattainment area SIPs include quantitative milestones to be achieved every three years until the area is redesignated to attainment and that demonstrate RFP. Section 171(l) of the Act defines RFP as ''such annual incremental reductions in emissions of the relevant air pollutant as are required by [Part D] or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable [NAAQS] by the applicable date.'' Neither subpart 1 nor subpart 4 of part D, title I of the Act requires that states achieve a set percentage of emissions reductions in any given year for purposes of satisfying the RFP requirement. For purposes of the $PM_{2.5}$ NAAQS, the EPA has interpreted the RFP requirement to require that the nonattainment area plans show annual incremental emissions reductions sufficient to maintain generally linear progress toward attainment by the applicable deadline.[190]

Attainment plans for $PM_{2.5}$ nonattainment areas should include detailed schedules for compliance with emissions regulations in the area and provide corresponding annual emissions reductions to be achieved by each milestone in the schedule.[191] In reviewing an attainment plan under subpart 4, the EPA considers whether the annual incremental emissions reductions to be achieved are reasonable in light of the statutory objective of timely attainment. Although early implementation of the most cost-effective control measures is often appropriate, states should consider both cost-effectiveness and pollution reduction effectiveness when developing implementation schedules for control measures and may implement measures that are more effective at reducing $PM_{2.5}$ earlier to provide greater public health benefits.[192]

The $PM_{2.5}$ SIP Requirements Rule establishes specific regulatory requirements for purposes of satisfying the Act's RFP requirements and provides related guidance in the preamble to the rule. Specifically, under the $PM_{2.5}$ SIP Requirements Rule, each $PM_{2.5}$ attainment plan must contain an RFP analysis that includes, at minimum, the following four components: (1) An implementation schedule for control measures; (2) RFP projected emissions for direct $PM_{2.5}$ and all $PM_{2.5}$ plan precursors for each applicable milestone year, based on the anticipated control measure implementation schedule; (3) a demonstration that the control strategy and implementation schedule will achieve reasonable progress toward attainment between the base year and the attainment year; and (4) a demonstration that by the end of the calendar year for each milestone date for the area, pollutant emissions will be at levels that reflect either generally linear progress or stepwise progress in reducing emissions on an annual basis between the base year and the attainment year.[193] Additionally, states should estimate the RFP projected emissions for each quantitative milestone year by sector on a pollutant-by-pollutant basis.[194]

Section 189(c) of the Act requires that $PM_{2.5}$ attainment plans include quantitative milestones that demonstrate RFP. The purpose of the quantitative milestones is to allow periodic evaluation of the area's progress towards attainment of the NAAQS consistent with RFP requirements. Because RFP is an annual emissions reduction requirement and the quantitative milestones are to be achieved every three years, when a state demonstrates compliance with the quantitative milestone requirement, it should also demonstrate that RFP has been achieved during each of the relevant three years. Quantitative milestones should provide an objective means to evaluate progress toward attainment meaningfully, *e.g.,* through imposition of emissions controls in the attainment plan and the requirement to quantify those required emissions reductions. The CAA also requires states to submit milestone reports (due 90 days after each milestone), and these reports should include calculations and any assumptions made by the state concerning how RFP has been met, *e.g.,* through quantification of emissions reductions to date.[195]

The CAA does not specify the starting point for counting the three-year periods for quantitative milestones under CAA section 189(c). In the General Preamble and General Preamble Addendum, the EPA interpreted the CAA to require that the starting point for the first three-year period be the due date for the Moderate area plan submission.[196] In keeping with this historical approach, the EPA established December 31, 2014, the deadline that the EPA established for a state's submission of any additional attainment-related SIP elements necessary to satisfy the subpart 4 Moderate area requirements for the 1997 $PM_{2.5}$ NAAQS, as the starting point for the first three-year period under CAA section 189(c) for the 1997 $PM_{2.5}$ NAAQS in the San Joaquin Valley.[197]

[189] See CAA section 179(d); 40 CFR 51.1004(a)(3).

[190] General Preamble Addendum, 42015.

[191] Id. at 42016.

[192] Id.

[193] 40 CFR 51.1012(a).

[194] 81 FR 58010, 58056.

[195] General Preamble Addendum, 42016–42017.

[196] General Preamble, 13539, and General Preamble Addendum, 42016.

[197] 79 FR 31566 (final rule establishing subpart 4 moderate area classifications and deadline for

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Under the $PM_{2.5}$ SIP Requirements Rule, each attainment plan submission for an area designated nonattainment for the 1997 $PM_{2.5}$ NAAQS before January 15, 2015, must contain quantitative milestones to be achieved no later than three years after December 31, 2014, and every three years thereafter until the milestone date that falls within three years after the applicable attainment date.[198] If the area fails to attain, this post-attainment date milestone provides the EPA with the tools necessary to monitor the area's continued progress toward attainment while the state develops a new attainment plan.[199] Quantitative milestones must provide for objective evaluation of RFP toward timely attainment of the $PM_{2.5}$ NAAQS in the area and include, at minimum, a metric for tracking progress achieved in implementing SIP control measures, including BACM and BACT, by each milestone date.[200]

Because the EPA designated the San Joaquin Valley area as nonattainment for the 1997 24-hour $PM_{2.5}$ NAAQS effective April 5, 2005,[201] the plan for this area must contain quantitative milestones to be achieved no later than three years after December 31, 2014 (*i.e.,* by December 31, 2017), and every three years thereafter until the milestone date that falls within three years after the applicable attainment date.[202] For a Serious area attainment plan with a statutory attainment date of December 31, 2015, the relevant quantitative milestone year is December 31, 2017. However, as discussed in section III, the area did not attain by the statutory Serious area attainment date and evaluating reasonable further progress toward that date does not make sense. We are therefore evaluating the Serious area obligations based on the attainment date the State must meet in a plan required under CAA section 189(d).[203] To meet CAA section 189(d), the SJV $PM_{2.5}$ Plan includes a demonstration that the area will attain by December 31, 2020. Therefore, in accordance with 40 CFR 51.1013(a)(4), the attainment plan for this area must contain quantitative milestones to be achieved no later than December 31, 2017, December 31, 2020, and December 31, 2023.

2. Summary of the State's Submission

Appendix H (''RFP, Quantitative Milestones, and Contingency'') of the 2018 $PM_{2.5}$ Plan contains the State's RFP demonstration and quantitative milestones for the 1997 24-hour $PM_{2.5}$ NAAQS,[204] and the Valley State SIP Strategy contains the control measure commitments that CARB has identified as mobile source quantitative milestones for the 2020 milestone date.[205] Given the State's conclusions that ammonia, SO_X, and VOC emissions do not contribute significantly to $PM_{2.5}$ levels that exceed the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley, as discussed in section IV.B of this proposed rule, the RFP demonstration provided by the State addresses emissions of direct $PM_{2.5}$ and NO_X.[206] Similarly, the State developed quantitative milestones based upon implementation of control strategy measures in the adopted SIP and in the SJV $PM_{2.5}$ Plan that achieve reductions in emissions of direct $PM_{2.5}$ and NO_X.[207] For the 1997 24-hour $PM_{2.5}$ NAAQS, the RFP analysis in the Plan shows generally linear progress toward attainment.

We describe the RFP analysis and quantitative milestones in the SJV $PM_{2.5}$ Plan in greater detail below.

Reasonable Further Progress

The State addresses the RFP and quantitative milestone requirements in Appendix H to the 2018 $PM_{2.5}$ Plan submitted in February 2020. The State estimates that emissions of direct $PM_{2.5}$ and NO_X will generally decline from the 2013 base year to the projected 2020 attainment year, and beyond to the 2023 post-attainment quantitative milestone year. The Plan's emissions inventory shows that direct $PM_{2.5}$ and NO_X are emitted by a large number and range of sources in the San Joaquin Valley. Table H–2 in Appendix H contains an anticipated implementation schedule for District regulatory control measures and Table 4–8 in Chapter 4 of the 2018 $PM_{2.5}$ Plan contains an anticipated implementation schedule for CARB control measures in the San Joaquin Valley. Table H–5 in Appendix H contains projected emissions for each quantitative milestone year. These emissions levels reflect baseline emissions projections through the 2023 post-attainment milestone year.[208]

The SJV $PM_{2.5}$ Plan identifies emissions reductions needed for attainment of the 1997 24-hour $PM_{2.5}$ NAAQS by 2020,[209] and identifies San Joaquin Valley's progress toward attainment in each milestone year.[210] The State and District set RFP targets for each of the quantitative milestone years as shown in Table H–8 of Appendix H of the 2018 $PM_{2.5}$ Plan.

According to the Plan, reductions in both direct $PM_{2.5}$ and NO_X emissions from 2013 base year levels result in emissions levels consistent with attainment in the 2020 attainment year. Based on these analyses, the State and District conclude that the adopted control strategy is adequate to meet the RFP requirement for the 1997 24-hour $PM_{2.5}$ NAAQS.

Quantitative Milestones

Appendix H of the 2018 $PM_{2.5}$ Plan identifies the milestone dates of December 31, 2017, December 31, 2020, and December 31, 2023, for the 1997 $PM_{2.5}$ NAAQS.[211] Appendix H also identifies target emissions levels to meet the RFP requirement for direct $PM_{2.5}$ and NO_X emissions for each of these milestone years,[212] and State and District control measures that will achieve emissions reductions in the years leading up to each of the milestones, in accordance with the control strategy in the Plan.[213]

The Plan includes quantitative milestones for mobile, stationary, and area sources. For mobile sources, CARB has developed quantitative milestones that provide for an evaluation of RFP based on the implementation of specific control measures by the relevant three-year milestones. For each quantitative milestone year, the Plan provides for evaluating RFP by tracking State and District implementation of regulatory measures and SIP commitments during the three-year period leading to each

related SIP submissions). Although this final rule did not affect any action that the EPA had previously taken under CAA section 110(k) on a SIP for a $PM_{2.5}$ nonattainment area, the EPA noted that states may need to submit additional SIP elements to fully comply with the applicable requirements of subpart 4, even for areas with previously approved $PM_{2.5}$ attainment plans, and that the deadline for any such additional plan submissions was December 31, 2014. Id. at 31569.

[198] 40 CFR 51.1013(a)(4).

[199] 81 FR 58010, 58064.

[200] Id. at 58064 and 58092.

[201] 70 FR 944.

[202] 40 CFR 51.1013(a)(4).

[203] See CAA section 179(d); 40 CFR 51.1004(a)(3).

[204] As discussed in footnote 34, all references to Appendix H in this proposed rule are to the revised version submitted on February 11, 2020, which replaces the version submitted with the 2018 $PM_{2.5}$ Plan on May 10, 2019.

[205] Valley State SIP Strategy, Table 7 (identifying State measures scheduled for action between 2017 and 2020, inter alia) and CARB Resolution 18–49, ''San Joaquin Valley Supplement to the 2016 State Strategy for the State Implementation Plan'' (October 25, 2018), 5 (adopting State commitment to begin public processes and propose for Board consideration the list of proposed SIP measures outlined in the Valley State SIP Strategy and included in Attachment A, according to the schedule set forth therein).

[206] SJV $PM_{2.5}$ Plan, Appendix H, H–1.

[207] Id. at H–18 and H–19 (District milestones) and H–21 and H–22 (State milestones).

[208] Id. at tables H–3 to H–5.

[209] Id. at Table H–6.

[210] Id. at Table H–7.

[211] Id. at Table H–12.

[212] Id. at Table H–8.

[213] Id. at H–18 and H–19 (District milestones) and H–21 and H–22 (State milestones).

milestone date, consistent with the control strategy in the SJV $PM_{2.5}$ Plan.[214] The identified regulatory measures include State measures for light-duty vehicles and non-road vehicles and several District measures for stationary and area sources.[215]

CARB submitted its 2017 Quantitative Milestone Report for the San Joaquin Valley to the EPA on December 20, 2018.[216] The report includes a certification that CARB and the District met the 2017 quantitative milestones identified in the SJV $PM_{2.5}$ Plan for the 1997 $PM_{2.5}$ NAAQS and discusses the State's and District's progress on implementing the three CARB measures and six District measures identified in Appendix H as quantitative milestones for the 2017 milestone year. On February 15, 2021, the EPA determined that the 2017 Quantitative Milestone Report was adequate.[217] In our evaluation of the 2017 Quantitative Milestone Report, we found that the control measures in the Plan are in effect, consistent with the RFP demonstration in the SJV $PM_{2.5}$ Plan for the 1997 24-hour $PM_{2.5}$ NAAQS, but we noted that the determination of adequacy did not constitute approval of any component of the SJV $PM_{2.5}$ Plan.[218]

3. The EPA's Review of the State's Submission

The RFP demonstration in the SJV $PM_{2.5}$ Plan identifies quantitative milestone dates (*i.e.,* December 31 of 2017, 2020, and 2023) that are consistent with the requirements of 40 CFR 51.1013(a)(4) and presents projected RFP emissions levels for direct $PM_{2.5}$ and NO_X to be achieved by these milestone dates based on the implementation schedule for existing control measures in the area (*i.e.,* baseline measures). The projected emissions levels based on the implementation schedule in the Plan demonstrate that the control strategy will achieve direct $PM_{2.5}$ and NO_X emissions reductions at rates representing generally linear progress towards attainment between the 2013 baseline year and the 2020 attainment year. The target emissions levels and associated control requirements provide for objective evaluation of the area's progress towards attainment of the 1997 24-hour $PM_{2.5}$ NAAQS.

The State's quantitative milestones in Appendix H are to implement specific measures listed in the State's control measure commitments that apply to heavy-duty trucks and buses, light-duty vehicles, and non-road equipment sources and may provide substantial reductions in emissions of direct $PM_{2.5}$ and NO_X from mobile sources in the San Joaquin Valley. Similarly, the District's quantitative milestones in Appendix H are to implement specific measures listed in the District's control measure commitments that apply to sources such as residential wood burning, commercial charbroiling, glass melting furnaces, and internal combustion engines, and that may provide substantial reductions in emissions of direct $PM_{2.5}$ and NO_X from stationary sources. These milestones provide an objective means for tracking the State's and District's progress in implementing their respective control strategies and, thus, provide for objective evaluation of the San Joaquin Valley's progress toward timely attainment.

For these reasons, we propose to determine that the SJV $PM_{2.5}$ Plan satisfies the requirements for RFP in CAA section 172(c)(2) and 40 CFR 51.1012 and for quantitative milestones in CAA section 189(c) and 40 CFR 51.1013 for the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley for purposes of both the Serious area and CAA section 189(d) attainment plans. Because we are proposing to determine that the San Joaquin Valley has attained the 1997 24-hour $PM_{2.5}$ NAAQS by the December 31, 2020 attainment date, as discussed in section V of this proposed rule, we are also proposing to determine that the requirement for a post-attainment milestone will no longer apply in the San Joaquin Valley nonattainment area for these NAAQS. As described in section IV.E.1 above, the purpose of the post-attainment quantitative milestone is to provide the EPA with the tools necessary to monitor the area's continued progress toward attainment in the event the area fails to attain by the attainment date.[219] Once an area has attained the NAAQS, ''no further milestones are necessary or meaningful.'' [220] Similarly, the section 189(c)(2) requirement to submit a quantitative milestone report no longer applies when the area has attained the standard.[221] Accordingly, upon a final determination that the San Joaquin Valley area has attained the 1997 24-hour $PM_{2.5}$ NAAQS by the attainment date, the post-attainment RFP milestone will no longer have purpose and the EPA is proposing to find that the requirement will no longer apply to the San Joaquin Valley. If we finalize this action as proposed, the State will no longer be required to submit a quantitative milestone report for the San Joaquin Valley under 40 CFR 51.1013(b) for the purposes of the 2023 post-attainment milestone year identified in the Plan for the 1997 24-hour $PM_{2.5}$ NAAQS.

F. Contingency Measures

1. Requirements for Contingency Measures

Under CAA section 172(c)(9), each state required to make a nonattainment plan SIP submission must include, in such plan, contingency measures to be implemented if an area fails to meet RFP (''RFP contingency measures'') or fails to attain the NAAQS by the applicable attainment date (''attainment contingency measures''). Under the $PM_{2.5}$ SIP Requirements Rule, states must include contingency measures that will be implemented following a determination by the EPA that the state has failed: (1) To meet any RFP requirement in the approved SIP; (2) to meet any quantitative milestone in the approved SIP; (3) to submit a required quantitative milestone report; or (4) to attain the applicable $PM_{2.5}$ NAAQS by the applicable attainment date.[222] Contingency measures must be fully adopted rules or control measures that are ready to be implemented quickly upon failure to meet RFP or failure of the area to meet the relevant NAAQS by the applicable attainment date.[223]

The purpose of contingency measures is to continue progress in reducing emissions while a state revises its SIP to meet the missed RFP requirement or to correct ongoing nonattainment. Neither the CAA nor the EPA's implementing regulations establish a specific level of emissions reductions that implementation of contingency measures must achieve, but the EPA recommends that contingency measures provide for emissions reductions

[214] Id. We note that the District's identified quantitative milestones for 2023 appear to contain a typographical error, as they include a District report on ''[t]he status of SIP measures adopted between 2017 and 2020 as per the schedule included in the adopted Plan.'' Id. at H–18 and H–19. We understand that the District intended to refer here to the status of SIP measures adopted between 2020 and 2023, consistent with the schedule in the 2018 $PM_{2.5}$ Plan.

[215] Id. at H–18 and H–19 (District milestones), and H–21 and H–22 (State milestones).

[216] Letter dated December 20, 2018, from Richard W. Corey, Executive Officer, CARB, to Michael Stoker, Regional Administrator, EPA Region IX, with attachment ''2017 Quantitative Milestone Report for the 1997 and 2006 NAAQS.''

[217] Letter dated February 15, 2021, from Deborah Jordan, Acting Regional Administrator, EPA Region IX, to Richard W. Corey, Executive Officer, CARB, with enclosure titled ''EPA Evaluation of 2017 Quantitative Milestone Report.''

[218] Id.

[219] 81 FR 58010, 58064.

[220] 75 FR 13710, 13713 (March 23, 2010).

[221] Id.

[222] 40 CFR 51.1014(a).

[223] 81 FR 58010, 58066 and General Preamble Addendum, 42015.

equivalent to approximately one year of reductions needed for RFP in the nonattainment area at issue, calculated as the overall level of reductions needed to demonstrate attainment divided by the number of years from the base year to the attainment year. In general, we expect all actions needed to effect full implementation of the measures to occur within 60 days after the EPA notifies the state of a failure to meet RFP or to attain.[224]

To satisfy the requirements of 40 CFR 51.1014, the contingency measures adopted as part of a $PM_{2.5}$ attainment plan must consist of control measures for the area that are not otherwise required to meet other nonattainment plan requirements (*e.g.,* to meet RACM/RACT requirements) and must specify the timeframe within which their requirements become effective following any of the EPA determinations specified in 40 CFR 51.1014(a). In a 2016 decision called *Bahr* v. *EPA* (''*Bahr*''),[225] the Ninth Circuit Court of Appeals rejected the EPA's interpretation of CAA section 172(c)(9) to allow approval of already-implemented control measures as contingency measures. In *Bahr,* the Ninth Circuit concluded that contingency measures must be measures that are triggered and implemented only after the EPA determines that an area failed to meet RFP requirements or to attain by the applicable attainment date. Thus, within the geographic jurisdiction of the Ninth Circuit, already implemented measures cannot serve as contingency measures under CAA section 172(c)(9).[226] To comply with section 172(c)(9), a state must develop, adopt, and submit a contingency measure to be triggered upon a failure to meet an RFP milestone, failure to meet a quantitative milestone requirement, or failure to attain the NAAQS by the applicable attainment date.

2. Summary of the State's Submission

The SJV $PM_{2.5}$ Plan addresses the contingency measure requirement for the 1997 24-hour $PM_{2.5}$ NAAQS in section 5.6 and Appendix H (specifically, section H.3 (''Contingency Measures'')) of the 2018 $PM_{2.5}$ Plan. The Plan relies on revisions to the District's wood-burning rule (Rule 4901) and refers to a SIP revision submitted by CARB on October 23, 2017, titled ''State Implementation Plan Attainment Contingency Measures for the San Joaquin Valley 15 μg/m^3 Annual $PM_{2.5}$ NAAQS'' (''2017 Contingency Measure SIP'').[227] On March 19, 2021, CARB withdrew the 2017 Contingency Measure SIP submission.[228] Therefore, we are not evaluating the 2017 Contingency Measure SIP as part of this action.

With respect to the District contingency measure, the 2018 $PM_{2.5}$ Plan states that the District will amend Rule 4901 to include a requirement that would be triggered upon a determination by the EPA that the San Joaquin Valley failed to meet a regulatory requirement necessitating implementation of a contingency measure.[229] The District adopted amendments to Rule 4901 on June 20, 2019, including a contingency measure in section 5.7.3 of the amended rule (more details below). In the EPA's July 22, 2020 final action to approve Rule 4901, as amended June 20, 2019, we did not evaluate section 5.7.3 of the amended rule for compliance with CAA requirements for contingency measures.[230] On July 22, 2021, the EPA proposed to find that the contingency provision of Rule 4901 (section 5.7.3) does not satisfy the CAA requirements for contingency measures for the 1997 annual $PM_{2.5}$ NAAQS and proposed to remove the provision from the SIP because it is severable from the remainder of Rule 4901.[231] In this action, we evaluate section 5.7.3 of Rule 4901 for compliance with the contingency measures requirements for purposes of the 1997 24-hour $PM_{2.5}$ NAAQS.

Rule 4901 is designed to limit emissions generated by the use of wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. The rule establishes requirements for the sale/transfer, operation, and installation of wood burning devices and for advertising the sale of seasoned wood consistent with a moisture content limit within the San Joaquin Valley. The rule includes a two-tiered, episodic wood burning curtailment requirement that applies during four winter months, November through February. During a level one episodic wood burning curtailment, section 5.7.1 prohibits any person from operating a wood burning fireplace or unregistered wood burning heater, but permits the use of a properly operated wood burning heater that meets certification requirements and has a current registration with the District. Sections 5.9 through 5.11 impose specific registration requirements on any person operating a wood burning fireplace or wood burning heater and section 5.12 imposes specific certification requirements on wood burning heater professionals. During a level two episodic wood burning curtailment, operation of any wood burning device is prohibited by section 5.7.2.

Prior to the 2019–2020 wood burning season, the District imposed a level one curtailment when the $PM_{2.5}$ concentration was forecasted to be between 20 μg/m^3 and 65 μg/m^3 and imposed a level two curtailment when the $PM_{2.5}$ concentration was forecasted to be above 65 μg/m^3 or the PM_{10} concentration was forecasted to be above 135 μg/m^3. In 2019 the District adopted revisions to Rule 4901 to lower the wood burning curtailment thresholds in the ''hot spot'' counties of Madera, Fresno, and Kern. The District lowered the level one $PM_{2.5}$ threshold for these three counties from 20 μg/m^3 to 12 μg/m^3, and the level two $PM_{2.5}$ threshold from 65 μg/m^3 to 35 μg/m^3. The District did not modify the curtailment thresholds for other counties in the San Joaquin Valley—those levels remain at 20 μg/m^3 for level one and 65 μg/m^3 for level two.

The District's 2019 revision to Rule 4901 also included the addition of a contingency measure in section 5.7.3 of the rule, requiring that 60 days following the effective date of an EPA determination that the San Joaquin Valley has failed to attain the 1997, 2006, or 2012 $PM_{2.5}$ NAAQS by the applicable attainment date, the $PM_{2.5}$ curtailment levels of any county that has failed to attain the applicable standard will be lowered to the curtailment levels in place for hot spot counties. The District estimates that the potential emissions reduction of direct $PM_{2.5}$ would be in the range of 0.014 tpd (if the contingency measure is triggered in Kings County but not the other non-hot spot counties) to 0.387 tpd (if the contingency measure is triggered in all five of the non-hot spot counties), but there would be no emissions reduction if, at the time of the determination of failure to attain the 1997 24-hour $PM_{2.5}$ NAAQS by the attainment date, violations of the 1997 24-hour $PM_{2.5}$

[224] 81 FR 58010, 58066. See also General Preamble, 13512, 13543–13544, and General Preamble Addendum, 42014–42015.

[225] *Bahr* v. *EPA,* 836 F.3d 1218, 1235–1237 (9th Cir. 2016).

[226] See also *Sierra Club* v. *EPA,* 985 F.3d 1055 (D.C. Cir. 2021) and *Assoc. of Irritated Residents* v. *EPA,* No. 19–71223, slip op. (9th Cir. Aug 26, 2021).

[227] Letter dated October 23, 2017, from Richard W. Corey, Executive Officer, CARB, to Alexis Strauss, Acting Regional Administrator, EPA Region 9.

[228] Letter dated March 19, 2021, from Richard W. Corey, Executive Officer, CARB, to Deborah Jordan, Acting Regional Administrator, EPA Region 9, transmitting CARB Executive Order S–21–004.

[229] 2018 $PM_{2.5}$ Plan, Appendix H, H–25.

[230] 85 FR 44206 (final approval of Rule 4901); 85 FR 1131, 1132–1133 (January 9, 2020) (proposed approval of Rule 4901).

[231] 86 FR 38652.

NAAQS are observed only at monitors in the hot spot counties.[232] The corresponding potential NO_X emissions reduction would be in the range of 0.002 tpd to 0.060 tpd, respectively, but once again, there would be no emissions reduction if the violations are monitored in the hot spot counties only.[233] The EPA has already approved Rule 4901, as amended in 2019, as a revision to the California SIP.[234]

3. The EPA's Review of the State's Submission

As noted above, the EPA previously proposed to find that the contingency provision of Rule 4901 (section 5.7.3) does not satisfy the CAA requirements for contingency measures for the 1997 annual $PM_{2.5}$ NAAQS.[235] As part of that proposal, the EPA found that the measure meets some, but not all, of the applicable requirements for contingency measures under CAA section 172(c)(9) and 40 CFR 51.1014. One of the deficiencies outlined in our proposal was that the contingency provisions of Rule 4901 do not address the potential for State failures to meet RFP, to meet a quantitative milestone, or to submit a quantitative milestone report. In addition, the contingency measure provisions of Rule 4901 are not structured to achieve any additional emissions reductions if the EPA were to find that the monitoring locations in the ''hot spot'' counties (*i.e.,* Fresno, Kern, or Madera) are the only counties in the San Joaquin Valley that are violating the 1997 24-hour $PM_{2.5}$ NAAQS as of the attainment date. To qualify as a contingency measure, a measure must be structured to achieve emissions reductions if triggered; however, the contingency provisions of Rule 4901 provide for such reductions only under certain circumstances.

Consistent with our proposal for the 1997 annual $PM_{2.5}$ NAAQS and for these same reasons, we are proposing to disapprove the contingency measure element of the SJV $PM_{2.5}$ Plan for the 1997 24-hour $PM_{2.5}$ NAAQS as not meeting the requirements of 172(c)(9) and 40 CFR 51.1014 for Serious area and section 189(d) attainment plans. However, the EPA is also proposing to find that the contingency measures are no longer required for the San Joaquin Valley nonattainment area for the 1997 24-hour $PM_{2.5}$ NAAQS, for the reasons discussed below.

Attainment contingency measures under 172(c)(9) are triggered upon the EPA's determination that an area failed to attain a given NAAQS by its applicable attainment date. CAA section 179(c) requires the EPA to determine whether the area attained the NAAQS by its applicable attainment date. As part of this proposed action, we are proposing to determine that the San Joaquin Valley nonattainment area attained the 1997 24-hour $PM_{2.5}$ NAAQS by the December 31, 2020 attainment date projected by the Plan. Based on our proposed finding of attainment by the applicable attainment date, we are also proposing to determine that the CAA requirement for the SIP to provide for attainment contingency measures will no longer apply to the San Joaquin Valley for the 1997 24-hour $PM_{2.5}$ NAAQS. Under CAA section 172(c)(9), attainment contingency measures are implemented only if the area fails to attain by the attainment date. Therefore, if we finalize the determination that the San Joaquin Valley nonattainment area has attained the 1997 24-hour $PM_{2.5}$ NAAQS, attainment contingency measures for this NAAQS would never be required to be implemented. Because there are no circumstances under which CAA section 172(c)(9) attainment contingency measures could ever be triggered, we think it is a reasonable interpretation of the CAA that these measures are no longer required to be submitted.[236]

Similarly, we are proposing to find that, upon finalization of the determination of attainment by the attainment date, the RFP related contingency measure requirement (*i.e.,* for failure to meet RFP, to submit a quantitative milestone report, or to meet the quantitative milestone) would also no longer apply to the San Joaquin Valley nonattainment area for the 1997 24-hour $PM_{2.5}$ NAAQS. The purpose of the RFP and related quantitative milestone requirements under the CAA is to ''ensure[e] attainment of the applicable [NAAQS] by the applicable date.'' [237] Because the sole purpose of RFP contingency measures is to provide continued progress if an area fails to meet its RFP or quantitative milestone requirements, a final determination of attainment by the attainment date serves as demonstration that RFP requirements for the area have been met, and that there is no need for any later quantitative milestone or milestone report, and thus the RFP related contingency measures are no longer needed. Accordingly, because we are proposing to determine that the San Joaquin Valley has attained the 1997 24-hour $PM_{2.5}$ NAAQS by the December 31, 2020 attainment date, and that therefore the RFP and quantitative milestone requirements would no longer apply, we are now also proposing to determine that RFP contingency measures are no longer required for this area.[238]

Under section 179(a) of the CAA, final disapproval of a SIP submission that addresses a requirement of part D, title I of the CAA, or is required in response to a finding of substantial inadequacy as described in CAA section 110(k)(5) (SIP Call), starts sanctions clocks. The SJV $PM_{2.5}$ Plan, including the contingency measure element, does address requirements of part D. However, if we finalize our determinations that the requirements for contingency measures no longer apply to the San Joaquin Valley nonattainment area for the 1997 24-hour $PM_{2.5}$ NAAQS, then the contingency measure element of the SJV $PM_{2.5}$ Plan would no longer be required to address any part D requirement for the 1997 24-hour $PM_{2.5}$ NAAQS. Therefore, final disapproval of the contingency measure element of the SJV $PM_{2.5}$ Plan would not trigger sanctions clocks. Similarly, final disapproval would not trigger any obligation for the EPA to promulgate a federal implementation plan (FIP) under CAA section 110(c) because there would be no deficiency for such a FIP to correct.[239]

Because we are proposing to approve the RFP analysis, the modeled attainment demonstration, and the motor vehicle emissions budgets, we are also proposing to issue a protective finding under 40 CFR 93.120(a)(3) in the event we finalize the disapproval of the

[232] See Table B–13 in Appendix B from the District's Final Staff Report (June 20, 2019) for revisions to Rule 4901.

[233] NO_X emissions reductions from the contingency measure are based on the District's estimates for direct $PM_{2.5}$ emissions using the ratio of direct $PM_{2.5}$ to NO_X in Table 1, page 8, of the District's Final Staff Report (June 20, 2019) for revisions to Rule 4901.

[234] 85 FR 44206.

[235] 86 FR 38652.

[236] See *Bahr* v. *Regan,* No. 20–70092, (9th Cir. July 28, 2021), slip op. 45–51.

[237] CAA section 171(c).

[238] With respect to the 2017 RFP contingency measure requirement specifically, we note that, as explained in section IV.E.2 of this proposed rule, on December 20, 2018, CARB submitted a quantitative milestone report demonstrating that the 2017 quantitative milestones in the SJV $PM_{2.5}$ Plan have been achieved, and the EPA has determined that this milestone report is adequate. Because the State and District have demonstrated that the San Joaquin Valley area has met its 2017 quantitative milestones, RFP contingency measures for the 2017 milestone year would never be triggered.

[239] This is the case for both the Serious area plan and the section 189(d) plan. Because the purpose of contingency measures is to ensure continued progress toward attainment in the event that an area fails to attain the NAAQS or meet RFP requirements, and we are proposing to find that the area has meet the 1997 24-hour $PM_{2.5}$ NAAQS, there is no purpose to triggering sanction and FIP obligations for the State to submit measures to achieve the goal of attaining the 1997 24-hour $PM_{2.5}$ NAAQS when this goal has already been met.

contingency measures. Without a protective finding, the final disapproval would result in a conformity freeze, under which only projects in the first four years of the most recent conforming Regional Transportation Plan (RTP) and Transportation Improvement Programs (TIPs) can proceed. During a freeze, no new RTPs, TIPs, or RTP/TIP amendments can be found to conform.[240] Under this protective finding, however, the final disapproval of the contingency measures does not result in a transportation conformity freeze in the San Joaquin Valley $PM_{2.5}$ nonattainment area.

If the State chooses to withdraw the contingency measure element with respect to the 1997 24-hour $PM_{2.5}$ NAAQS prior to our final action on the SJV $PM_{2.5}$ Plan for that NAAQS, we would take no final action either to approve or to disapprove that element.

G. Motor Vehicle Emission Budgets

1. Statutory and Regulatory Requirements

Section 176(c) of the CAA requires federal actions in nonattainment and maintenance areas to conform to the goals of the state's SIP to eliminate or reduce the severity and number of violations of the NAAQS and achieve timely attainment of the NAAQS. Conformity to the SIP's goals means that such actions will not: (1) Cause or contribute to violations of a NAAQS, (2) worsen the severity of an existing violation, or (3) delay timely attainment of any NAAQS or any interim milestone.

Actions involving Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funding or approval are subject to the EPA's transportation conformity rule, codified at 40 CFR part 93, subpart A. Under this rule, metropolitan planning organizations (MPOs) in nonattainment and maintenance areas coordinate with state and local air quality and transportation agencies, the EPA, the FHWA, and the FTA to demonstrate that an area's regional transportation plans (RTPs) and transportation improvement programs conform to the applicable SIP. This demonstration is typically done by showing that estimated emissions from existing and planned highway and transit systems are less than or equal to the motor vehicle emission budgets (MVEBs or ''budgets'') contained in all control strategy SIPs. Budgets are generally established for specific years and specific pollutants or precursors and must reflect all of the motor vehicle control measures contained in the attainment and RFP demonstrations.[241]

Under the $PM_{2.5}$ SIP Requirements Rule, Serious area $PM_{2.5}$ attainment plans must include appropriate quantitative milestones and projected RFP emissions levels for direct $PM_{2.5}$ and all $PM_{2.5}$ plan precursors in each milestone year.[242] For an area designated nonattainment for the 1997 $PM_{2.5}$ NAAQS before January 15, 2015, the attainment plan must contain quantitative milestones to be achieved no later than three years after December 31, 2014, and every three years thereafter until the milestone date that falls within three years after the applicable attainment date.[243] As the EPA explained in the preamble to the $PM_{2.5}$ SIP Requirements Rule, it is important to include a post-attainment year quantitative milestone to ensure that, if the area fails to attain by the attainment date, the EPA can continue to monitor the area's progress toward attainment while the state develops a new attainment plan.[244] Although the post-attainment year quantitative milestone is a required element of a Serious area plan, it is not necessary to demonstrate transportation conformity for 2023 or to use the 2023 budgets in transportation conformity determinations until such time as the area fails to attain the 1997 24-hour $PM_{2.5}$ NAAQS.

$PM_{2.5}$ plans should identify budgets for direct $PM_{2.5}$, NO_X, and all other $PM_{2.5}$ precursors for which on-road emissions are determined to significantly contribute to $PM_{2.5}$ levels in the area for each RFP milestone year and the attainment year, if the plan demonstrates attainment. All direct $PM_{2.5}$ SIP budgets should include direct $PM_{2.5}$ motor vehicle emissions from tailpipes, brake wear, and tire wear. With respect to $PM_{2.5}$ from re-entrained road dust and emissions of VOC, SO_2, and/or ammonia, the transportation conformity provisions of 40 CFR part 93, subpart A, apply only if the EPA Regional Administrator or the director of the state air agency has made a finding that emissions of these pollutants within the area are a significant contributor to the $PM_{2.5}$ nonattainment problem and has so notified the MPO and Department of Transportation (DOT), or if the applicable implementation plan (or implementation plan submission) includes any of these pollutants in the approved (or adequate) budget as part of the RFP, attainment, or maintenance strategy.[245]

By contrast, transportation conformity requirements apply with respect to emissions of NO_X unless both the EPA Regional Administrator and the director of the state air agency have made a finding that transportation-related emissions of NO_X within the nonattainment area are not a significant contributor to the $PM_{2.5}$ nonattainment problem and have so notified the MPO and DOT, or the applicable implementation plan (or implementation plan submission) does not establish an approved (or adequate) budget for such emissions as part of the RFP, attainment, or maintenance strategy.[246]

It is not always necessary for states to establish motor vehicle emissions budgets for all $PM_{2.5}$ precursors. The $PM_{2.5}$ SIP Requirements Rule allows a state to demonstrate that emissions of certain precursors do not contribute significantly to $PM_{2.5}$ levels that exceed the NAAQS in a nonattainment area, in which case the state may exclude such precursor(s) from its control evaluations for the specific NAAQS at issue. If a state successfully demonstrates that the emissions of one or more of the $PM_{2.5}$ precursors from all sources do not contribute significantly to $PM_{2.5}$ levels in the subject area, then it is not necessary to establish motor vehicle emissions budgets for such precursor(s).

Alternatively, the transportation conformity regulations contain criteria for determining whether emissions of one or more $PM_{2.5}$ precursors are insignificant for transportation conformity purposes.[247] For a pollutant or precursor to be considered an insignificant contributor based on the transportation conformity rule's criteria, the control strategy SIP must demonstrate that it would be unreasonable to expect that such an area would experience enough motor vehicle emissions growth in that pollutant and/or precursor for a NAAQS violation to occur. Insignificance determinations are based on factors such as air quality, SIP motor vehicle control measures, trends

[240] 40 CFR 93.120(a)(2).

[241] 40 CFR 93.118(e)(4)(v).

[242] 40 CFR 51.1012(a), 51.1013(a)(1).

[243] 40 CFR 51.1013(a)(4) and 81 FR 58010, 58058 and 58063–58064. Because the area has failed to attain the 1997 24-hour $PM_{2.5}$ NAAQS by the Serious area attainment date, and it would serve no purpose for the plan to include budgets for the EPA to evaluate conformity for the dates associated with the Serious area attainment date, the applicable attainment date for the purposes of our evaluation is the section 189(d) projected attainment date of December 31, 2020.

[244] 81 FR 58010, 58063–58064.

[245] 40 CFR 93.102(b)(3), 93.102(b)(2)(v), and 93.122(f); see also Conformity Rule preambles at 69 FR 40004, 40031–40036 (July 1, 2004), 70 FR 24280, 24283–24285 (May 6, 2005) and 70 FR 31354 (June 1, 2005).

[246] 40 CFR 93.102(b)(2)(iv).

[247] 40 CFR 93.109(f).

and projections of motor vehicle emissions, and the percentage of the total attainment plan emissions inventory for the NAAQS at issue that is comprised of motor vehicle emissions. The EPA's rationale for providing for insignificance determinations is described in the July 1, 2004 revision to the Transportation Conformity Rule.[248]

Transportation conformity trading mechanisms are allowed under 40 CFR 93.124 where a state establishes appropriate mechanisms for such trades. The basis for the trading mechanism is the SIP attainment modeling that establishes the relative contribution of each $PM_{2.5}$ precursor pollutant. The applicability of emissions trading between conformity budgets for conformity purposes is described in 40 CFR 93.124(c).

The EPA's process for determining the adequacy of a budget consists of three basic steps: (1) Notifying the public of a SIP submittal; (2) providing the public the opportunity to comment on the budget during a public comment period; and (3) making a finding of adequacy or inadequacy. The EPA can notify the public by either posting an announcement that the EPA has received SIP budgets on the EPA's adequacy website,[249] or through a **Federal Register** notice of proposed rulemaking when the EPA reviews the adequacy of an implementation plan budget simultaneously with its review and action on the SIP itself.[250]

2. Summary of the State's Submission

The 2018 $PM_{2.5}$ Plan includes budgets for direct $PM_{2.5}$ and NO_X emissions, calculated using annual average daily emissions, for 2017, 2020, and 2023 (RFP milestone year, attainment year, and post-attainment quantitative milestone year, respectively).[251] The Plan establishes separate direct $PM_{2.5}$ and NO_X subarea budgets for each county, and partial county (for Kern County), in the San Joaquin Valley.[252] CARB calculated the budgets using EMFAC2014, CARB's latest version of the EMFAC model for estimating emissions from on-road vehicles operating in California that was available at the time of Plan development, and the latest modeled vehicle miles traveled and speed distributions from the San Joaquin Valley MPOs from the Final 2017 Federal Transportation Improvement Program, adopted in September 2016. The budgets reflect annual average emissions because those emissions are linked with the District's attainment demonstration for the 1997 24-hour $PM_{2.5}$ NAAQS.

The direct $PM_{2.5}$ budgets include tailpipe, brake wear, and tire wear emissions but do not include paved road dust, unpaved road dust, and road construction dust emissions.[253] The State is not required to include re-entrained road dust in the budgets under section 93.103(b)(3) unless the EPA or the State has made a finding that these emissions are significant. Neither the State nor the EPA has made such a finding, but the Plan does include a discussion of the significance/insignificance factors for re-entrained road dust.[254] The budgets included in the 2018 $PM_{2.5}$ Plan for purposes of the 1997 24-hour $PM_{2.5}$ NAAQS are shown in Table 8.

TABLE 8—MOTOR VEHICLE EMISSION BUDGETS FOR THE SAN JOAQUIN VALLEY FOR THE 1997 24-HOUR $PM_{2.5}$ NAAQS

[Annual average, tpd]

County	2017 (RFP year)		2020 (Attainment year)		2023 (Post-attainment year)	
	$PM_{2.5}$	NO_X	$PM_{2.5}$	NO_X	$PM_{2.5}$	NO_X
Fresno	0.9	28.5	0.9	25.3	0.8	15.1
Kern	0.8	28.0	0.8	23.3	0.7	13.3
Kings	0.2	5.8	0.2	4.8	0.2	2.8
Madera	0.2	5.3	0.2	4.2	0.2	2.5
Merced	0.3	10.7	0.3	8.9	0.3	5.3
San Joaquin	0.7	14.9	0.6	11.9	0.6	7.6
Stanislaus	0.4	11.9	0.4	9.6	0.4	6.1
Tulare	0.4	10.8	0.4	8.5	0.4	5.2

Source: 2018 $PM_{2.5}$ Plan, Appendix D, Table 3–1. Budgets are rounded to the nearest tenth of a ton.

The State did not include budgets for VOC, SO_2, or ammonia. As discussed in section IV.B of this preamble, the State submitted a $PM_{2.5}$ precursor demonstration documenting its conclusion that control of these precursors would not significantly contribute to attainment of the 1997 24-hour $PM_{2.5}$ NAAQS, and the EPA is proposing to approve the precursor demonstration. Therefore, if the EPA approves the demonstration, the State would not be required to submit budgets for these precursors. The State included a discussion of the significance/insignificance factors for ammonia, SO_2, and VOC to demonstrate a finding of insignificance under the transportation conformity rule.[255]

In the submittal letter for the 2018 $PM_{2.5}$ Plan, CARB requested that the EPA limit the duration of the approval of the budgets to the period before the effective date of the EPA's adequacy finding for any subsequently submitted budgets.[256]

Conformity Trading Mechanism

The 2018 $PM_{2.5}$ Plan also includes a proposed trading mechanism for transportation conformity analyses that would allow future decreases in NO_X emissions from on-road mobile sources to offset any on-road increases in direct $PM_{2.5}$ emissions. The State is proposing to use a 2 to 1 NO_X to $PM_{2.5}$ ratio for the 1997 24-hour $PM_{2.5}$ NAAQS. This ratio was derived by performing a sensitivity analysis based on a 30 percent reduction of NO_X or $PM_{2.5}$ emissions and calculating the corresponding effect on design values at sites in Bakersfield and Fresno.

To ensure that the trading mechanism does not affect the ability of the San Joaquin Valley to meet the NO_X budget, the NO_X emissions reductions available to supplement the $PM_{2.5}$ budget would

[248] 69 FR 40004.

[249] 40 CFR 93.118(f)(1).

[250] 40 CFR 93.118(f)(2).

[251] 2018 $PM_{2.5}$ Plan, Appendix D, Table 3–1.

[252] 40 CFR 93.124(c) and (d).

[253] 2018 $PM_{2.5}$ Plan, Appendix D, D–122 and D–123.

[254] Id. at D–121 and D–122.

[255] 40 CFR 93.109(f).

[256] Letter dated May 9, 2019, from Richard W. Corey, Executive Officer, CARB, to Mike Stoker, Regional Administrator, EPA Region 9, 3.

only be those remaining after the NO_X budget has been met.[257] The Plan also provides that the San Joaquin Valley MPOs shall clearly document the calculations used in the trading, along with any additional reductions of NO_X and $PM_{2.5}$ emissions in the conformity analysis.

3. The EPA's Review of the State's Submission

The EPA generally first conducts a preliminary review of budgets submitted with an attainment or maintenance plan for $PM_{2.5}$ for adequacy, prior to taking action on the plan itself, and did so with respect to the $PM_{2.5}$ budgets in the 2018 $PM_{2.5}$ Plan. On June 18, 2019, the EPA announced the availability of the 2018 $PM_{2.5}$ Plan with MVEBs and a 30-day public comment period. This announcement was posted on the EPA's Adequacy website at: *https://www.epa.gov/state-and-local-transportation/state-implementation-plans-sip-submissions-currently-under-epa.* The comment period for this notification ended on July 18, 2019. We did not receive any comments during this comment period.

Based on our proposal to approve the State's demonstration that emissions of ammonia, SO_2, and VOCs do not contribute significantly to $PM_{2.5}$ levels that exceed the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley, as discussed in section IV.B of this proposal, and the information about ammonia, SO_2, and VOC emissions in the Plan, the EPA proposes to find that it is not necessary to establish motor vehicle emissions budgets for transportation-related emissions of ammonia, SO_2, and VOC to attain the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley. Based on the information about re-entrained road dust in the Plan and in accordance with 40 CFR 93.102(b)(3), the EPA proposes to find that it is not necessary to include re-entrained road dust emissions in the budgets for 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley.

For the reasons discussed in sections IV.D and IV.E of this proposed rule, the EPA is proposing to approve the attainment and RFP demonstrations, respectively, in the SJV $PM_{2.5}$ Plan. The 2017 RFP and 2020 attainment year budgets, as shown in Table 8 of this preamble, are consistent with these demonstrations, are clearly identified and precisely quantified, and meet all other applicable statutory and regulatory requirements including the adequacy criteria in 40 CFR 93.118(e)(4). For these reasons, the EPA proposes to approve the 2017 and 2020 budgets listed in Table 8.[258] We provide a more detailed discussion in section IV of the EPA's 1997 24-hour $PM_{2.5}$ TSD. The budgets that the EPA is proposing to approve relate only to the 1997 24-hour $PM_{2.5}$ NAAQS, and our proposed approval does not affect the status of the budgets for the 1997 annual $PM_{2.5}$ NAAQS or the previously-approved MVEBs for the 2006 $PM_{2.5}$ NAAQS and related trading mechanism, which remain in effect for that $PM_{2.5}$ NAAQS.

Although the post-attainment year quantitative milestone is a required element of the Serious area plan, it is not necessary to demonstrate transportation conformity for 2023 or to use the 2023 budgets in transportation conformity determinations until such time as the area fails to attain the 1997 24-hour $PM_{2.5}$ NAAQS. As discussed in section V of this document, the EPA is proposing to find that the San Joaquin Valley area has attained the 1997 24-hour $PM_{2.5}$ NAAQS. The EPA does not believe that it is necessary to demonstrate conformity using post-attainment year budgets in areas that attain by the attainment date. Therefore, if the EPA finalizes the determination that the San Joaquin Valley area attained by the December 31, 2020 attainment date, the requirement for post-attainment year budgets will no longer apply in the area for the 1997 24-hour $PM_{2.5}$ NAAQS.

As noted above, the State included a trading mechanism to be used in transportation conformity analyses that would be used in conjunction with the budgets in the 2018 $PM_{2.5}$ Plan, as allowed for under 40 CFR 93.124(b). This trading mechanism would allow future decreases in NO_X emissions from on-road mobile sources to offset any on-road increases in $PM_{2.5}$, using a 2 to 1 NO_X to $PM_{2.5}$ ratio for the 1997 24-hour $PM_{2.5}$ NAAQS. To ensure that the trading mechanism does not affect the ability to meet the NO_X budget, the Plan provides that the NO_X emissions reductions available to supplement the $PM_{2.5}$ budget would only be those remaining after the NO_X budget has been met. The San Joaquin Valley MPOs will have to document clearly the calculations used in the trading when demonstrating conformity, along with any additional reductions of NO_X and $PM_{2.5}$ emissions in the conformity analysis. The trading calculations must be performed prior to the final rounding to demonstrate conformity with the budgets.

The EPA has reviewed the trading mechanism as described on pages D–125 to D–127 in Appendix D of the 2018 $PM_{2.5}$ Plan and finds it is appropriate for transportation conformity purposes in the San Joaquin Valley for the 1997 24-hour $PM_{2.5}$ NAAQS. The methodology for estimating the trading ratio for conformity purposes is essentially an update (based on newer modeling) of the approach that the EPA previously approved for the 2008 $PM_{2.5}$ Plan for the 1997 $PM_{2.5}$ NAAQS[259] and the 2012 $PM_{2.5}$ Plan for the 2006 24-hour $PM_{2.5}$ NAAQS.[260] The State's approach in the previous plans was to model the ambient $PM_{2.5}$ effect of areawide NO_X emissions reductions and of areawide direct $PM_{2.5}$ emissions reductions, and to express the ratio of these modeled sensitivities as an inter-pollutant trading ratio.

In the updated analysis for the 2018 $PM_{2.5}$ plan, the State completed separate sensitivity analyses for the annual and 24-hour NAAQS and modeled only transportation related sources in the nonattainment area. The ratio the State is proposing to use for transportation conformity purposes is derived from air quality modeling that evaluated the effect of reductions in transportation-related NO_X and $PM_{2.5}$ emissions in the San Joaquin Valley on ambient concentrations at the Bakersfield-California Avenue, Bakersfield-Planz, Fresno-Garland, and Fresno-Hamilton & Winery monitoring sites. The modeling that the State performed to evaluate the effectiveness of NO_X and $PM_{2.5}$ reductions on ambient 24-hour concentrations showed NO_X to $PM_{2.5}$ ratios that range from a high of 2.3 at the Bakersfield-California Avenue monitor to a low of 1.6 at the Fresno-Hamilton & Winery monitor.[261] In our July 22, 2020 action on the 2018 $PM_{2.5}$ Plan for the 2006 $PM_{2.5}$ NAAQS, we found that the State's approach is a reasonable method to use to develop ratios for transportation conformity purposes and approved the 2 to 1 NO_X to $PM_{2.5}$ trading mechanism as an enforceable component of the transportation conformity program for the San Joaquin Valley for the 2006 $PM_{2.5}$ NAAQS.[262] Here, we similarly find that the State's approach is reasonable and propose to

[257] 2018 $PM_{2.5}$ Plan, Appendix D, D–126 and D–127.

[258] Although we are proposing to approve the 2017 budgets, we note that these budgets would not be used in any future transportation conformity determinations because the Plan contains budgets for 2020.

[259] 80 FR 1816, 1841 (January 13, 2015) (noting the EPA's prior approval of MVEBs for the 1997 annual and 24-hour $PM_{2.5}$ standards in the 2008 $PM_{2.5}$ Plan at 76 FR 69896).

[260] 81 FR 59876 (August 31, 2016).

[261] 2018 $PM_{2.5}$ Plan, Appendix D, D–126.

[262] 85 FR 44192.

approve the 2 to 1 NO_X to $PM_{2.5}$ trading ratio.

If approved, this trading ratio will replace the 9 to 1 NO_X to $PM_{2.5}$ trading ratio approved for the San Joaquin Valley for analysis years after 2014 for the 1997 24-hour $PM_{2.5}$ NAAQS.[263]

Under the transportation conformity rule, once budgets are approved, they cannot be superseded by revised budgets submitted for the same CAA purpose and the same year(s) addressed by the previously approved SIP until the EPA approves the revised budgets as a SIP revision. In other words, as a general matter, such approved budgets cannot be superseded by revised budgets found adequate, but rather only through approval of the revised budgets, unless the EPA specifies otherwise in its approval of a SIP by limiting the duration of the approval to last only until subsequently submitted budgets are found adequate.[264]

In the submittal letter for the 2018 $PM_{2.5}$ Plan, CARB requested that we limit the duration of our approval of the budgets to the period before the effective date of the EPA's adequacy finding for any subsequently submitted budgets.[265] The transportation conformity rule allows us to limit the approval of budgets.[266] However, we will consider a state's request to limit an approval of its budgets only if the request includes the following elements: [267]

(1) An acknowledgement and explanation as to why the budgets under consideration have become outdated or deficient;

(2) A commitment to update the budgets as part of a comprehensive SIP update; and

(3) A request that the EPA limit the duration of its approval to the period before new budgets have been found to be adequate for transportation conformity purposes.

CARB's request includes an explanation for why the budgets have become, or will become, outdated or deficient. In short, CARB has requested that we limit the duration of the approval of the budgets in light of the EPA's approval of EMFAC2017, an updated version of the model (EMFAC2014) used for the budgets in the SJV $PM_{2.5}$ Plan.[268] EMFAC2017 updates vehicle mix and emissions data of the previously approved version of the model, EMFAC2014.

In light of the EPA's approval of EMFAC2017, CARB explains that the budgets in the SJV $PM_{2.5}$ Plan, which we are proposing to approve in today's action, will become outdated and will need to be revised using EMFAC2017. In addition, CARB states that, without the ability to replace the budgets using the budget adequacy process, the benefits of using the updated data may not be realized for a year or more after the updated SIP (with the EMFAC2017-derived budgets) is submitted, due to the length of the SIP approval process. We find that CARB's explanation for limiting the duration of the approval of the budgets is appropriate and provides us with a reasonable basis for limiting the duration of the approval of the budgets.

We note that CARB has not committed to update the budgets as part of a comprehensive SIP update, but as a practical matter, CARB must submit a SIP revision that includes updated demonstrations as well as the updated budgets to meet the adequacy criteria in 40 CFR 93.118(e)(4).[269] Therefore, we do not need a specific commitment for such a plan at this time. For the reasons provided above, and in light of CARB's explanation for why the budgets will become outdated and should be replaced upon an adequacy finding for updated budgets, we propose to limit the duration of our approval of the budgets addressed in this action to the period before we find revised budgets based on EMFAC2017 to be adequate.

H. Nonattainment New Source Review Requirements Under CAA Section 189(e)

CAA section 189(e) specifically requires that the control requirements applicable to major stationary sources of direct $PM_{2.5}$ also apply to major stationary sources of $PM_{2.5}$ precursors, except where the Administrator determines that such sources do not contribute significantly to $PM_{2.5}$ levels that exceed the NAAQS in the area.[270] The control requirements applicable to major stationary sources of direct $PM_{2.5}$ in a Serious $PM_{2.5}$ nonattainment area include, at minimum, the requirements of a nonattainment NSR permit program meeting the requirements of CAA sections 172(c)(5) and 189(b)(3). As part of our April 7, 2015 final action to reclassify the San Joaquin Valley area as Serious nonattainment for the 1997 $PM_{2.5}$ standards, we established a May 7, 2016 deadline for the State to submit nonattainment NSR SIP revisions addressing the requirements of CAA sections 189(b)(3) and 189(e) of the Act for the 1997 $PM_{2.5}$ NAAQS.[271]

California submitted nonattainment NSR SIP revisions to address the subpart 4 requirements for the San Joaquin Valley Serious $PM_{2.5}$ nonattainment area on November 20, 2019.[272] We are not proposing any action on this submission at this time. We will act on this submission through a separate rulemaking, as appropriate.

V. Determination of Attainment by the Attainment Date

A. Requirements for Attainment Determinations

Sections 179(c)(1) and 188(b)(2) of the CAA require the EPA to determine whether a state with a $PM_{2.5}$ nonattainment area attained the applicable $PM_{2.5}$ NAAQS by the applicable attainment date, based on the area's air quality as of the attainment date. A determination of whether an area's air quality currently meets the $PM_{2.5}$ NAAQS is generally based upon the most recent three years of complete, quality-assured data gathered at established State and Local Air Monitoring Stations (SLAMS) in a nonattainment area and entered into the EPA's Air Quality System (AQS) database. Data from ambient air monitors operated by state/local agencies in compliance with the EPA monitoring requirements must be submitted to AQS. Monitoring agencies annually certify that these data are accurate to the best of their knowledge. Accordingly, the EPA relies primarily on data in AQS when determining the attainment status of areas.[273] The EPA reviews all data to determine the area's air quality status in accordance with 40 CFR part 50, Appendix N.

Under EPA regulations in 40 CFR 50.7 and in accordance with Appendix N, the 1997 24-hour $PM_{2.5}$ NAAQS are met when the design value is less than or equal to 65 $\mu g/m^3$ (based on the rounding convention in 40 CFR part 50,

[263] 76 FR 69896.

[264] 40 CFR 93.118(e)(1).

[265] Letter dated May 9, 2019, from Richard W. Corey, Executive Officer, CARB, to Mike Stoker, Regional Administrator, EPA Region 9, 3.

[266] 40 CFR 93.118(e)(1).

[267] 67 FR 69139 (November 15, 2002), limiting our prior approval of MVEBs in certain California SIPs.

[268] On August 15, 2019, the EPA approved and announced the availability of EMFAC2017, the latest update to the EMFAC model for use by the State and local governments to meet CAA requirements. 84 FR 41717.

[269] Under 40 CFR 93.118(e)(4), the EPA will not find a budget in a submitted SIP to be adequate unless, among other criteria, the budgets, when considered together with all other emissions sources, are consistent with applicable requirements for RFP and attainment. 40 CFR 93.118(e)(4)(iv).

[270] General Preamble, 13539 and 13541–13542.

[271] 80 FR 18528, 18533.

[272] Letter dated November 15, 2019, from Richard W. Corey, Executive Officer, CARB, to Michael Stoker, Regional Administrator, EPA Region IX.

[273] See 40 CFR 50.7; 40 CFR part 50, Appendix L; 40 CFR part 53; 40 CFR part 58, and 40 CFR part 58, appendices A, C, D, and E.

Appendix N) at each eligible monitoring site within the area. Data completeness requirements for a given year are met when at least 75 percent of the scheduled sampling days for each quarter have valid data.[274]

B. Monitoring Network Considerations

Section 110(a)(2)(B)(i) of the CAA requires states to establish and operate air monitoring networks to compile data on ambient air quality for all criteria pollutants. The monitoring requirements are specified in 40 CFR part 58. These requirements are applicable to state, and where delegated, local air monitoring agencies that operate criteria pollutant monitors. The regulations in 40 CFR part 58 establish specific requirements for operating air quality surveillance networks to measure ambient concentrations of $PM_{2.5}$, including requirements for measurement methods, network design, quality assurance procedures, and in the case of large urban areas, the minimum number of monitoring sites designated as SLAMS.

In section 4.7 of Appendix D to 40 CFR part 58, the EPA specifies minimum monitoring requirements for $PM_{2.5}$ to operate at SLAMS. SLAMS produce data comparable to the NAAQS, and therefore, the monitor must be an approved federal reference method (FRM), federal equivalent method (FEM), or approved regional method (ARM). The minimum number of SLAMS required is described in section 4.7.1 and can be met by either filter-based or continuous FRMs or FEMs. The monitoring regulations also provide that each core-based statistical area (CBSA) must operate a minimum number of $PM_{2.5}$ continuous monitors; [275] however, this requirement can be met by either an FEM or a non-FEM continuous monitor, and the continuous monitors can be located with other SLAMS or at a different location. Consequently, the monitoring requirements for $PM_{2.5}$ can be met with filter-based FRMs/FEMs, continuous FEMs, continuous non-FEMs, or a combination of monitors at each required SLAMS.

Under 40 CFR 58.10, states are required to submit annual monitoring network plans to the EPA.[276] Within the San Joaquin Valley, CARB and the District are the agencies responsible for assuring that the area meets air quality monitoring requirements. CARB and SJVUAPCD submit monitoring network plans to the EPA annually. These plans describe and discuss the status of the air monitoring network, as required under 40 CFR 58.10. The EPA reviews these annual network plans for compliance with the applicable reporting requirements in 40 CFR part 58. With respect to $PM_{2.5}$, we have found that the CARB and SJVUAPCD annual network plans meet the applicable requirements under 40 CFR part 58.[277]

During the 2018–2020 period, $PM_{2.5}$ ambient concentration data that are eligible for use in determining whether an area has attained the $PM_{2.5}$ NAAQS were collected at a total of 18 sites within the San Joaquin Valley: 5 sites in Fresno County; 3 sites in Kern County; 2 sites each in Kings, Merced, San Joaquin, and Stanislaus counties; and 1 site each in Madera and Tulare counties. The District operates 12 of these sites while CARB operates 6 of these sites. All of the sites are designated SLAMS for $PM_{2.5}$.[278] The primary monitors are FRMs at 5 of the 18 sites and beta attenuation monitor FEMs at 13 of the 18 sites. Overall, the District's $PM_{2.5}$ monitoring network meets, and in several Metropolitan Statistical Areas (MSAs) exceeds, the $PM_{2.5}$ minimum monitoring requirements for the San Joaquin Valley.

Based on our review of the $PM_{2.5}$ monitoring network as summarized above, we find that the monitoring network in the San Joaquin Valley is adequate for the purpose of collecting ambient $PM_{2.5}$ concentration data for use in determining whether the San Joaquin Valley attained the 1997 24-hour $PM_{2.5}$ NAAQS by the December 31, 2020 attainment date.

C. Data Considerations and Proposed Determination

Under 40 CFR 58.15, monitoring agencies must certify, on an annual basis, that data collected at all SLAMS and at all FRM, FEM, and ARM SPM stations meet the EPA's quality assurance requirements. In doing so, monitoring agencies must certify that the previous year of ambient concentration and quality assurance data are submitted to AQS and that the ambient concentration data are accurate. CARB annually certifies that the data the agency submits to AQS are quality assured, including the data collected at monitoring sites in the San Joaquin Valley.[279] SJVUAPCD does the same for data submitted to AQS from monitoring sites operated by the District.[280]

As noted above, CAA sections 179(c)(1) and 188(b)(2) require the EPA to determine whether a $PM_{2.5}$ nonattainment area attained the applicable $PM_{2.5}$ NAAQS by the applicable attainment date, based on the area's air quality as of the attainment date. The SJV $PM_{2.5}$ Plan includes a modeled demonstration of attainment by December 31, 2020, for the 1997 24-hour $PM_{2.5}$ NAAQS. Thus, the EPA's evaluation of whether the San Joaquin Valley $PM_{2.5}$ nonattainment area has attained the 1997 24-hour $PM_{2.5}$ NAAQS is based on our review of the monitoring data recorded during the three years preceding the attainment date (2018–2020). Our review also takes into account the adequacy of the $PM_{2.5}$ monitoring network in the nonattainment area and the reliability of the data collected by the network as discussed in the previous sections of this document.

With respect to data completeness, we determined that the data collected by CARB and the District meet the quarterly completeness criterion for all 12 quarters of the three-year period at most of the $PM_{2.5}$ monitoring sites in the San Joaquin Valley. More specifically, among the 18 $PM_{2.5}$ monitoring sites from which regulatory data are available, the data from 5 of the sites did not meet the 75 percent completeness criterion (for each quarter); however, the data from all but 3 sites (Fresno–

[274] 40 CFR part 50, Appendix N, section 4.2(b).

[275] 40 CFR part 58, Appendix D, section 4.7.2.

[276] 40 CFR 58.10(a)(1).

[277] Letter dated November 5, 2018, from Gwen Yoshimura, Manager, Air Quality Analysis Office, EPA Region IX, to Sheraz Gill, Deputy Air Pollution Control Office, SJVUAPCD; letter dated November 6, 2019, from Gwen Yoshimura, Manager, Air Quality Analysis Office, EPA Region IX, to Jon Klassen, Director of Strategies and Incentives, SJVUAPCD; letter dated October 26, 2020, from Gwen Yoshimura, Manager, Air Quality Analysis Office, EPA Region IX, to Jon Klassen, Director of Strategies and Incentives, SJVUAPCD; letter dated November 26, 2018, from Gwen Yoshimura, Manager, Air Quality Analysis Office, EPA Region IX, to Ravi Ramalingam, Chief, Consumer Products and Air Quality Assessment Branch, CARB; letter dated November 26, 2019, from Gwen Yoshimura, Manager, Air Quality Analysis Office, EPA Region IX, to Ravi Ramalingam, Chief, Consumer Products and Air Quality Assessment Branch, CARB; and letter dated November 5, 2020, from Gwen Yoshimura, Manager, Air Quality Analysis Office, EPA Region IX, to Ravi Ramalingam, Chief, Consumer Products and Air Quality Assessment Branch, CARB.

[278] There are a number of other $PM_{2.5}$ monitoring sites within the valley, including other sites operated by the District, the National Park Service, and certain Indian tribes, but the data collected from these sites are non-regulatory and not eligible for use in determining whether the San Joaquin Valley has attained the $PM_{2.5}$ NAAQS.

[279] For example, see letter dated June 21, 2021, from Sylvia Vanderspek, Chief, Air Quality Planning Branch, CARB, to Gwen Yoshimura, Manager, Air Quality Analysis Office, EPA Region 9, with enclosures, certifying calendar year 2020 ambient air quality data and quality assurance data.

[280] For example, see letter dated June 22, 2021, from Jessica Olsen, Program Manager, SJVUAPCD, to Elizabeth Adams, Director, Air and Radiation Division, EPA Region IX, with attachments, certifying calendar year 2020 ambient air quality data and quality assurance data.

Foundry (AQS ID: 06–019–2016), Manteca (AQS ID: 06–077–2010), and Clovis–Villa (AQS ID: 06–019–5001)) are sufficient nonetheless to produce a valid design value for the 1997 24-hour $PM_{2.5}$ NAAQS pursuant to the rules governing design value validity in 40 CFR part 50, Appendix N, section 4.2. We note that monitors with incomplete data in one or more quarters may still produce valid design values if the conditions for applying the EPA's data substitution test are met.[281] The Bakersfield–Airport (Planz) (AQS ID: 06–029–0016) and Hanford–Irwin (AQS ID: 06–031–1004) monitoring sites had incomplete data in the 4th quarter and 3rd quarter of 2018, respectively; however, both sites had between 50 and 75 percent data completeness for these quarters and have valid design values after applying the maximum quarterly value data substitution test.

The Manteca monitoring site recorded data amounting to less than 75 percent completeness during the 1st, 2nd, and 3rd quarters of 2019 (61 percent, 66 percent, and 67 percent, respectively) due to ongoing instrument operational issues. Under Appendix N, section 4.2(b) data shall be considered valid, in spite of quarters with incomplete data, if the resulting annual 98th percentile value or resulting 24-hour NAAQS design value exceeds the standard. Here, the incomplete annual 98th percentile value, 26.8 $\mu g/m^3$, is well below the standard, and the resulting design value for the site, 59 $\mu g/m^3$, is also below the standard. Therefore, this provision of section 4.2(b) does not validate the 2019 Manteca monitoring site data. Like Bakersfield–Airport (Planz) and Hanford–Irwin, the data for the Manteca site qualify for the maximum quarterly value data substitution test under 40 CFR part 50, Appendix N, section 4.2(c). However, upon applying the data substitution test to the Manteca monitoring site data, we find that the data do not pass the test (*i.e.,* after substituting the highest reported daily maximum $PM_{2.5}$ value for a quarter for all missing daily data in the matching deficient quarter, the resulting test design value was above the 1997 24-hour $PM_{2.5}$ NAAQS). Because the data substitution test results in a test design value above the NAAQS, the Manteca monitoring site 2019 design value is considered invalid. The EPA then reviewed additional information about the monitoring network and air quality data, including historical 24-hour $PM_{2.5}$ design value trends, to assess if the data collection deficiency, in the context of data that otherwise show attainment, precludes the EPA from determining that the San Joaquin Valley area attained the 1997 24-hour $PM_{2.5}$ NAAQS during the 2018–2020 period.

First, although the 2019 data were incomplete, the available data that were collected over a substantial amount of the year show zero exceedances of the NAAQS.

Second, the Manteca monitoring site has not historically been the 24-hour $PM_{2.5}$ design value site for the San Joaquin Valley area. For example, the Bakersfield–California (AQS ID: 06–029–0014) monitoring site was the design value site for the 24-hour $PM_{2.5}$ NAAQS for 2011 to 2013, the Bakersfield–Airport (Planz) monitoring site was the design value site in 2014, the Corcoran–Patterson (AQS ID: 06–031–0004) monitoring site was the design value site from 2015 to 2019, and the Modesto–14th Street (AQS ID: 06–099–0005) monitoring site was the design value site in 2020.

Third, an assessment of long-term trends at the Manteca monitoring site and nearby monitoring sites shows nearby sites have design values below the 24-hour $PM_{2.5}$ NAAQS and the Manteca site typically has lower design values compared to nearby sites. For example, during the 2013 to 2020 period, the Manteca monitoring site had consistently lower design values for the 24-hour $PM_{2.5}$ NAAQS than the Stockton–Hazelton (AQS ID: 06–077–1002) and Modesto–14th Street monitoring sites, which are located approximately 11 miles and 18 miles, respectively, from the Manteca monitoring site. The Stockton–Hazelton and Modesto–14th Street monitoring sites have complete annual 24-hour design values that are below the 1997 24-hour $PM_{2.5}$ NAAQS (after excluding monitored exceedances associated with the August 20–24, 2020 wildfire exceptional event, as discussed below) and provide an appropriate comparison and characterization of air quality for the areas surrounding the Manteca monitoring site. Thus, because the data that were collected provide a 98th percentile value below the standard, and the Manteca monitoring site has historically lower design value concentrations relative to the 24-hour $PM_{2.5}$ NAAQS and design values at nearby locations, we find that the incomplete data should not preclude the EPA from determining that the San Joaquin Valley area has attained the 1997 24-hour $PM_{2.5}$ NAAQS.

The remaining two sites, Fresno–Foundry and Clovis–Villa, recorded data amounting to less than 50 percent completeness during multiple quarters during the 2018–2020 period. Specifically, the Fresno–Foundry monitoring site recorded less than 50 percent data capture during all four quarters of 2018 and 2019 and the Clovis–Villa monitoring site recorded less than 50 percent data capture during the 2nd and 4th quarters of 2019. Thus, the data in these quarters are not eligible for the maximum quarterly value data substitution test under the provisions in 40 CFR part 50 Appendix N, section 4.2(c)(i), which state that if any quarter has less than 50 percent data capture, then the required test conditions are not met and the substitution test cannot be used. Additionally, the data collected at these sites did not result in an 98th percentile value or resulting 24-hour NAAQS design value that exceeds the standard under the provision of Appendix N section 4.2(b). Therefore, the design values at these two sites are considered invalid. However, the EPA reviewed historical 24-hour $PM_{2.5}$ design value trends and the causes of the incomplete data in the context of data that otherwise show attainment, and found that the data collection deficiency should not preclude a determination that the San Joaquin Valley area attained the 1997 24-hour $PM_{2.5}$ NAAQS during the 2018–2020 period.

The Fresno–Foundry monitoring site began operation on January 1, 2020. Although data completeness was 98 percent for year 2020, the data completeness requirements for the 2018–2020 period are not met since the site was not yet operational and thus data were not collected in 2018 and 2019. Because the incomplete data at the Fresno–Foundry monitoring site is due to the site having only begun operation in 2020, the incomplete data should not preclude the EPA from determining whether the area has attained the NAAQS. Upon excluding monitored exceedances associated with the August 20–24, 2020 wildfire exceptional event, as discussed below, the Fresno–Foundry monitoring site has an incomplete 2020 design value of 64 $\mu g/m^3$, which is below the level of the 1997 24-hour $PM_{2.5}$ NAAQS.

The Clovis–Villa monitoring site recorded less than 75 percent data capture during the 2nd, 3rd, and 4th quarters of 2019 (48 percent, 66 percent, and 41 percent, respectively) due to ongoing instrument operational issues. Because the data substitution test under 40 CFR part 50, Appendix N, section 4.2(c) requires each quarter to have data completeness of at least 50 percent, the Clovis-Villa 2019 data do not qualify for the data substitution test. Like Manteca, the Clovis–Villa site has not historically

[281] See 40 CFR part 50, Appendix N, section 4.2(b).

been the 24-hour $PM_{2.5}$ design value site. An assessment of long-term trends at the Clovis–Villa monitoring site and a nearby monitoring site shows that the Clovis–Villa site has historically had design values below the 24-hour $PM_{2.5}$ NAAQS and has had lower design values compared to the nearby site. During the 2011 to 2019 period, the Clovis–Villa monitoring site consistently had lower design values for the 24-hour $PM_{2.5}$ NAAQS than the Fresno–Garland monitoring site, which is located approximately four miles from Clovis–Villa.[282] The Fresno–Garland site has a complete 2020 annual 24-hour design value below the 1997 24-hour $PM_{2.5}$ NAAQS and provides an appropriate comparison and characterization of air quality for the area surrounding the Clovis–Villa monitoring site. Furthermore, the District exceeds the $PM_{2.5}$ minimum monitoring requirements for three $PM_{2.5}$ SLAMs monitors in the Fresno MSA as they are currently operating five SLAMs monitors.

Thus, based on the historical design value concentrations at the Clovis–Villa monitoring site relative to the 24-hour $PM_{2.5}$ NAAQS and the nearest site, we find that the incomplete data at the Clovis–Villa monitoring site should not preclude the EPA from determining the San Joaquin Valley area has attained the 1997 24-hour $PM_{2.5}$ NAAQS.

Table 5 shows the 24-hour $PM_{2.5}$ design values at each of the 18 SLAMS monitoring sites within the San Joaquin Valley nonattainment area for the most recent three-year period (2018–2020). The data indicate that the San Joaquin Valley area likely experienced higher than normal $PM_{2.5}$ concentrations in 2018 and 2020 due to wildfire impacts during the summer and fall months.[283] Table 5 shows that 98th percentile concentrations at all 18 monitors in the San Joaquin Valley area with data spanning 2018 to 2020 are significantly higher in 2018 and 2020 relative to concentrations in 2019, again, likely due to the wildfires in those years. Accordingly, the 2018–2020 design values in Table 5 may also be higher than normal at certain monitoring sites due to potential wildfire impacts within the 2018–2020 data period. Nevertheless, the data show that the 24-hour design value for the 2018–2020 period was equal to or less than 65 µg/m³ (*i.e.,* the level of the 1997 24-hour $PM_{2.5}$ NAAQS) at all monitors after excluding monitored exceedances specifically associated with the August 20–24, 2020 wildfire exceptional event, as discussed below. Therefore, we are proposing to determine, based on complete (or otherwise not inconsistent, as described above), quality-assured, and certified data for 2018–2020, that the San Joaquin Valley area has attained the 1997 24-hour $PM_{2.5}$ NAAQS, consistent with attainment of the standard projected by the State in the SJV $PM_{2.5}$ Plan.

TABLE 5—2018–2020 24-HOUR $PM_{2.5}$ DESIGN VALUES FOR THE SAN JOAQUIN VALLEY NONATTAINMENT AREA

County	General location site	AQS ID	98th percentile (µg/m³)			2018–2020 24-hour design values (µg/m³)
			2018	2019	2020	
Fresno	Fresno—Pacific	06–019–5025	65.5	37.1	81.0	61.
	Fresno—Garland	06–019–0011	63.5	36.9	85.0	62.
	Fresno—Foundry	06–019–2016	Inc	Inc	63.9	64 (Inv).[a]
	Clovis—Villa	06–019–5001	57.0	28.0 (Inc)	99.5	62 (Inv).[b]
	Tranquillity	06–019–2009	51.4	17.1	92.5	54.
Kern	Bakersfield—Airport (Planz)	06–029–0016	60.8	46.7	57.1	55.
	Bakersfield—California Ave	06–029–0014	69.2	43.4	79.2	64.
	Bakersfield—Golden State Highway	06–029–0010	60.9	44.3	76.9	61.
Kings	Corcoran—Patterson	06–031–0004	78.0	45.1	69.0	64.
	Hanford—Irwin	06–031–1004	78.2	41.1	72.6	64.
Madera	Madera—Avenue 14	06–039–2010	50.2	23.9	87.7	54.
Merced	Merced—M Street	06–047–2510	52.7	29.5	77.1	53.
	Merced—Coffee	06–047–0003	56.0	23.4	78.3	53.
San Joaquin	Stockton—Hazelton	06–077–1002	92.3	32.9	65.9	64.
	Manteca	06–077–2010	84.6[c]	26.8 (Inc)	66.9	59 (Inv).[d]
Stanislaus	Modesto—14th Street	06–099–0005	100.4	28.4	67.1	65.
	Turlock	06–099–0006	88.6	36.0	67.7	64.
Tulare	Visalia	06–107–2002	63.4	45.5	83.4	64.

Source: EPA, 2020 AQS Design Value Report, AMP480, accessed September 1, 2021.The Design Value Report excludes measurements with regionally concurred exceptional event flags. AQS reports for 24-hour $PM_{2.5}$ data are only available for the 2006 24-hour $PM_{2.5}$ NAAQS as a Pollutant Standard, thus this report only reflects the 2006 24-hour $PM_{2.5}$ NAAQS and does not include the 1997 24-hour $PM_{2.5}$ NAAQS as a Pollutant Standard. Subsequently, AQS only allows the EPA to place concurrence flags on data associated with the 2006 24-hour $PM_{2.5}$ NAAQS. 40 CFR part 50 Appendix N specifies the data handling and design value calculations for both the 2006 24-hour $PM_{2.5}$ NAAQS and the 1997 24-hour $PM_{2.5}$ NAAQS. The design values in the Design Value Report for the 2006 24-hr $PM_{2.5}$ NAAQS for the San Joaquin Valley nonattainment area are the same as would be expected for the 1997 24-hr $PM_{2.5}$ NAAQS if the exceptional events for that NAAQS were correctly represented in AQS.

Notes: Inc = Incomplete data. Inv = Invalid design value due to incomplete data.

[a] The 2018–2020 design value at Fresno–Foundry (AQS ID: 06–019–2016) is based on concentration data from January 1, 2020 to December 31, 2020. The site began operation in 2020; therefore, data from January 1, 2018 to December 31, 2019 are not available. Based on 40 CFR part 50, Appendix N, section 4.2(b), three years of valid annual $PM_{2.5}$ 98th percentile mass concentrations are required to produce a valid 24-hour $PM_{2.5}$ NAAQS design value. Thus, the Fresno–Foundry 2018–2020 design value is considered invalid.

[b] Based on the design value calculation methodologies described in 40 CFR part 50, Appendix N, section 4.2(b), the Clovis–Villa (AQS ID: 06–019–5001) 2018–2020 design value is considered invalid due to incomplete data in the 2nd, 3rd, and 4th quarters of 2019.

[282] The Clovis–Villa and Fresno–Garland monitoring sites have the same 2020 design value of 62 µg/m³.

[283] EPA, 2020 Raw Data Report, AMP350, accessed July 13, 2021.

[c] Identification of the 98th percentile 24-hour concentration is based on the number of creditable samples in a given year. See 40 CFR part 50, appendix N, section 4.5. Specifically, in any year for which there are at least 351 creditable samples, the 98th percentile is the 8th highest concentration, and as the number of creditable samples decreases the 98th percentile concentration is represented by a data point closer to the maximum concentration. The number of creditable samples in 2018 for Manteca is reflected inaccurately in AQS and results in an inaccurate 2018 98th percentile concentration and 2018–2020 design value. Table 5 reflects the 2018 98th percentile concentration and 2018–2020 design value based on the corrected number of creditable samples. See memorandum dated August 6, 2021, from Dena Vallano, EPA Region IX, to Docket EPA–R09–OAR–2021–0261, Subject: ''San Joaquin Valley, CA 1997 24-hour $PM_{2.5}$ Nonattainment Area, Manteca Monitoring.''

[d] Based on the design calculation methodologies described in 40 CFR part 50, Appendix N, section 4.2(b), the Manteca (AQS ID: 06–077–2010) 2018–2020 design value is considered invalid due to incomplete data in the 1st, 2nd, and 3rd quarters of 2019.

In the EPA's review of monitoring data for the 1997 24-hour $PM_{2.5}$ NAAQS for the San Joaquin Valley nonattainment area, the EPA is excluding certain exceedances of the standard from the attainment determination presented herein because they were the result of exceptional events. Under the EPA's Exceptional Events Rule (EER),[284] exceedances flagged as exceptional events will only be considered for EPA concurrence if the data affect one of the types of regulatory actions specified by the EER. The State has submitted a demonstration for a wildfire $PM_{2.5}$ exceptional event covering a total of 30 measured exceedances occurring over 5 consecutive days (August 20–24, 2020) at 8 monitoring sites within the San Joaquin Valley nonattainment area that were critical for informing this attainment determination.[285] The State's submission notes that additional San Joaquin Valley monitoring sites were affected by wildfire smoke during the 2018–2020 period, but that those dates were not included in the submission because they did not cause the 2020 design values to violate the 1997 24-hour $PM_{2.5}$ NAAQS and did not have regulatory significance relevant to this determination.[286] The EPA reviewed the documentation that the State provided to demonstrate that these exceedances meet the criteria for exceptional events under the EER. The EPA concurred with the State's determinations that, based on the weight of evidence, the exceedances were caused by an exceptional event.[287] Accordingly, the EPA has determined that the monitored exceedances associated with this exceptional event should not be used for regulatory purposes, including the evaluation of whether the San Joaquin Valley nonattainment area has attained by the attainment date and evaluation of the CAA Serious area and section 189(d) plan submission. Excluding these exceedances caused by uncontrollable emissions, the EPA proposes to determine that the San Joaquin Valley has attained the 1997 24-hour $PM_{2.5}$ NAAQS, consistent with attainment of the standard projected by the State in the SJV $PM_{2.5}$ Plan.

VI. Summary of Proposed Action and Request for Public Comment

The EPA is proposing to determine that the San Joaquin Valley nonattainment area has attained the 1997 24-hour $PM_{2.5}$ NAAQS, based on complete (or otherwise not inconsistent), quality-assured, and certified ambient air quality monitoring data for the 2018–2020 monitoring period. If finalized, this proposed determination that the San Joaquin Valley nonattainment area has attained the 1997 24-hour $PM_{2.5}$ NAAQS would not constitute a redesignation of the area to attainment. Under CAA section 107(d)(3)(E), redesignations of nonattainment areas to attainment require states to meet a number of additional statutory criteria, including the EPA's approval of a SIP revision demonstrating maintenance of the standard for 10 years after redesignation. The designation status of the San Joaquin Valley area will remain Serious nonattainment for the 1997 24-hour $PM_{2.5}$ NAAQS until such time as the EPA determines that the area meets the CAA requirements for redesignation to attainment.

For the reasons discussed in this proposed rule, under CAA section 110(k)(3), the EPA is also proposing to approve in part and disapprove in part portions of the SJV $PM_{2.5}$ Plan submitted by California that pertain to the 1997 24-hour $PM_{2.5}$ NAAQS in the San Joaquin Valley nonattainment area as follows:

(1) We are proposing to approve the following elements as meeting the Serious nonattainment area planning requirements:

(a) The 2013 base year emissions inventories as meeting the requirements of CAA section 172(c)(3) and 40 CFR 51.1008(b);

(b) the BACM/BACT demonstration as meeting the requirements of CAA section 189(b)(1)(B) and 40 CFR 51.1010(a);

(c) the demonstration (including air quality modeling) that the Plan provides for attainment as expeditiously as practicable as meeting the requirements of CAA sections 179(d) and 189(b) and 40 CFR 51.1011(b);

(d) the RFP demonstration as meeting the requirements of CAA sections 172(c)(2) and 171(1) and 40 CFR 51.1012; and

(e) the quantitative milestone demonstration as meeting the requirements of CAA section 189(c) and 40 CFR 51.1013;

(2) We are proposing to approve the following elements as meeting the CAA section 189(d) planning requirements:

(a) The 2013 base year emissions inventories as meeting the requirements of CAA section 172(c)(3) and 40 CFR 51.1008(c);

(b) the BACM/BACT demonstration as meeting the requirements of CAA sections 189(a)(1)(C) [288] and 189(b)(1)(B) and 40 CFR 51.1010(c);

(c) the demonstration that the Plan will, at a minimum, achieve an annual five percent reduction in emissions of NO_X as meeting the requirements of CAA section 189(d) and 40 CFR 51.1010(c);

(d) the demonstration (including air quality modeling) that the Plan provides for attainment as expeditiously as practicable as meeting the requirements of CAA sections 179(d) and 189(d) and 40 CFR 51.1011(b);

(e) the RFP demonstration as meeting the requirements of CAA sections 172(c)(2) and 171(1) and 40 CFR 51.1012; and

(f) the quantitative milestone demonstration as meeting the requirements of CAA section 189(c) and 40 CFR 51.1013;

(3) We are proposing to approve the motor vehicle emission budgets for 2017 and 2020 as shown in Table 8 of this proposed rule because they are derived

[284] 40 CFR 50.1(j), (k), (l); 50.14(a)(1)(i); 51.930.

[285] The eight monitoring sites covered by the August 20–24, 2020 wildfire exceptional event demonstration include Fresno–Foundry, Bakersfield–Airport (Planz), Corcoran–Patterson, Hanford–Irwin, Stockton–Hazelton, Manteca, Modesto–14th Street, and Turlock.

[286] SJVUAPCD, ''Exceptional Event Demonstration for August 2020 $PM_{2.5}$ Exceedances due to Wildfires'', May 11, 2021, 3.

[287] Letter dated July 13, 2021, from Elizabeth J. Adams, Director, Air and Radiation Division, EPA Region IX, to Michael Benjamin, Division Chief, Air Quality Planning and Science Division, CARB.

[288] As discussed in section III.B of this document, a section 189(d) plan must address any outstanding Moderate or Serious area requirements that have not previously been approved. Because we have not previously approved a subpart 4 RACM demonstration for the San Joaquin Valley nonattainment area, we are also proposing to approve the BACM/BACT demonstration in the SJV $PM_{2.5}$ Plan as meeting the subpart 4 RACM/RACT requirement for the area.

from approvable RFP and attainment demonstrations and meet the requirements of CAA section 176(c) and 40 CFR part 93, subpart A;

(4) We are proposing to approve the inter-pollutant trading mechanism provided for use in transportation conformity analyses for the 1997 24-hour $PM_{2.5}$ NAAQS, in accordance with 40 CFR 93.124(b); and

(5) We are proposing to disapprove the contingency measure element of the SJV $PM_{2.5}$ Plan for the 1997 24-hour $PM_{2.5}$ NAAQS for both the Serious area and CAA section 189(d) planning requirements for failing to meet the requirements of CAA section 172(c)(9). However, based on our proposed finding of attainment by the applicable attainment date, we are also proposing to determine that the contingency measures requirement will no longer apply to the San Joaquin Valley area for the 1997 24-hour $PM_{2.5}$ NAAQS if we finalize the determination of attainment by the applicable attainment date. Therefore, our proposed disapproval, if finalized, would not trigger sanctions or FIP clocks, and we are proposing to issue a protective finding for transportation conformity determinations under 40 CFR 93.120(a)(3) if the proposed disapproval is finalized.

The EPA is soliciting public comments on the issues discussed in this proposed rule. We will accept comments from the public on this proposal for the next 30 days.

VII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because the proposed partial SIP approval and partial disapproval, if finalized, will not in-and-of itself create any new information collection burdens but will simply disapprove certain State requirements for inclusion in the SIP.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This proposed partial SIP approval and partial disapproval, if finalized, will not in-and-of itself create any new requirements but will simply disapprove certain state requirements for inclusion in the SIP.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action proposes to partially approve and partially disapprove pre-existing requirements under state or local law and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP revision that the EPA is proposing to partially approve and partially disapprove would not apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because this proposed partial SIP approval and partial disapproval, if finalized, will not in-and-of itself create any new regulations but will simply disapprove certain state requirements for inclusion in the SIP.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Population

The EPA lacks the discretionary authority to address environmental justice in this rulemaking.

List of Subjects in 40 CFR Part 51

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

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

Dated: September 17, 2021.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 2021–20613 Filed 9–23–21; 8:45 am]

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