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Federal Register
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Monday, February 1, 2021

Presidential Documents

Title 3—

The President

Executive Order 14007 of January 27, 2021

President's Council of Advisors on Science and Technology

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish an advisory council on science, technology, and innovation, it is hereby ordered as follows:

Section 1. *Policy*. As directed in the Presidential Memorandum of January 27, 2021 (Scientific Integrity and Evidence-Based Policymaking), it is the policy of my Administration to make evidence-based decisions guided by the best available science and data. Officials and employees across my Administration shall seek from scientists, engineers, and other experts the best available scientific and technological information and advice.

Sec. 2. *Establishment*. (a) There is hereby established the President's Council of Advisors on Science and Technology (PCAST).

(b) The PCAST shall be composed of not more than 26 members. The Assistant to the President for Science and Technology (the ''Science Advisor'') shall be a member of the PCAST. The Science Advisor, if also serving as the Director of the Office of Science and Technology Policy, may designate the U.S. Chief Technology Officer as a member. The remaining members shall be distinguished individuals and representatives from sectors outside of the Federal Government appointed by the President. These non-Federal members shall have diverse perspectives and expertise in science, technology, and innovation.

(c) The Science Advisor shall serve as a Co-Chair of the PCAST. The President shall also designate at least one, but not more than two, of the non-Federal members to serve as a Co-Chair, or Co-Chairs, of the PCAST with the Science Advisor. The Science Advisor may designate up to three Vice Chairs of the PCAST from among the non-Federal members of the PCAST, to support the Co-Chairs in the leadership and organization of the PCAST.

Sec. 3. *Functions*. (a) The PCAST shall advise the President on matters involving policy affecting science, technology, and innovation, as well as on matters involving scientific and technological information that is needed to inform public policy relating to the economy, worker empowerment, education, energy, the environment, public health, national and homeland security, racial equity, and other topics.

(b) The PCAST shall meet regularly and shall:

(i) respond to requests from the President or the Science Advisor for information, analysis, evaluation, or advice;

(ii) solicit information and ideas from a broad range of stakeholders, including the research community; the private sector; universities; national laboratories; State, local, and Tribal governments; foundations; and non-profit organizations;

(iii) serve as the advisory committee identified in section 101(b) of the High-Performance Computing Act of 1991 (Public Law 102–194), as amended (15 U.S.C. 5511(b)), in which capacity the PCAST shall be known as the President's Innovation and Technology Advisory Committee; and

(iv) serve as the advisory panel identified in section 4 of the 21st Century Nanotechnology Research and Development Act (Public Law 108–153),

as amended (15 U.S.C. 7503), in which capacity the PCAST shall be known as the National Nanotechnology Advisory Panel.

(c) The PCAST shall provide advice from the non-Federal sector to the National Science and Technology Council (NSTC) in response to requests from the NSTC.

Sec. 4. *Administration*. (a) The heads of executive departments and agencies shall, to the extent permitted by law, provide the PCAST with information concerning scientific and technological matters when requested by the PCAST Co-Chairs and as required for the purpose of carrying out the PCAST's functions.

(b) In consultation with the Science Advisor, the PCAST is authorized to create standing subcommittees and ad hoc groups, including technical advisory groups, to assist the PCAST and provide preliminary information directly to the PCAST.

(c) In order to allow the PCAST to provide advice and analysis regarding classified matters, the Science Advisor may request that members of the PCAST, its standing subcommittees, or ad hoc groups, who do not hold a current clearance for access to classified information, receive security clearance and access determinations pursuant to Executive Order 12968 of August 2, 1995 (Access to Classified Information), as amended, or any successor order.

(d) The Department of Energy shall provide such funding and administrative and technical support as the PCAST may require, to the extent permitted by law and within existing appropriations.

(e) Members of the PCAST shall serve without any compensation for their work on the PCAST, but may receive travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701–5707).

(f) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.), may apply to the PCAST, any functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Secretary of Energy, in accordance with the guidelines and procedures established by the Administrator of General Services.

Sec. 5. *Termination*. The PCAST shall terminate 2 years from the date of this order unless extended by the President.

Sec. 6. *Revocation*. Executive Order 13895 of October 22, 2019 (President's Council of Advisors on Science and Technology), is hereby revoked.

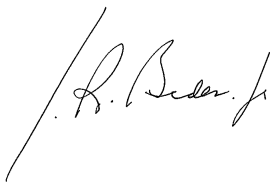
Sec. 7. *General Provisions*. (a) Nothing in this order shall be construed to impair or otherwise affect:

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

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

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

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



THE WHITE HOUSE,
January 27, 2021.

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Presidential Documents

Executive Order 14008 of January 27, 2021

Tackling the Climate Crisis at Home and Abroad

The United States and the world face a profound climate crisis. We have a narrow moment to pursue action at home and abroad in order to avoid the most catastrophic impacts of that crisis and to seize the opportunity that tackling climate change presents. Domestic action must go hand in hand with United States international leadership, aimed at significantly enhancing global action. Together, we must listen to science and meet the moment.

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

PART I—PUTTING THE CLIMATE CRISIS AT THE CENTER OF UNITED STATES FOREIGN POLICY AND NATIONAL SECURITY

Section 101. *Policy*. United States international engagement to address climate change—which has become a climate crisis—is more necessary and urgent than ever. The scientific community has made clear that the scale and speed of necessary action is greater than previously believed. There is little time left to avoid setting the world on a dangerous, potentially catastrophic, climate trajectory. Responding to the climate crisis will require both significant short-term global reductions in greenhouse gas emissions and net-zero global emissions by mid-century or before.

It is the policy of my Administration that climate considerations shall be an essential element of United States foreign policy and national security. The United States will work with other countries and partners, both bilaterally and multilaterally, to put the world on a sustainable climate pathway. The United States will also move quickly to build resilience, both at home and abroad, against the impacts of climate change that are already manifest and will continue to intensify according to current trajectories.

Sec. 102. *Purpose*. This order builds on and reaffirms actions my Administration has already taken to place the climate crisis at the forefront of this Nation's foreign policy and national security planning, including submitting the United States instrument of acceptance to rejoin the Paris Agreement. In implementing—and building upon—the Paris Agreement's three overarching objectives (a safe global temperature, increased climate resilience, and financial flows aligned with a pathway toward low greenhouse gas emissions and climate-resilient development), the United States will exercise its leadership to promote a significant increase in global climate ambition to meet the climate challenge. In this regard:

(a) I will host an early Leaders' Climate Summit aimed at raising climate ambition and making a positive contribution to the 26th United Nations Climate Change Conference of the Parties (COP26) and beyond.

(b) The United States will reconvene the Major Economies Forum on Energy and Climate, beginning with the Leaders' Climate Summit. In cooperation with the members of that Forum, as well as with other partners as appropriate, the United States will pursue green recovery efforts, initiatives to advance the clean energy transition, sectoral decarbonization, and alignment of financial flows with the objectives of the Paris Agreement, including with respect to coal financing, nature-based solutions, and solutions to other climate-related challenges.

(c) I have created a new Presidentially appointed position, the Special Presidential Envoy for Climate, to elevate the issue of climate change and underscore the commitment my Administration will make toward addressing it.

(d) Recognizing that climate change affects a wide range of subjects, it will be a United States priority to press for enhanced climate ambition and integration of climate considerations across a wide range of international fora, including the Group of Seven (G7), the Group of Twenty (G20), and fora that address clean energy, aviation, shipping, the Arctic, the ocean, sustainable development, migration, and other relevant topics. The Special Presidential Envoy for Climate and others, as appropriate, are encouraged to promote innovative approaches, including international multi-stakeholder initiatives. In addition, my Administration will work in partnership with States, localities, Tribes, territories, and other United States stakeholders to advance United States climate diplomacy.

(e) The United States will immediately begin the process of developing its nationally determined contribution under the Paris Agreement. The process will include analysis and input from relevant executive departments and agencies (agencies), as well as appropriate outreach to domestic stakeholders. The United States will aim to submit its nationally determined contribution in advance of the Leaders' Climate Summit.

(f) The United States will also immediately begin to develop a climate finance plan, making strategic use of multilateral and bilateral channels and institutions, to assist developing countries in implementing ambitious emissions reduction measures, protecting critical ecosystems, building resilience against the impacts of climate change, and promoting the flow of capital toward climate-aligned investments and away from high-carbon investments. The Secretary of State and the Secretary of the Treasury, in coordination with the Special Presidential Envoy for Climate, shall lead a process to develop this plan, with the participation of the Administrator of the United States Agency for International Development (USAID), the Chief Executive Officer of the United States International Development Finance Corporation (DFC), the Chief Executive Officer of the Millennium Challenge Corporation, the Director of the United States Trade and Development Agency, the Director of the Office of Management and Budget, and the head of any other agency providing foreign assistance and development financing, as appropriate. The Secretary of State and the Secretary of the Treasury shall submit the plan to the President, through the Assistant to the President for National Security Affairs and the Assistant to the President for Economic Policy, within 90 days of the date of this order.

(g) The Secretary of the Treasury shall:

(i) ensure that the United States is present and engaged in relevant international fora and institutions that are working on the management of climate-related financial risks;

(ii) develop a strategy for how the voice and vote of the United States can be used in international financial institutions, including the World Bank Group and the International Monetary Fund, to promote financing programs, economic stimulus packages, and debt relief initiatives that are aligned with and support the goals of the Paris Agreement; and

(iii) develop, in collaboration with the Secretary of State, the Administrator of USAID, and the Chief Executive Officer of the DFC, a plan for promoting the protection of the Amazon rainforest and other critical ecosystems that serve as global carbon sinks, including through market-based mechanisms.

(h) The Secretary of State, the Secretary of the Treasury, and the Secretary of Energy shall work together and with the Export-Import Bank of the United States, the Chief Executive Officer of the DFC, and the heads of other agencies and partners, as appropriate, to identify steps through which the United States can promote ending international financing of carbon-

intensive fossil fuel-based energy while simultaneously advancing sustainable development and a green recovery, in consultation with the Assistant to the President for National Security Affairs.

(i) The Secretary of Energy, in cooperation with the Secretary of State and the heads of other agencies, as appropriate, shall identify steps through which the United States can intensify international collaborations to drive innovation and deployment of clean energy technologies, which are critical for climate protection.

(j) The Secretary of State shall prepare, within 60 days of the date of this order, a transmittal package seeking the Senate's advice and consent to ratification of the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, regarding the phasedown of the production and consumption of hydrofluorocarbons.

Sec. 103. *Prioritizing Climate in Foreign Policy and National Security*. To ensure that climate change considerations are central to United States foreign policy and national security:

(a) Agencies that engage in extensive international work shall develop, in coordination with the Special Presidential Envoy for Climate, and submit to the President, through the Assistant to the President for National Security Affairs, within 90 days of the date of this order, strategies and implementation plans for integrating climate considerations into their international work, as appropriate and consistent with applicable law. These strategies and plans should include an assessment of:

(i) climate impacts relevant to broad agency strategies in particular countries or regions;

(ii) climate impacts on their agency-managed infrastructure abroad (e.g., embassies, military installations), without prejudice to existing requirements regarding assessment of such infrastructure;

(iii) how the agency intends to manage such impacts or incorporate risk mitigation into its installation master plans; and

(iv) how the agency's international work, including partner engagement, can contribute to addressing the climate crisis.

(b) The Director of National Intelligence shall prepare, within 120 days of the date of this order, a National Intelligence Estimate on the national and economic security impacts of climate change.

(c) The Secretary of Defense, in coordination with the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, the Chair of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Administrator of the National Aeronautics and Space Administration, and the heads of other agencies as appropriate, shall develop and submit to the President, within 120 days of the date of this order, an analysis of the security implications of climate change (Climate Risk Analysis) that can be incorporated into modeling, simulation, war-gaming, and other analyses.

(d) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall consider the security implications of climate change, including any relevant information from the Climate Risk Analysis described in subsection (c) of this section, in developing the National Defense Strategy, Defense Planning Guidance, Chairman's Risk Assessment, and other relevant strategy, planning, and programming documents and processes. Starting in January 2022, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall provide an annual update, through the National Security Council, on the progress made in incorporating the security implications of climate change into these documents and processes.

(e) The Secretary of Homeland Security shall consider the implications of climate change in the Arctic, along our Nation's borders, and to National

Critical Functions, including any relevant information from the Climate Risk Analysis described in subsection (c) of this section, in developing relevant strategy, planning, and programming documents and processes. Starting in January 2022, the Secretary of Homeland Security shall provide an annual update, through the National Security Council, on the progress made in incorporating the homeland security implications of climate change into these documents and processes.

Sec. 104. *Reinstatement*. The Presidential Memorandum of September 21, 2016 (Climate Change and National Security), is hereby reinstated.

PART II—TAKING A GOVERNMENT-WIDE APPROACH TO THE CLIMATE CRISIS

Sec. 201. *Policy*. Even as our Nation emerges from profound public health and economic crises borne of a pandemic, we face a climate crisis that threatens our people and communities, public health and economy, and, starkly, our ability to live on planet Earth. Despite the peril that is already evident, there is promise in the solutions—opportunities to create well-paying union jobs to build a modern and sustainable infrastructure, deliver an equitable, clean energy future, and put the United States on a path to achieve net-zero emissions, economy-wide, by no later than 2050.

We must listen to science—and act. We must strengthen our clean air and water protections. We must hold polluters accountable for their actions. We must deliver environmental justice in communities all across America. The Federal Government must drive assessment, disclosure, and mitigation of climate pollution and climate-related risks in every sector of our economy, marshaling the creativity, courage, and capital necessary to make our Nation resilient in the face of this threat. Together, we must combat the climate crisis with bold, progressive action that combines the full capacity of the Federal Government with efforts from every corner of our Nation, every level of government, and every sector of our economy.

It is the policy of my Administration to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure. Successfully meeting these challenges will require the Federal Government to pursue such a coordinated approach from planning to implementation, coupled with substantive engagement by stakeholders, including State, local, and Tribal governments.

Sec. 202. *White House Office of Domestic Climate Policy*. There is hereby established the White House Office of Domestic Climate Policy (Climate Policy Office) within the Executive Office of the President, which shall coordinate the policy-making process with respect to domestic climate-policy issues; coordinate domestic climate-policy advice to the President; ensure that domestic climate-policy decisions and programs are consistent with the President's stated goals and that those goals are being effectively pursued; and monitor implementation of the President's domestic climate-policy agenda. The Climate Policy Office shall have a staff headed by the Assistant to the President and National Climate Advisor (National Climate Advisor) and shall include the Deputy Assistant to the President and Deputy National Climate Advisor. The Climate Policy Office shall have such staff and other assistance as may be necessary to carry out the provisions of this order, subject to the availability of appropriations, and may work with established or ad hoc committees or interagency groups. All agencies shall cooperate with the Climate Policy Office and provide such information, support, and assistance to the Climate Policy Office as it may request, as appropriate and consistent with applicable law.

Sec. 203. *National Climate Task Force*. There is hereby established a National Climate Task Force (Task Force). The Task Force shall be chaired by the National Climate Advisor.

(a) Membership. The Task Force shall consist of the following additional members:

(i) the Secretary of the Treasury;

(ii) the Secretary of Defense;

(iii) the Attorney General;

(iv) the Secretary of the Interior;

(v) the Secretary of Agriculture;

(vi) the Secretary of Commerce;

(vii) the Secretary of Labor;

(viii) the Secretary of Health and Human Services;

(ix) the Secretary of Housing and Urban Development;

(x) the Secretary of Transportation;

(xi) the Secretary of Energy;

(xii) the Secretary of Homeland Security;

(xiii) the Administrator of General Services;

(xiv) the Chair of the Council on Environmental Quality;

(xv) the Administrator of the Environmental Protection Agency;

(xvi) the Director of the Office of Management and Budget;

(xvii) the Director of the Office of Science and Technology Policy;

(xviii) the Assistant to the President for Domestic Policy;

(xix) the Assistant to the President for National Security Affairs;

(xx) the Assistant to the President for Homeland Security and Counterterrorism; and

(xxi) the Assistant to the President for Economic Policy.

(b) Mission and Work. The Task Force shall facilitate the organization and deployment of a Government-wide approach to combat the climate crisis. This Task Force shall facilitate planning and implementation of key Federal actions to reduce climate pollution; increase resilience to the impacts of climate change; protect public health; conserve our lands, waters, oceans, and biodiversity; deliver environmental justice; and spur well-paying union jobs and economic growth. As necessary and appropriate, members of the Task Force will engage on these matters with State, local, Tribal, and territorial governments; workers and communities; and leaders across the various sectors of our economy.

(c) Prioritizing Actions. To the extent permitted by law, Task Force members shall prioritize action on climate change in their policy-making and budget processes, in their contracting and procurement, and in their engagement with State, local, Tribal, and territorial governments; workers and communities; and leaders across all the sectors of our economy.

USE OF THE FEDERAL GOVERNMENT'S BUYING POWER AND REAL PROPERTY AND ASSET MANAGEMENT

Sec. 204. *Policy*. It is the policy of my Administration to lead the Nation's effort to combat the climate crisis by example—specifically, by aligning the management of Federal procurement and real property, public lands and waters, and financial programs to support robust climate action. By providing an immediate, clear, and stable source of product demand, increased transparency and data, and robust standards for the market, my Administration will help to catalyze private sector investment into, and

accelerate the advancement of America's industrial capacity to supply, domestic clean energy, buildings, vehicles, and other necessary products and materials.

Sec. 205. *Federal Clean Electricity and Vehicle Procurement Strategy*. (a) The Chair of the Council on Environmental Quality, the Administrator of General Services, and the Director of the Office and Management and Budget, in coordination with the Secretary of Commerce, the Secretary of Labor, the Secretary of Energy, and the heads of other relevant agencies, shall assist the National Climate Advisor, through the Task Force established in section 203 of this order, in developing a comprehensive plan to create good jobs and stimulate clean energy industries by revitalizing the Federal Government's sustainability efforts.

(b) The plan shall aim to use, as appropriate and consistent with applicable law, all available procurement authorities to achieve or facilitate:

(i) a carbon pollution-free electricity sector no later than 2035; and

(ii) clean and zero-emission vehicles for Federal, State, local, and Tribal government fleets, including vehicles of the United States Postal Service.

(c) If necessary, the plan shall recommend any additional legislation needed to accomplish these objectives.

(d) The plan shall also aim to ensure that the United States retains the union jobs integral to and involved in running and maintaining clean and zero-emission fleets, while spurring the creation of union jobs in the manufacture of those new vehicles. The plan shall be submitted to the Task Force within 90 days of the date of this order.

Sec. 206. *Procurement Standards*. Consistent with the Executive Order of January 25, 2021, entitled, ''Ensuring the Future Is Made in All of America by All of America's Workers,'' agencies shall adhere to the requirements of the Made in America Laws in making clean energy, energy efficiency, and clean energy procurement decisions. Agencies shall, consistent with applicable law, apply and enforce the Davis-Bacon Act and prevailing wage and benefit requirements. The Secretary of Labor shall take steps to update prevailing wage requirements. The Chair of the Council on Environmental Quality shall consider additional administrative steps and guidance to assist the Federal Acquisition Regulatory Council in developing regulatory amendments to promote increased contractor attention on reduced carbon emission and Federal sustainability.

Sec. 207. *Renewable Energy on Public Lands and in Offshore Waters*. The Secretary of the Interior shall review siting and permitting processes on public lands and in offshore waters to identify to the Task Force steps that can be taken, consistent with applicable law, to increase renewable energy production on those lands and in those waters, with the goal of doubling offshore wind by 2030 while ensuring robust protection for our lands, waters, and biodiversity and creating good jobs. In conducting this review, the Secretary of the Interior shall consult, as appropriate, with the heads of relevant agencies, including the Secretary of Defense, the Secretary of Agriculture, the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, the Secretary of Energy, the Chair of the Council on Environmental Quality, State and Tribal authorities, project developers, and other interested parties. The Secretary of the Interior shall engage with Tribal authorities regarding the development and management of renewable and conventional energy resources on Tribal lands.

Sec. 208. *Oil and Natural Gas Development on Public Lands and in Offshore Waters*. To the extent consistent with applicable law, the Secretary of the Interior shall pause new oil and natural gas leases on public lands or in offshore waters pending completion of a comprehensive review and reconsideration of Federal oil and gas permitting and leasing practices in light of the Secretary of the Interior's broad stewardship responsibilities over the public lands and in offshore waters, including potential climate and

other impacts associated with oil and gas activities on public lands or in offshore waters. The Secretary of the Interior shall complete that review in consultation with the Secretary of Agriculture, the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, and the Secretary of Energy. In conducting this analysis, and to the extent consistent with applicable law, the Secretary of the Interior shall consider whether to adjust royalties associated with coal, oil, and gas resources extracted from public lands and offshore waters, or take other appropriate action, to account for corresponding climate costs.

Sec. 209. *Fossil Fuel Subsidies*. The heads of agencies shall identify for the Director of the Office of Management and Budget and the National Climate Advisor any fossil fuel subsidies provided by their respective agencies, and then take steps to ensure that, to the extent consistent with applicable law, Federal funding is not directly subsidizing fossil fuels. The Director of the Office of Management and Budget shall seek, in coordination with the heads of agencies and the National Climate Advisor, to eliminate fossil fuel subsidies from the budget request for Fiscal Year 2022 and thereafter.

Sec. 210. *Clean Energy in Financial Management*. The heads of agencies shall identify opportunities for Federal funding to spur innovation, commercialization, and deployment of clean energy technologies and infrastructure for the Director of the Office of Management and Budget and the National Climate Advisor, and then take steps to ensure that, to the extent consistent with applicable law, Federal funding is used to spur innovation, commercialization, and deployment of clean energy technologies and infrastructure. The Director of the Office of Management and Budget, in coordination with agency heads and the National Climate Advisor, shall seek to prioritize such investments in the President's budget request for Fiscal Year 2022 and thereafter.

Sec. 211. *Climate Action Plans and Data and Information Products to Improve Adaptation and Increase Resilience*. (a) The head of each agency shall submit a draft action plan to the Task Force and the Federal Chief Sustainability Officer within 120 days of the date of this order that describes steps the agency can take with regard to its facilities and operations to bolster adaptation and increase resilience to the impacts of climate change. Action plans should, among other things, describe the agency's climate vulnerabilities and describe the agency's plan to use the power of procurement to increase the energy and water efficiency of United States Government installations, buildings, and facilities and ensure they are climate-ready. Agencies shall consider the feasibility of using the purchasing power of the Federal Government to drive innovation, and shall seek to increase the Federal Government's resilience against supply chain disruptions. Such disruptions put the Nation's manufacturing sector at risk, as well as consumer access to critical goods and services. Agencies shall make their action plans public, and post them on the agency website, to the extent consistent with applicable law.

(b) Within 30 days of an agency's submission of an action plan, the Federal Chief Sustainability Officer, in coordination with the Director of the Office of Management and Budget, shall review the plan to assess its consistency with the policy set forth in section 204 of this order and the priorities issued by the Office of Management and Budget.

(c) After submitting an initial action plan, the head of each agency shall submit to the Task Force and Federal Chief Sustainability Officer progress reports annually on the status of implementation efforts. Agencies shall make progress reports public and post them on the agency website, to the extent consistent with applicable law. The heads of agencies shall assign their respective agency Chief Sustainability Officer the authority to perform duties relating to implementation of this order within the agency, to the extent consistent with applicable law.

(d) To assist agencies and State, local, Tribal, and territorial governments, communities, and businesses in preparing for and adapting to the impacts of climate change, the Secretary of Commerce, through the Administrator

of the National Oceanic and Atmospheric Administration, the Secretary of Homeland Security, through the Administrator of the Federal Emergency Management Agency, and the Director of the Office of Science and Technology Policy, in coordination with the heads of other agencies, as appropriate, shall provide to the Task Force a report on ways to expand and improve climate forecast capabilities and information products for the public. In addition, the Secretary of the Interior and the Deputy Director for Management of the Office of Management and Budget, in their capacities as the Chair and Vice-Chair of the Federal Geographic Data Committee, shall assess and provide to the Task Force a report on the potential development of a consolidated Federal geographic mapping service that can facilitate public access to climate-related information that will assist Federal, State, local, and Tribal governments in climate planning and resilience activities.

EMPOWERING WORKERS THROUGH REBUILDING OUR INFRASTRUCTURE FOR A SUSTAINABLE ECONOMY

Sec. 212. *Policy*. This Nation needs millions of construction, manufacturing, engineering, and skilled-trades workers to build a new American infrastructure and clean energy economy. These jobs will create opportunities for young people and for older workers shifting to new professions, and for people from all backgrounds and communities. Such jobs will bring opportunity to communities too often left behind—places that have suffered as a result of economic shifts and places that have suffered the most from persistent pollution, including low-income rural and urban communities, communities of color, and Native communities.

Sec. 213. *Sustainable Infrastructure*. (a) The Chair of the Council on Environmental Quality and the Director of the Office of Management and Budget shall take steps, consistent with applicable law, to ensure that Federal infrastructure investment reduces climate pollution, and to require that Federal permitting decisions consider the effects of greenhouse gas emissions and climate change. In addition, they shall review, and report to the National Climate Advisor on, siting and permitting processes, including those in progress under the auspices of the Federal Permitting Improvement Steering Council, and identify steps that can be taken, consistent with applicable law, to accelerate the deployment of clean energy and transmission projects in an environmentally stable manner.

(b) Agency heads conducting infrastructure reviews shall, as appropriate, consult from an early stage with State, local, and Tribal officials involved in permitting or authorizing proposed infrastructure projects to develop efficient timelines for decision-making that are appropriate given the complexities of proposed projects.

EMPOWERING WORKERS BY ADVANCING CONSERVATION, AGRICULTURE, AND REFORESTATION

Sec. 214. *Policy*. It is the policy of my Administration to put a new generation of Americans to work conserving our public lands and waters. The Federal Government must protect America's natural treasures, increase reforestation, improve access to recreation, and increase resilience to wildfires and storms, while creating well-paying union jobs for more Americans, including more opportunities for women and people of color in occupations where they are underrepresented. America's farmers, ranchers, and forest landowners have an important role to play in combating the climate crisis and reducing greenhouse gas emissions, by sequestering carbon in soils, grasses, trees, and other vegetation and sourcing sustainable bioproducts and fuels. Coastal communities have an essential role to play in mitigating climate change and strengthening resilience by protecting and restoring coastal ecosystems, such as wetlands, seagrasses, coral and oyster reefs, and mangrove and kelp forests, to protect vulnerable coastlines, sequester carbon, and support biodiversity and fisheries.

Sec. 215. *Civilian Climate Corps*. In furtherance of the policy set forth in section 214 of this order, the Secretary of the Interior, in collaboration with the Secretary of Agriculture and the heads of other relevant agencies,

shall submit a strategy to the Task Force within 90 days of the date of this order for creating a Civilian Climate Corps Initiative, within existing appropriations, to mobilize the next generation of conservation and resilience workers and maximize the creation of accessible training opportunities and good jobs. The initiative shall aim to conserve and restore public lands and waters, bolster community resilience, increase reforestation, increase carbon sequestration in the agricultural sector, protect biodiversity, improve access to recreation, and address the changing climate.

Sec. 216. *Conserving Our Nation's Lands and Waters*. (a) The Secretary of the Interior, in consultation with the Secretary of Agriculture, the Secretary of Commerce, the Chair of the Council on Environmental Quality, and the heads of other relevant agencies, shall submit a report to the Task Force within 90 days of the date of this order recommending steps that the United States should take, working with State, local, Tribal, and territorial governments, agricultural and forest landowners, fishermen, and other key stakeholders, to achieve the goal of conserving at least 30 percent of our lands and waters by 2030.

(i) The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, and the Chair of the Council on Environmental Quality shall, as appropriate, solicit input from State, local, Tribal, and territorial officials, agricultural and forest landowners, fishermen, and other key stakeholders in identifying strategies that will encourage broad participation in the goal of conserving 30 percent of our lands and waters by 2030.

(ii) The report shall propose guidelines for determining whether lands and waters qualify for conservation, and it also shall establish mechanisms to measure progress toward the 30-percent goal. The Secretary of the Interior shall subsequently submit annual reports to the Task Force to monitor progress.

(b) The Secretary of Agriculture shall:

(i) initiate efforts in the first 60 days from the date of this order to collect input from Tribes, farmers, ranchers, forest owners, conservation groups, firefighters, and other stakeholders on how to best use Department of Agriculture programs, funding and financing capacities, and other authorities, and how to encourage the voluntary adoption of climate-smart agricultural and forestry practices that decrease wildfire risk fueled by climate change and result in additional, measurable, and verifiable carbon reductions and sequestration and that source sustainable bioproducts and fuels; and

(ii) submit to the Task Force within 90 days of the date of this order a report making recommendations for an agricultural and forestry climate strategy.

(c) The Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, shall initiate efforts in the first 60 days from the date of this order to collect input from fishermen, regional ocean councils, fishery management councils, scientists, and other stakeholders on how to make fisheries and protected resources more resilient to climate change, including changes in management and conservation measures, and improvements in science, monitoring, and cooperative research.

EMPOWERING WORKERS THROUGH REVITALIZING ENERGY COMMUNITIES

Sec. 217. *Policy*. It is the policy of my Administration to improve air and water quality and to create well-paying union jobs and more opportunities for women and people of color in hard-hit communities, including rural communities, while reducing methane emissions, oil and brine leaks, and other environmental harms from tens of thousands of former mining and well sites. Mining and power plant workers drove the industrial revolution and the economic growth that followed, and have been essential to the growth of the United States. As the Nation shifts to a clean energy economy,

Federal leadership is essential to foster economic revitalization of and investment in these communities, ensure the creation of good jobs that provide a choice to join a union, and secure the benefits that have been earned by workers.

Such work should include projects that reduce emissions of toxic substances and greenhouse gases from existing and abandoned infrastructure and that prevent environmental damage that harms communities and poses a risk to public health and safety. Plugging leaks in oil and gas wells and reclaiming abandoned mine land can create well-paying union jobs in coal, oil, and gas communities while restoring natural assets, revitalizing recreation economies, and curbing methane emissions. In addition, such work should include efforts to turn properties idled in these communities, such as brownfields, into new hubs for the growth of our economy. Federal agencies should therefore coordinate investments and other efforts to assist coal, oil and gas, and power plant communities, and achieve substantial reductions of methane emissions from the oil and gas sector as quickly as possible.

Sec. 218. *Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization*. There is hereby established an Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization (Interagency Working Group). The National Climate Advisor and the Assistant to the President for Economic Policy shall serve as Co-Chairs of the Interagency Working Group.

(a) Membership. The Interagency Working Group shall consist of the following additional members:

(i) the Secretary of the Treasury;

(ii) the Secretary of the Interior;

(iii) the Secretary of Agriculture;

(iv) the Secretary of Commerce;

(v) the Secretary of Labor;

(vi) the Secretary of Health and Human Services;

(vii) the Secretary of Transportation;

(viii) the Secretary of Energy;

(ix) the Secretary of Education;

(x) the Administrator of the Environmental Protection Agency;

(xi) the Director of the Office of Management and Budget;

(xii) the Assistant to the President for Domestic Policy and Director of the Domestic Policy Council; and

(xiii) the Federal Co-Chair of the Appalachian Regional Commission.

(b) Mission and Work.

(i) The Interagency Working Group shall coordinate the identification and delivery of Federal resources to revitalize the economies of coal, oil and gas, and power plant communities; develop strategies to implement the policy set forth in section 217 of this order and for economic and social recovery; assess opportunities to ensure benefits and protections for coal and power plant workers; and submit reports to the National Climate Advisor and the Assistant to the President for Economic Policy on a regular basis on the progress of the revitalization effort.

(ii) As part of this effort, within 60 days of the date of this order, the Interagency Working Group shall submit a report to the President describing all mechanisms, consistent with applicable law, to prioritize grantmaking, Federal loan programs, technical assistance, financing, procurement, or other existing programs to support and revitalize the economies of coal and power plant communities, and providing recommendations for action consistent with the goals of the Interagency Working Group.

(c) Consultation. Consistent with the objectives set out in this order and in accordance with applicable law, the Interagency Working Group shall seek the views of State, local, and Tribal officials; unions; environmental justice organizations; community groups; and other persons it identifies who may have perspectives on the mission of the Interagency Working Group.

(d) Administration. The Interagency Working Group shall be housed within the Department of Energy. The Chairs shall convene regular meetings of the Interagency Working Group, determine its agenda, and direct its work. The Secretary of Energy, in consultation with the Chairs, shall designate an Executive Director of the Interagency Working Group, who shall coordinate the work of the Interagency Working Group and head any staff assigned to the Interagency Working Group.

(e) Officers. To facilitate the work of the Interagency Working Group, the head of each agency listed in subsection (a) of this section shall assign a designated official within the agency the authority to represent the agency on the Interagency Working Group and perform such other duties relating to the implementation of this order within the agency as the head of the agency deems appropriate.

SECURING ENVIRONMENTAL JUSTICE AND SPURRING ECONOMIC OPPORTUNITY

Sec. 219. *Policy*. To secure an equitable economic future, the United States must ensure that environmental and economic justice are key considerations in how we govern. That means investing and building a clean energy economy that creates well-paying union jobs, turning disadvantaged communities—historically marginalized and overburdened—into healthy, thriving communities, and undertaking robust actions to mitigate climate change while preparing for the impacts of climate change across rural, urban, and Tribal areas. Agencies shall make achieving environmental justice part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts. It is therefore the policy of my Administration to secure environmental justice and spur economic opportunity for disadvantaged communities that have been historically marginalized and overburdened by pollution and underinvestment in housing, transportation, water and wastewater infrastructure, and health care.

Sec. 220. *White House Environmental Justice Interagency Council*. (a) Section 1–102 of Executive Order 12898 of February 11, 1994 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations), is hereby amended to read as follows:

''(a) There is hereby created within the Executive Office of the President a White House Environmental Justice Interagency Council (Interagency Council). The Chair of the Council on Environmental Quality shall serve as Chair of the Interagency Council.

''(b) Membership. The Interagency Council shall consist of the following additional members:

(i) the Secretary of Defense;

(ii) the Attorney General;

(iii) the Secretary of the Interior;

(iv) the Secretary of Agriculture;

(v) the Secretary of Commerce;

(vi) the Secretary of Labor;

(vii) the Secretary of Health and Human Services;

(viii) the Secretary of Housing and Urban Development;

(ix) the Secretary of Transportation;

(x) the Secretary of Energy;

(xi) the Chair of the Council of Economic Advisers;

(xii) the Administrator of the Environmental Protection Agency;

(xiii) the Director of the Office of Management and Budget;

(xiv) the Executive Director of the Federal Permitting Improvement Steering Council;

(xv) the Director of the Office of Science and Technology Policy;

(xvi) the National Climate Advisor;

(xvii) the Assistant to the President for Domestic Policy; and

(xviii) the Assistant to the President for Economic Policy.

''(c) At the direction of the Chair, the Interagency Council may establish subgroups consisting exclusively of Interagency Council members or their designees under this section, as appropriate.

''(d) Mission and Work. The Interagency Council shall develop a strategy to address current and historic environmental injustice by consulting with the White House Environmental Justice Advisory Council and with local environmental justice leaders. The Interagency Council shall also develop clear performance metrics to ensure accountability, and publish an annual public performance scorecard on its implementation.

''(e) Administration. The Office of Administration within the Executive Office of the President shall provide funding and administrative support for the Interagency Council, to the extent permitted by law and within existing appropriations. To the extent permitted by law, including the Economy Act (31 U.S.C. 1535), and subject to the availability of appropriations, the Department of Labor, the Department of Transportation, and the Environmental Protection Agency shall provide administrative support as necessary.

''(f) Meetings and Staff. The Chair shall convene regular meetings of the Council, determine its agenda, and direct its work. The Chair shall designate an Executive Director of the Council, who shall coordinate the work of the Interagency Council and head any staff assigned to the Council.

''(g) Officers. To facilitate the work of the Interagency Council, the head of each agency listed in subsection (b) shall assign a designated official within the agency to be an Environmental Justice Officer, with the authority to represent the agency on the Interagency Council and perform such other duties relating to the implementation of this order within the agency as the head of the agency deems appropriate.''

(b) The Interagency Council shall, within 120 days of the date of this order, submit to the President, through the National Climate Advisor, a set of recommendations for further updating Executive Order 12898.

Sec. 221. *White House Environmental Justice Advisory Council*. There is hereby established, within the Environmental Protection Agency, the White House Environmental Justice Advisory Council (Advisory Council), which shall advise the Interagency Council and the Chair of the Council on Environmental Quality.

(a) Membership. Members shall be appointed by the President, shall be drawn from across the political spectrum, and may include those with knowledge about or experience in environmental justice, climate change, disaster preparedness, racial inequity, or any other area determined by the President to be of value to the Advisory Council.

(b) Mission and Work. The Advisory Council shall be solely advisory. It shall provide recommendations to the White House Environmental Justice Interagency Council established in section 220 of this order on how to increase the Federal Government's efforts to address current and historic environmental injustice, including recommendations for updating Executive Order 12898.

(c) Administration. The Environmental Protection Agency shall provide funding and administrative support for the Advisory Council to the extent permitted by law and within existing appropriations. Members of the Advisory Council shall serve without either compensation or reimbursement of expenses.

(d) Federal Advisory Committee Act. Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.), may apply to the Advisory Council, any functions of the President under the Act, except for those in section 6 of the Act, shall be performed by the Administrator of the Environmental Protection Agency in accordance with the guidelines that have been issued by the Administrator of General Services.

Sec. 222. *Agency Responsibilities*. In furtherance of the policy set forth in section 219:

(a) The Chair of the Council on Environmental Quality shall, within 6 months of the date of this order, create a geospatial Climate and Economic Justice Screening Tool and shall annually publish interactive maps highlighting disadvantaged communities.

(b) The Administrator of the Environmental Protection Agency shall, within existing appropriations and consistent with applicable law:

(i) strengthen enforcement of environmental violations with disproportionate impact on underserved communities through the Office of Enforcement and Compliance Assurance; and

(ii) create a community notification program to monitor and provide real-time data to the public on current environmental pollution, including emissions, criteria pollutants, and toxins, in frontline and fenceline communities—places with the most significant exposure to such pollution.

(c) The Attorney General shall, within existing appropriations and consistent with applicable law:

(i) consider renaming the Environment and Natural Resources Division the Environmental Justice and Natural Resources Division;

(ii) direct that division to coordinate with the Administrator of the Environmental Protection Agency, through the Office of Enforcement and Compliance Assurance, as well as with other client agencies as appropriate, to develop a comprehensive environmental justice enforcement strategy, which shall seek to provide timely remedies for systemic environmental violations and contaminations, and injury to natural resources; and

(iii) ensure comprehensive attention to environmental justice throughout the Department of Justice, including by considering creating an Office of Environmental Justice within the Department to coordinate environmental justice activities among Department of Justice components and United States Attorneys' Offices nationwide.

(d) The Secretary of Health and Human Services shall, consistent with applicable law and within existing appropriations:

(i) establish an Office of Climate Change and Health Equity to address the impact of climate change on the health of the American people; and

(ii) establish an Interagency Working Group to Decrease Risk of Climate Change to Children, the Elderly, People with Disabilities, and the Vulnerable as well as a biennial Health Care System Readiness Advisory Council, both of which shall report their progress and findings regularly to the Task Force.

(e) The Director of the Office of Science and Technology Policy shall, in consultation with the National Climate Advisor, within existing appropriations, and within 100 days of the date of this order, publish a report identifying the climate strategies and technologies that will result in the most air and water quality improvements, which shall be made public to the maximum extent possible and published on the Office's website.

Sec. 223. *Justice40 Initiative*. (a) Within 120 days of the date of this order, the Chair of the Council on Environmental Quality, the Director of the

Office of Management and Budget, and the National Climate Advisor, in consultation with the Advisory Council, shall jointly publish recommendations on how certain Federal investments might be made toward a goal that 40 percent of the overall benefits flow to disadvantaged communities. The recommendations shall focus on investments in the areas of clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of critical clean water infrastructure. The recommendations shall reflect existing authorities the agencies may possess for achieving the 40-percent goal as well as recommendations on any legislation needed to achieve the 40-percent goal.

(b) In developing the recommendations, the Chair of the Council on Environmental Quality, the Director of the Office of Management and Budget, and the National Climate Advisor shall consult with affected disadvantaged communities.

(c) Within 60 days of the recommendations described in subsection (a) of this section, agency heads shall identify applicable program investment funds based on the recommendations and consider interim investment guidance to relevant program staff, as appropriate and consistent with applicable law.

(d) By February 2022, the Director of the Office of Management and Budget, in coordination with the Chair of the Council on Environmental Quality, the Administrator of the United States Digital Service, and other relevant agency heads, shall, to the extent consistent with applicable law, publish on a public website an annual Environmental Justice Scorecard detailing agency environmental justice performance measures.

PART III—GENERAL PROVISIONS

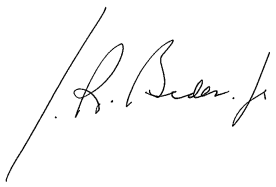
Sec. 301. *General Provisions*. (a) Nothing in this order shall be construed to impair or otherwise affect:

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

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

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

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



THE WHITE HOUSE,
January 27, 2021.

[FR Doc. 2021–02177
Filed 1–29–21; 8:45 am]
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Rules and Regulations

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OFFICE OF GOVERNMENT ETHICS

5 CFR Parts 2634 and 2636

RIN 3209–AA55

2021 Civil Monetary Penalties Inflation Adjustments for Ethics in Government Act Violations

AGENCY: Office of Government Ethics.

ACTION: Final rule.

SUMMARY: In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, the U.S. Office of Government Ethics is issuing this final rule to make the 2021 annual adjustments to the Ethics in Government Act civil monetary penalties.

DATES:

Effective date: This final rule is effective February 1, 2021.

Applicability date: This final rule is applicable beginning January 15, 2021.

FOR FURTHER INFORMATION CONTACT: Margaret Dylus-Yukins, Assistant Counsel, General Counsel and Legal Policy Division, Office of Government Ethics, Telephone: 202–482–9300; TTY: 800–877–8339; FAX: 202–482–9237.

SUPPLEMENTARY INFORMATION:

I. Background

In November 2015, Congress passed the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74) (the 2015 Act), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410). The 2015 Act required Federal agencies to make inflationary adjustments to the civil monetary penalties (CMPs) within their jurisdiction with an initial ''catch-up'' adjustment through an interim final rule effective no later than August 1, 2016, and further mandates that Federal agencies make subsequent annual inflationary adjustments of their CMPs, to be effective no later than January 15 of each year.

The Ethics in Government Act of 1978 as amended, 5 U.S.C. appendix (the Ethics Act) provides for five CMPs.[1] Specifically, the Ethics Act provides for penalties that can be assessed by an appropriate United States district court, based upon a civil action brought by the Department of Justice, for the following five types of violations:

(1) Knowing and willful failure to file, report required information on, or falsification of a public financial disclosure report, 5 U.S.C. appendix 104(a), 5 CFR 2634.701(b);

(2) Knowing and willful breach of a qualified trust by trustees and interested parties, 5 U.S.C. appendix 102(f)(6)(C)(i), 5 CFR 2634.702(a);

(3) Negligent breach of a qualified trust by trustees and interested parties, 5 U.S.C. appendix 102(f)(6)(C)(ii), 5 CFR 2634.702(b);

(4) Misuse of a public report, 5 U.S.C. appendix 105(c)(2), 5 CFR 2634.703; and

(5) Violation of outside employment/activities provisions, 5 U.S.C. appendix 504(a), 5 CFR 2636.104(a).

In compliance with the 2015 Act and guidance issued by the Office of Management and Budget (OMB), the U.S. Office of Government Ethics (OGE) made previous inflationary adjustments to the five Ethics Act CMPs, and is issuing this rulemaking to effectuate the 2021 annual inflationary adjustments to those CMPs. In accordance with the 2015 Act, these adjustments are based on the percent change between the Consumer Price Index for all Urban Consumers (CPI–U) for the month of October preceding the date of the adjustment, and the prior year's October CPI–U. Pursuant to OMB guidance, the cost-of-living adjustment multiplier for 2021, based on the CPI–U for October 2020, not seasonally adjusted, is 1.01182. To calculate the 2021 annual adjustment, agencies must multiply the most recent penalty by the 1.01182 multiplier, and round to the nearest dollar.

[1] OGE has previously determined, after consultation with the Department of Justice, that the $200 late filing fee for public financial disclosure reports that are more than 30 days overdue (see section 104(d) of the Ethics Act, 5 U.S.C. appendix, 104(d), and 5 CFR 2634.704 of OGE's regulations thereunder) is not a CMP as defined under the Federal Civil Penalties Inflation Adjustment Act, as amended. Therefore, that fee is not being adjusted in this rulemaking (nor was it adjusted by OGE in previous CMP rulemakings), and will remain at its current amount of $200.

Applying the formula established by the 2015 Act and OMB guidance, OGE is amending the Ethics Act CMPs through this rulemaking to:

(1) Increase the three penalties reflected in 5 CFR 2634.702(a), 5 CFR 2634.703, and 5 CFR 2636.104(a)—which were previously adjusted to a maximum of $20,489—to a maximum of $20,731;

(2) Increase the penalty reflected in 5 CFR 2634.702(b)—which was previously adjusted to a maximum of $10,245—to a maximum of $10,366; and

(3) Increase the penalty reflected in 5 CFR 2634.701(b)—which was previously adjusted to a maximum of $61,585—to a maximum of $62,313.

These adjusted penalty amounts will apply to penalties assessed after January 15, 2021 (the applicability date of this final rule) whose associated violations occurred after November 2, 2015.

OGE will continue to make future annual inflationary adjustments to the Ethics Act CMPs in accordance with the statutory formula set forth in the 2015 Act and OMB guidance.

II. Matters of Regulatory Procedure

Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b), as Director of the Office of Government Ethics, I find that good cause exists for waiving the general notice of proposed rulemaking and public comment procedures as to these technical amendments. The notice and comment procedures are being waived because these amendments, which concern matters of agency organization, procedure and practice, are being adopted in accordance with statutorily mandated inflation adjustment procedures of the 2015 Act, which specifies that agencies shall adjust civil monetary penalties notwithstanding Section 553 of the Administrative Procedure Act. It is also in the public interest that the adjusted rates for civil monetary penalties under the Ethics in Government Act become effective as soon as possible in order to maintain their deterrent effect.

Regulatory Flexibility Act

As the Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this final rule would not have a significant economic impact on a substantial number of small entities

because it primarily affects current Federal executive branch employees.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this regulation does not contain information collection requirements that require approval of the Office of Management and Budget.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 5, subchapter II), this rule would not significantly or uniquely affect small governments and will not result in increased expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (as adjusted for inflation) in any one year.

Executive Order 13563 and Executive Order 12866

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select the regulatory approaches that maximize net benefits (including 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. The Office of Management and Budget has determined that rulemakings such as this implementing annual inflationary adjustments under the 2015 Act are not significant regulatory actions under Executive Order 12866.

Executive Order 12988

As Director of the Office of Government Ethics, I have reviewed this rule in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

List of Subjects

5 CFR Part 2634

Certificates of divestiture, Conflict of interests, Financial disclosure, Government employees, Penalties, Privacy, Reporting and recordkeeping requirements, Trusts and trustees.

5 CFR Part 2636

Conflict of interests, Government employees, Penalties.

Dated: January 11, 2021.

Emory Rounds,

Director, U.S. Office of Government Ethics.

For the reasons set forth in the preamble, the U.S. Office of Government Ethics is amending 5 CFR parts 2634 and 2636 as follows:

PART 2634—EXECUTIVE BRANCH FINANCIAL DISCLOSURE, QUALIFIED TRUSTS, AND CERTIFICATES OF DIVESTITURE

■ 1. The authority citation for part 2634 continues to read as follows:

Authority: 5 U.S.C. app.; 26 U.S.C. 1043; Pub. L. 101–410, 104 Stat. 890, 28 U.S.C. 2461 note, as amended by Sec. 31001, Pub. L. 104–134, 110 Stat. 1321 and Sec. 701, Pub. L. 114–74; Pub. L. 112–105, 126 Stat. 291; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

■ 2. Section 2634.701 is amended by revising paragraph (b) to read as follows:

§ 2634.701 Failure to file or falsifying reports.

* * * * *

(b) *Civil action.* The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information required by filers of public reports under subpart B of this part. The court in which the action is brought may assess against the individual a civil monetary penalty in any amount, not to exceed the amounts set forth in Table 1 to this section, as provided by section 104(a) of the Act, as amended, and as adjusted in accordance with the inflation adjustment procedures prescribed in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.

TABLE 1 TO § 2634.701

Date of violation	Penalty
Violation occurring between Sept. 14, 2007 and Nov. 2, 2015	$50,000
Violation occurring after Nov. 2, 2015	62,313

* * * * *

■ 3. Section 2634.702 is revised to read as follows:

§ 2634.702 Breaches by trust fiduciaries and interested parties.

(a) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully violates the provisions of § 2634.408(d)(1) or (e)(1). The court in which the action is brought may assess against the individual a civil monetary penalty in any amount, not to exceed the amounts set forth in Table 1 to this section, as provided by section 102(f)(6)(C)(i) of the Act and as adjusted in accordance with the inflation adjustment procedures prescribed in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.

TABLE 1 TO § 2634.702

Date of violation	Penalty
Violation occurring between Sept. 29, 1999 and Nov. 2, 2015	$11,000
Violation occurring after Nov. 2, 2015	20,731

(b) The Attorney General may bring a civil action in any appropriate United States district court against any individual who negligently violates the provisions of § 2634.408(d)(1) or (e)(1). The court in which the action is brought may assess against the individual a civil monetary penalty in any amount, not to exceed the amounts set forth in Table 2 to this section, as provided by section 102(f)(6)(C)(ii) of the Act and as adjusted in accordance with the inflation adjustment procedures of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.

TABLE 2 TO § 2634.702

Date of violation	Penalty
Violation occurring between Sept. 29, 1999 and Nov. 2, 2015	$5,500
Violation occurring after Nov. 2, 2015	10,366

■ 4. Section 2634.703 is amended by revising paragraph (a) to read as follows:

§ 2634.703 Misuse of public reports.

(a) The Attorney General may bring a civil action against any person who obtains or uses a report filed under this part for any purpose prohibited by section 105(c)(1) of the Act, as incorporated in § 2634.603(f). The court in which the action is brought may assess against the person a civil monetary penalty in any amount, not to exceed the amounts set forth in Table 1 to this section, as provided by section 105(c)(2) of the Act and as adjusted in accordance with the inflation adjustment procedures prescribed in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.

TABLE 1 TO § 2634.703

Date of violation	Penalty
Violation occurring between Sept. 29, 1999 and Nov. 2, 2015	$11,000
Violation occurring after Nov. 2, 2015	20,731

* * * * *

PART 2636—LIMITATIONS ON OUTSIDE EARNED INCOME, EMPLOYMENT AND AFFILIATIONS FOR CERTAIN NONCAREER EMPLOYEES

■ 5. The authority citation for part 2636 continues to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978); Pub. L. 101–410, 104 Stat. 890, 28 U.S.C. 2461 note (Federal Civil Penalties Inflation Adjustment Act of 1990), as amended by Sec. 31001, Pub. L. 104–134, 110 Stat. 1321 (Debt Collection Improvement Act of 1996) and Sec. 701, Pub. L. 114–74 (Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

■ 6. Section 2636.104 is amended by revising paragraph (a) to read as follows:

§ 2636.104 Civil, disciplinary and other action.

(a) *Civil action.* Except when the employee engages in conduct in good faith reliance upon an advisory opinion issued under § 2636.103, an employee who engages in any conduct in violation of the prohibitions, limitations and restrictions contained in this part may be subject to civil action under 5 U.S.C. app. 504(a) and a civil monetary penalty of not more than the amounts set in Table 1 to this section, as adjusted in accordance with the inflation adjustment procedures prescribed in the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, or the amount of the compensation the individual received for the prohibited conduct, whichever is greater.

TABLE 1 TO § 2636.104

Date of violation	Penalty
Violation occurring between Sept. 29, 1999 and Nov. 2, 2015	$11,000
Violation occurring after Nov. 2, 2015	20,731

* * * * *

[FR Doc. 2021–00714 Filed 1–29–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–90667; File No. S7–08–11]

RIN 3235–AK74

Exemption From the Definition of "Clearing Agency" for Certain Activities of Security-Based Swap Dealers and Security-Based Swap Execution Facilities

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (''Commission'') is adopting a rule pursuant to Section 36 of the Securities Exchange Act of 1934 (''Exchange Act'') to exempt from the definition of ''clearing agency'' in Section 3(a)(23) of the Exchange Act certain activities of a registered security-based swap dealer, a registered security-based swap execution facility, and a person engaging in dealing activity in security-based swaps that is eligible for an exception from registration as a security-based swap dealer because the quantity of dealing activity is de minimis.

DATES: Effective date: April 2, 2021.

FOR FURTHER INFORMATION CONTACT: Matthew Lee, Assistant Director, or Jesse Capelle, Special Counsel, Office of Clearance and Settlement, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–7010, at (202) 551–5710.

SUPPLEMENTARY INFORMATION: The Commission is adopting 17 CFR 240.17Ad–24 (''Rule 17Ad–24'') to exempt certain activities of a registered security-based swap execution facility,[1] a registered security-based swap dealer,[2] and an entity that is eligible for an exception under 17 CFR 240.3a71–2(a) (or subject to the period set forth in 17 CFR 240.3a71–2(b)) [3] from the definition of ''clearing agency.''

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I. Background

The term ''clearing agency'' is broadly defined in Section 3(a)(23)(A) of the Exchange Act and includes a variety of functions.[4] Section 3(a)(23)(B) of the Exchange Act excludes a number of

[1] 15 U.S.C. 78c–4(a) (setting forth the registration requirement for security-based swap execution facilities). The Commission has not yet adopted rules regarding the registration of security-based swap execution facilities. The Commission has granted a temporary exemption from the registration requirement for security-based swap execution facilities. *See* Release No. 34–64678 (June 15, 2011), 76 FR 36287, 36292–93, 36306 (June 22, 2011). This exemption will expire on the earliest compliance date set forth in any of the final rules regarding registration of security-based swap execution facilities. *See* id. at 36292–93, 36306.

[2] 15 U.S.C. 78*o*–10(a)(1); *see also* Release No. 34–75611 (Aug. 5, 2015), 80 FR 48964, 48988 (Aug. 14, 2015). A security-based swap market participant that meets the definition of ''security-based swap dealer'' as of August 6, 2021 is required to register with the Commission no later than November 1, 2021. *See* Release No. 34–87780 (Dec. 18, 2019), 85 FR 6270, 6345–46 (Feb. 4, 2020).

[3] In contrast to the definition of ''dealer'' in Section 3(a)(5) of the Exchange Act, Section 3(a)(71)(D) of the Exchange Act and 17 CFR 240.3a71–2(a) thereunder contain an exception from the definition of ''security-based swap dealer'' for any entity that engages in a de minimis quantity of security-based swap dealing in connection with transactions with or on behalf of its customers. *See* 15 U.S.C. 78c(a)(71)(D); 17 CFR 240.3a71–2(a). In addition, 17 CFR 240.3a71–2(b) provides that a person that has not registered as a security-based swap dealer by virtue of satisfying the requirements of paragraph (a) of the rule, but that no longer can take advantage of the de minimis exception, will be deemed not to be a security-based swap dealer under section 3(a)(71) of the Act (15 U.S.C. 78c(a)(71)) and subject to the requirements of section 15F of the Act (15 U.S.C. 78o–10) and the rules, regulations and interpretations issued thereunder until the earlier of the date on which it submits a complete application for registration pursuant to section 15F(b) (15 U.S.C. 78o–10(b)) or two months after the end of the month in which that person becomes no longer able to take advantage of the exception.

[4] Specifically, the term ''clearing agency'' includes, among other things, any person who acts as an intermediary in making payments or deliveries or both in connection with transactions in securities or that provides the facilities for comparison of data respecting the terms of settlement of securities transactions, to reduce the number of settlements of securities transactions, or for the allocation of securities settlement responsibilities. The definition also includes any person, such as a securities depository, who (i) acts as a custodian of securities in connection with a system for the central handling of securities whereby all securities of a particular class or series of any issuer deposited within the system are treated as fungible and may be transferred, loaned, or pledged by bookkeeping entry without physical delivery of securities certificates, or (ii) otherwise permits or facilitates the settlement of securities transactions or the hypothecation or lending of securities without physical delivery of securities certificates. 15 U.S.C. 78c(a)(23)(A); *see also* Release Nos. 34–71699 (Mar. 12, 2014), 79 FR 16865 (Mar. 26, 2014), *corrected at* 79 FR 29507, 29510–11 (May 22, 2014); 34–68080 (Oct. 22, 2012), 77 FR 66219, 66221–22 (Nov. 2, 2012) (''Clearing Agency Standards adopting release'') (discussing the same).

entities and activities from the definition of ''clearing agency,'' including certain activities of, among other types of market intermediaries, national securities exchanges and securities dealers that are also clearing agency functions.[5] These exclusions are designed to limit the potential for overlapping or duplicative requirements that may otherwise be imposed on these regulated entities.[6]

Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (''Dodd-Frank Act'') created new categories of entities in the security-based swap market that may perform clearing agency functions similar to the functions performed by entities excluded from the definition of ''clearing agency'' in Section 3(a)(23)(B) of the Exchange Act in the traditional securities markets. However, Title VII did not amend the scope of the term ''clearing agency'' to address these new types of financial intermediaries for the security-based swap markets or their potential clearing agency functions, even if those new intermediaries perform similar functions as entities excluded from the ''clearing agency'' definition, such as a national securities exchange or a securities dealer. As a result, certain activities performed for security-based swaps by security-based swap dealers and security-based swap execution facilities are also clearing agency functions that trigger the requirement to either register as a clearing agency or obtain an exemption from registration as a clearing agency, while the same activities performed for securities that are not security-based swaps do not carry the same legal and regulatory implications.[7]

Specifically, Section 3(a)(23)(B)(ii) of the Exchange Act provides that the term ''clearing agency'' does not include, among other things, any national securities exchange solely by reason of its providing facilities for comparison of data respecting the terms of settlement of securities transactions effected on such exchange.[8] As noted above, the Dodd-Frank Act did not amend the Exchange Act definition of ''clearing agency'' to provide a comparable exclusion for a registered security-based swap execution facility. A security-based swap execution facility is a trading system or platform in which multiple participants have the ability to execute or trade security-based swaps by accepting bids and offers made by multiple participants in the facility or system.[9] This function, similar to that provided by a national securities exchange, facilitates the execution of a security-based swap transaction between two counterparties by providing facilities for the comparison of data respecting the terms of settlement of that transaction.[10] Accordingly, although a national securities exchange performing this clearing agency function is excluded under Section 3(a)(23)(B)(ii) from the definition of ''clearing agency,'' a registered security-based swap execution facility performing this function is not.

Similarly, Section 3(a)(23)(B)(iii) provides that the term ''clearing agency'' does not include, among other things, any dealer if such dealer would be deemed to be a clearing agency solely by reason of functions performed by such institution as part of customary brokerage or dealing activities, or solely by reason of acting on behalf of a clearing agency or a participant therein in connection with the furnishing by the clearing agency of services to its participants or the use of services of the clearing agency by its participants.[11] As with security-based swap execution facilities, the Exchange Act definition of ''clearing agency'' does not provide an exclusion for a registered security-based swap dealer.[12] Section 3(a)(71) of the Exchange Act defines ''security-based swap dealer'' as any person that: (i) Holds itself out as a dealer in security-based swaps; (ii) makes a market in security-based swaps; (iii) regularly enters into security-based swaps with counterparties as an ordinary course of business for its own account; or (iv) engages in any activity causing it to be commonly known in the trade as a dealer or market maker in security-based swaps.[13] These functions are similar to those provided by a dealer for securities that are not security-based swaps.[14] Accordingly, although a dealer performing these functions is excluded from the definition of ''clearing agency,'' a registered security-based swap dealer performing the same functions is not.[15]

To address the disparate treatment of similarly situated entities performing potential clearing agency functions, the Commission proposed Rule 17Ad–24 in 2011.[16] The Commission explained that the rule would avoid imposing overlapping or duplicative requirements on these entities with marginal or no benefit to safeguarding securities and funds and protecting investors.[17] As described in the proposing release,[18] Rule 17Ad–24 would provide exemptions from the Exchange Act term ''clearing agency'' for certain activities of registered security-based swap dealers and registered security-based swap execution facilities that are also clearing agency functions, mirroring the exclusions from the definition described above for national securities exchanges and dealers. A person acting as a security-based swap dealer may make payments or deliveries or both in connection with transactions in securities, in a manner that could require that person to register as a clearing agency under the Exchange Act.[19] In particular, over the life of a security-based swap transaction, a security-based swap dealer may facilitate the transfer of collateral, periodic fixed amount payments, or termination payments between the counterparties to a transaction, which would constitute making payments or deliveries or both in connection with transactions in securities under the ''clearing agency'' definition. Similarly,

[5] *See* 15 U.S.C. 78c(a)(23)(B).

[6] Release No. 34–64017 (Mar. 3, 2011), 76 FR 14472, 14531 (Mar. 16, 2011) (''proposing release'').

[7] *See* 15 U.S.C. 78q–1(b)(1).

[8] 15 U.S.C. 78c(a)(23)(B).

[9] The Exchange Act definition of ''security-based swap execution facility'' states that a security-based swap execution facility is not a national securities exchange. 15 U.S.C. 78c(a)(77).

[10] A registered security-based swap execution facility may facilitate trade processing of any security-based swap. *See* 15 U.S.C. 78c–4(b)(2).

[11] 15 U.S.C. 78c(a)(23)(B).

[12] *See* 15 U.S.C. 78c(a)(5) (defining ''dealer'' to exclude a dealer for security-based swaps, other than security-based swaps with or for persons that are not eligible contract participants); *see also, supra,* note 3 (discussing the same).

[13] 15 U.S.C. 78c(a)(71). In 2012, the Commission and the Commodity Futures Trading Commission further defined a number of terms defining the intermediaries in the swap and security-based swap markets, including ''security-based swap dealer.'' *See* Release No. 34–66868 (Apr. 27, 2012), 77 FR 30596 (May 23, 2012) (''Entity Definitions adopting release''). Among other things, the release adopted 17 CFR 240.3a71–1 through 3a71–5, which further define ''security-based swap dealer.'' Furthermore, the definition of ''dealer'' in Section 3(a)(5) of the Exchange Act provides that an entity transacting as a dealer in security-based swaps would not need to separately register with the Commission as a broker-dealer so long as its security-based swap transactions are solely with persons that satisfy the definition of ''eligible contract participant.'' *See* 17 U.S.C. 78c(a)(5) (defining ''dealer''); 17 U.S.C. 78(a)(65) (defining ''eligible contract participant'' by reference to Section 1a(18) of the Commodity Exchange Act (7 U.S.C. 1a(18)).

[14] *See supra* note 3 (noting that, in contrast to the definition of ''dealer'' in Section 3(a)(5) of the Exchange Act, Section 3(a)(71)(D) of the Exchange Act and 17 CFR 240.3a71–2(a) thereunder contain an exception from the definition of ''security-based swap dealer'' for any entity that engages in a de minimis quantity of security-based swap dealing in connection with transactions with or on behalf of its customers).

[15] *See supra* note 2 (noting the adoption of final rules for security-based swap dealers in 2019 and the compliance date for registration of November 1, 2021).

[16] *See* proposing release, *supra* note 6.

[17] *Id.* at 14531.

[18] *See id.* at 14494–95.

[19] *Compare* 15 U.S.C. 78c(a)(71) *with* 15 U.S.C. 78c(a)(23).

a security-based swap execution facility that provides a trading system or platform in which multiple participants have the ability to execute or trade security-based swaps by accepting bids and offers made by multiple participants in the facility or system also may provide facilities for comparison of data respecting the terms of settlement of securities transactions, to reduce the number of settlements of securities transactions, or for the allocation of securities settlement responsibilities, in a manner that could require that entity to register as a clearing agency.[20]

The Commission received one comment regarding the proposed rule,[21] as discussed in Part II.B below. The Commission is now adopting Rule 17Ad–24, as discussed in Part II.C below.

II. New Rule 17Ad–24

A. Proposed Rule Text

Proposed Rule 17Ad-24 provided that a registered security-based swap dealer and a registered security-based swap execution facility shall be exempt from inclusion in the term ''clearing agency,'' as defined in section 3(a)(23)(A) of the Act, where such registered security-based swap dealer or registered security-based swap execution facility would be deemed to be a clearing agency solely by reason of functions performed by such institution as part of customary dealing activities or providing facilities for comparison of data respecting the terms of settlement of securities transactions effected on such registered security-based swap execution facility, respectively, or acting on behalf of a clearing agency or participant therein in connection with the furnishing by the clearing agency of services to its participants or the use of services of the clearing agency by its participants.

B. Comment Received

One commenter agreed with the Commission's proposed approach that a security-based swap execution facility not be required to register as a clearing agency solely because it performs trade data comparison as part of the trade execution process for security-based swaps.[22] However, the commenter also stated that a security-based swap execution facility should not have a blanket exemption from clearing agency registration for activities related to matching or trade verification services because, in the commenter's view, such an approach would result in the rule applying differently to third-party providers of such services than it would to a security-based swap execution facility.[23]

By its terms, proposed Rule 17Ad–24 would not provide a blanket exemption from clearing agency registration to a security-based swap execution facility to provide matching or trade verification services that otherwise are clearing agency functions as defined in the Exchange Act. Rather, the Commission's approach under Rule 17Ad–24 specifies that a registered security-based swap execution facility would not be required to register as a clearing agency solely based upon the fact that such an entity provides facilities for comparison of data respecting the terms of settlement of securities transactions effected on such registered security-based swap execution facility.[24] As noted in the proposing release and restated here,[25] were a security-based swap execution facility to engage in activity that is outside the scope of the exemption provided in Rule 17Ad–24 and that falls within the definition of ''clearing agency'' under the Exchange Act, it would be required to register as a clearing agency or obtain a separate exemption from clearing agency registration.[26]

C. Final Rule

Pursuant to the Commission's authority under Section 36 of the Exchange Act,[27] the Commission is adopting Rule 17Ad–24, and the Commission is making two modifications from the proposal. First, since the Commission proposed Rule 17Ad–24, the Commission adopted 17 CFR 240.3a71–2 to provide an exception from the definition of ''security-based swap dealer'' to any entity that engages in a de minimis quantity of security-based swap dealing activity in connection with transactions with or on behalf of its customers.[28] In adopting the de minimis exception, the Commission explained that the exception should be interpreted to address amounts of dealing activity that are sufficiently small that they do not warrant registration to address concerns implicated by the regulations governing swap dealers and security-based swap dealers.[29] The Commission similarly noted in proposing Rule 17Ad–24 that the exemptions in the rule are intended to avoid imposing requirements with marginal or no benefit to safeguarding securities and funds and protecting investors.[30] Accordingly, the Commission is adding persons eligible for this exception under 17 CFR 240.3a71–2 to the exemption in Rule 17Ad–24 because imposing clearing agency registration on persons solely to regulate functions performed by such persons as part of customary dealing activity for security-based swaps, and where that dealing activity is sufficiently small that it does not warrant registration as a security-based swap dealer, would present only marginal or no benefit to safeguarding securities and funds and protecting investors. Second, to improve clarity and readability, the Commission is dividing the rule text into subparagraphs (a) and (b).

Accordingly, new Rule 17Ad–24 provides that a registered security-based swap dealer, a registered security-based swap execution facility, or an entity engaging in dealing activity in security-based swaps that is eligible for an exception under 17 CFR 240.3a71–2(a) (or subject to the period set forth in 17 CFR 240.3a71–2(b))[31] is exempt from inclusion in the term ''clearing agency,'' as defined in Section 3(a)(23)(A) of the Exchange Act, where such registered security-based swap dealer, registered security-based swap execution facility, or entity engaging in dealing activity in security-based swaps that is eligible for an exception under 17 CFR 240.3a71–2(a) (or subject to the period set forth in 17 CFR 240.3a71–2(b)) would be deemed to be a clearing agency solely by

[20] *Compare* 15 U.S.C. 78c(a)(77) *with* 15 U.S.C. 78c(a)(23).

[21] *See* Letter from Jeff Gooch, Chief Executive Officer, MarkitSERV (Apr. 29, 2011) (''MarkitSERV Letter''). The comment letter is available on the Commission's website at *https://www.sec.gov/comments/s7-08-11/s70811.shtml.*

[22] *See* MarkitSERV Letter.

[23] *See id.* at 6.

[24] This approach is consistent with the approach that applies to a national securities exchange when performing the same activity for transactions in securities that are not security-based swaps.

[25] *See* proposing release, *supra* note 6, at 14495.

[26] *See id.* For example, with respect to transactions in securities that are not security-based swaps, the Commission has explained that ''matching'' is a clearing agency function. Release No. 34–39829 (Apr. 6, 1998), 63 FR 17943 (Apr. 13, 1998).

[27] 15 U.S.C. 78mm. Section 36 of the Exchange Act authorizes the Commission to conditionally or unconditionally exempt any person, security, or transaction, or any class of classes of persons, securities, or transactions, from any provision or provisions of the Exchange Act or any rule or regulation thereunder, by rule, regulation, or order, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.

[28] *See supra* notes 3 and 14 and accompanying text.

[29] *See* Entity Definitions adopting release, *supra* note 13, at 30626.

[30] *See* proposing release, *supra* note 6, at 14531.

[31] *See supra* note 3 (providing the text of 17 CFR 240.3a71–2(a) and (b)). Accordingly, an entity subject to the period set forth in 17 CFR 240.3a71–2(b) will continue to be exempt from inclusion in the term ''clearing agency'' during the period after it is no longer able to able to rely on the de minimis exception but before it is deemed to be a security-based swap dealer.

reason of: (a) Functions performed by such institution as part of customary dealing activities or providing facilities for comparison of data respecting the terms of settlement of securities transactions effected on such registered security-based swap execution facility, respectively, or (b) acting on behalf of a clearing agency or participant therein in connection with the furnishing by the clearing agency of services to its participants or the use of services of the clearing agency by its participants.

In addition, as noted above, the Commission has granted a temporary exemption from the registration requirement for security-based swap execution facilities. The temporary exemption from the registration requirement for security-based swap execution facilities will expire on the earliest compliance date set forth in any of the final rules regarding registration of security-based swap execution facilities.[32] To the extent an entity relying on the temporary exemption from the registration requirement for security-based swap execution facilities also performs the activities of a registered security-based swap execution facility as described in Rule 17Ad–24, the Commission notes that it has provided a separate, temporary exemption from clearing agency registration for entities providing certain clearing services for security-based swaps, including trade matching services.[33]

III. Economic Analysis

The Commission is sensitive to the economic consequences and effects of the adopted amendments, including their benefits and costs. Under Section 3(f) of the Exchange Act, whenever the Commission engages in rulemaking under the Exchange Act and is required to consider or determine whether an action is necessary or appropriate in the public interest, it must consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.[34] Section 23(a)(2) of the Exchange Act also prohibits the Commission from adopting any rule that would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.[35]

The Commission is exempting entities engaging in dealing activity in security-based swaps and registered security-based swap execution facilities from inclusion in the term ''clearing agency'' under the Exchange Act for the following functions: (a) Performing customary dealing activities or providing facilities for the comparison of data respecting the settlement of securities transactions; or (b) acting on behalf of a clearing agency or participant in connection with the furnishing of clearing services.[36] Section 3(a)(23)(B) of the Exchange Act excludes national securities exchanges and securities dealers from the definition of ''clearing agency,'' to limit the potential for overlapping or duplicative requirements that may otherwise be imposed on these regulated entities. Entities engaging in dealing activity in security-based swaps and security-based swap execution facilities perform similar functions for the security-based swap market as securities dealers and national securities exchanges perform for the general securities industry. Accordingly, new Rule 17Ad–24 is intended to avoid imposing requirements on these entities with marginal or no benefit to safeguarding securities and funds and protecting investors by mirroring the existing exemption from the definition of ''clearing agency'' for entities engaging in dealing activity in security-based swaps and security-based swap execution facilities.[37] Under new Rule 17Ad–24, these entities will not have to expend additional resources determining their registration requirements, registering as a clearing agency, or meeting the standards required of registered clearing agencies as long as their activities do not fall outside the scope of the exemption in new Rule 17Ad–24. Excluding either entities engaging in dealing activity in security-based swaps or security-based swap execution facilities from the requirements applicable to clearing agencies should not hinder the Dodd-Frank Act's goals of greater transparency and financial stability of the security-based swap market because the Commission has or will have a regulatory framework for these entities targeted to dealing activity in security-based swaps or the functions performed by security-based swap execution facilities, rather than incidental functions that may be similar to those performed by a clearing agency. Just as de minimis amounts of dealing activity are sufficiently small so as not to warrant registration to address concerns implicated by the regulations governing security-based swap dealers, they are also sufficiently small such that they do not implicate the concerns underpinning the regulations governing clearing agencies.

A. Baseline

To assess the economic impact of new Rule 17Ad–24, the Commission is using as its baseline the security-based swap market as it exists at the time of this release. This analysis uses existing Commission analyses of security-based swap market in rules adopted pursuant to Title VII of the Dodd-Frank Act, updated using data from the DTCC Derivatives Repository Limited Trade Information Warehouse (''TIW'') to calendar year 2019.[38] The data available to the Commission from TIW do not encompass those transactions that both: (i) Do not involve U.S. counterparties, and (ii) are based on non-U.S. reference entities.

The Commission estimates, based on an analysis of TIW data that out of more than 4,000 entities engaged in single name CDS activity worldwide in 2019, potentially 50 entities may engage in dealing activity that would exceed the de minimis threshold, and thus ultimately have to register as security-based swap dealers.[39] Ten entities that engaged in dealing activity had less than $3 billion of notional transacted in single-name credit default swaps, so they could use the de minimis exception for the definition of ''security-based swap dealer.'' [40]

In addition, eighteen swap execution facilities have permanent or temporary registration with the Commodity Futures Trading Commission.[41] Of those, nine allow trading of credit default swap indices; if these nine allow trading of single-name credit default swaps, they would be required to register as security-based swap

[32] *See supra* note 1.

[33] *See* Release No. 34–64796 (July 1, 2011), 76 FR 39963, 39964 (July 7, 2011).

[34] *See* 15 U.S.C. 78c(f).

[35] *See* 15 U.S.C. 78w(a)(2).

[36] *See supra* Part II.C (setting forth the final rule text). For purposes of this economic analysis, ''entities engaging in dealing activity in security-based swaps'' includes both registered security-based swap dealers and entities engaging in dealing activity in security-based swaps that are eligible for an exception under 17 CFR 240.3a71–2(a) (or subject to the period set forth in 17 CFR 240.3a71–2(b)).

[37] *See supra* note 5 and accompanying text.

[38] *See, e.g., infra* note 40; *supra* note 13.

[39] *See* Release No. 34–75611 (Aug. 14, 2015), 80 FR 48963, 49000 (Aug. 14, 2015). The estimate has been updated for data for calendar year 2019.

[40] *See* Entity Definitions adopting release, *supra* note 13, at 30636. To identify dealing activity, the Commission counted the number of entities that had three or more counterparties in a calendar year that were not recognized as dealers by the International Swaps and Derivatives Association. The estimate has been updated with data for calendar year 2019.

[41] CFTC, Trading Organizations—Swap Execution Facilities (SEF), *https://sirt.cftc.gov/SIRT/SIRT.aspx?Topic=SwapExecutionFacilities.*

execution facilities with the Commission.[42]

Security-based swap dealers must register with the Commission and comply with prudential and conduct standards of the Dodd-Frank Act.[43] Security-based swap dealers are subject to a registration and regulatory framework that is tailored to the functions they serve and risks they pose. These risks, and the corresponding Commission analysis of costs and benefits of the ensuring requirements, are discussed in the Security-Based Swap Entity Registration, Security-Based Swap Recordkeeping and Reporting, Security-Based Swap Capital, Margin, and Segregation, and Security-Based Swap Business Conduct Standards releases.[44] Entities that engage in dealing activity in security-based swaps below the de minimis threshold of $3 billion of notional activity in a twelve-month period are excepted from the definition of ''security-based swap dealer.'' [45] The Dodd-Frank Act also requires security-based swap-execution facilities, as therein defined, to be registered with and comply with prudential and conduct standards to be set forth by the Commission.[46]

B. Consideration of Benefits, Costs, and the Effect on Competition, Efficiency, and Capital Formation

The exemption in new Rule 17Ad–24 is designed to avoid imposing requirements with marginal or no benefit to safeguarding securities and funds and protecting investors on entities engaging in dealing activity in security-based swaps and security-based swap execution facilities, which will benefit these entities since they will not be required to register as a clearing agency or comply with the Commission's requirements for clearing agencies. Since these types of entities also each have their own registration and regulatory frameworks or are exempt due to a de minimis level of activity,[47] the Commission does not expect new Rule 17Ad–24 to impose substantial costs, and there should be minimal impacts on transparency and financial stability. Lastly, new Rule 17Ad–24 may improve competition and efficiency in the security-based swap dealer and security-based swap execution facility markets.

The cost savings to both entities engaging in dealing activity in security-based swaps and security-based swap execution facilities under new Rule 17Ad–24 are likely to be significant. New Rule 17Ad–24 will benefit entities engaging in dealing activity in security-based swaps and security-based swap execution facilities to the extent that additional clarity regarding registration requirements reduces the costs they may incur to determine which requirements apply to their activities. Furthermore, although no entities engaging in dealing activity in security-based swaps or security-based swap execution facilities are currently registered as clearing agencies with the Commission, exempted entities engaging in dealing activity in security-based swaps and future exempted security-based swap execution facilities and security-based swap dealers will not have to incur registration and compliance costs for clearing agencies.[48] Many of the costs of complying with requirements for clearing agencies involve collecting information, and the Commission has estimated the monetized burden of these standards per clearing agency at $0.5 million in initial costs and $1.2 million in annual ongoing costs, adjusted to 2020 dollars.[49] Absent the exemption, entities engaging in dealing activity in security-based swaps and security-based swap execution facilities may have to incur these costs. However, as existing clearing agencies follow the Principles for Financial Market Infrastructures, many of the Commission's requirements for clearing agencies had minimal additional per-entity costs.[50] Since these requirements are not common practice for entities engaging in dealing activity in security-based swaps and security-based swap execution facilities, applying the Commission's clearing agency requirements to these entities would likely have higher per-entity costs than the Commission's past estimates for clearing agencies.[51] The Commission does not expect either security-based swap execution facilities or security-based swap dealers will face new costs from relying on new Rule 17Ad–24.

The Commission also does not expect new Rule 17Ad–24 to impose costs on security-based swap markets. Many of the requirements that apply to registered security-based swap dealers, such as recordkeeping, governance, margin, and capital requirements, cover risks that overlap with those facing clearing agencies.[52] Other aspects of clearing agency regulation, such as standards addressing settlement risk or participation requirements, are either not applicable to entities engaging in

[42] *Compare* BGC Swap Execution Facility, *http://www.bgcsef.com/;* Bloomberg Professional Swap Execution Facility Historical Data, *https://data.bloombergsef.com/;* GFI Swaps Exchange Trade Data, *http://www.gfigroup.com/markets/gfi-sef/trade-data/;* ICE Swap Trade, *https://www.theice.com/swap-trade;* MarketAxess Credit Default Swaps, *https://www.marketaxess.com/trade/credit-default-swaps;* tpSEF CDS Data, *https://www.tpinformation.com/In-Depth-Data/Credit/Credit-Default-Swaps;* Tradeweb and Dealerweb Swap Execution Facilities, *https://www.tradeweb.com/our-markets/market-regulation/sef/;* TraditionSEF Daily Activity, *http://www.traditionsef.com/market-activity/* (which allow trading of credit default swap indices), *with* 360T Swap Execution Facilitiy, *https://www.360t.com/trading-solutions/sef/;* Cboe Swap Execution Facility, *https://markets.cboe.com/global/fx/sef/;* Clearmarkets CM–SEF Center, *https://www.clear-markets.com/cm-sef-centre/;* LatAmSEF Market Activity, *http://latamsef.com/marketactivity.phtml;* LedgerX, *https://www.ledgerx.com/;* NEX SEF Data, *http://www.nexsef.com/;* Refinitiv SEF Volumes, *https://www.refinitiv.com/en/products/sef-swap-execution-facility#sef-volumes;* SwapEx, *http://www.swapex.com/swapex/market-data/NDF/;* TeraExchange Instruments, *https://teraexchange.com/Home/Instruments* (which do not host trading of credit default swap indices).

[43] *Id.*

[44] *See* Release Nos. 34–756711 (Aug. 5, 2015), 80 FR 48963 (Aug. 14, 2015) (''Security-Based Swap Entity Registration''); 34–87782 (Dec. 18, 2019), 85 FR 6270 (Feb. 4, 2020) (''Risk Mitigation Techniques''); 34–87005 (Sep. 19, 2019), 84 FR 68550 (Dec. 16, 2019) (''Security-Based Swap Recordkeeping and Reporting''); 34–86175 (Jun. 21, 2019), 84 FR 43872 (Aug. 22, 2019) (''Security-Based Swap Capital, Margin, and Segregation''); 34–77617 (Apr. 14, 2016), 81 FR 29959 (May 13, 2016) (''Security-Based Swap Business Conduct Standards'').

[45] *See* Entity Definitions adopting release, *supra* note 13, at 30639.

[46] *See* 15 U.S.C. 78c–4.

[47] *See supra* notes 44, 46, and accompanying text.

[48] Though a registered clearing agency may be affiliated with a security-based swap execution facility, none of the registered clearing agencies are either a registered security-based swap dealer or security-based swap execution facility.

[49] *See* Clearing Agency Standards adopting release, *supra* note 4, at 66273. The estimates were updated on a per entity basis using SIFMA's Management & Professional Earnings in the Securities Industry 2013, modified to account for an 1,800-hour work year; multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

Because the exempted activities are not among the core central counterparty or central securities depository functions of a clearing agency, security-based swap execution facilities and security-based swap dealers would not unduly benefit from avoiding the higher standards of a ''covered clearing agency.'' *See generally* Release No. 34–78961 (Apr 9, 2020), 85 FR 28853 (May 14, 2020) (adopting an amendment to the definition of ''covered clearing agency'' such that ''covered clearing agency'' means a clearing agency that provides the services of a central counterparty or central securities depository).

[50] *See* Clearing Agency Standards adopting release, *supra* note 4, at 66274.

[51] However, many of the clearing agency requirements would not apply to entities engaging in dealing activity and security-based swap execution facilities because these entities are not likely to provide central counterparty or central securities depository services, which are the focus of the compliance costs associated with the SEC's regulatory framework for registered clearing agencies.

[52] The Commission has exempted entities that engage in security-based swap dealing activity below the de minimis threshold from these requirements since these entities do not implicate the concerns that these requirements address.

dealing activity in security-based swaps or may place an undue burden on access to this market.[53] In crafting the security-based swap dealer requirements, the Commission has considered the benefits for financial stability as well as the burden on competition and the promotion of efficiency, competition, and capital formation.[54] As such, in the Commission's view, applying requirements for clearing agencies to entities engaging in dealing activity in security-based swaps for performing customary dealing activity is not necessary to achieve the goals of the Dodd-Frank Act.

Similarly, security-based swap execution facilities will have to register with the Commission and abide by the standards listed in the Dodd-Frank Act, as implemented by future Commission rules.[55] Providing data to participants to compare settlement terms or acting on behalf of a clearing agency to facilitate clearing services to the security-based swap execution facilities' customers, while related to clearing and settlement, does not expose the security-based swap execution facility to market volatility, so the Commission does not believe that these activities alone justify requiring security-based swap execution facilities to adopt the risk management practices required of clearing agencies.

The cost savings associated with new Rule 17Ad–24 may promote competition among entities engaging in dealing activity in security-based swaps and security-based swap execution facilities. For example, new Rule 17Ad–24 may lower barriers to entry for entities engaging in dealing activity in security-based swaps, promoting competition among liquidity providers in the security-based swap market. Similarly, lower costs for security-based swap execution facilities that provide trade processing services should increase competition in providing these services, which may reduce the price and/or increase the quality of these services. To the extent that new Rule 17Ad–24 increases the availability of and competition between either liquidity providers or trade execution services, it may marginally improve efficiency of these services. The Commission does not anticipate new Rule 17Ad–24 to have a substantial impact on capital formation.

IV. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (''PRA'') imposes certain requirements on Federal agencies in connection with the conducting or sponsoring of any ''collection of information.'' [56] An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number. Further, 44 U.S.C. 3507(a) provides that, before adopting or revising a collection of information requirement, an agency must, among other things, publish notice in the **Federal Register** stating that the agency has submitted the proposed collection of information to the Office of Management and Budget (''OMB'') and setting forth certain required information, including (i) a title for the collection of information; (ii) a summary of the collection of information; (iii) a brief description of the need for the information and the proposed use of the information; (iv) a description of the likely respondents and proposed frequency of response to the collection of information; (v) an estimate of the paperwork burden that shall result from the collection of information; and (vi) notice that comments may be submitted to the agency and director of OMB.[57]

The proposing release provided notice that Rule 17Ad–24 does not impose recordkeeping or information collection requirements and would not be a ''collection of information'' within the meaning of the PRA. The Commission received no comments in response, and the Commission continues to believe that Rule 17Ad-24 does not impose a recordkeeping burden.

V. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act (''RFA'') requires the Commission, in promulgating rules, to consider the impact of those rules on small entities.[58] Section 603(a) of the Administrative Procedure Act,[59] as amended by the RFA, generally requires the Commission to undertake a regulatory flexibility analysis of all proposed rules to determine the impact of such rulemaking on ''small entities.'' [60] The Commission certified in the proposing release, pursuant to Section 605(b) of the RFA, that Rule 17Ad–24 would not, if adopted, have a significant impact on a substantial number of small entities.[61] The Commission received no comments on this certification.

Because the exemptions provided in Rule 17Ad–24 ensure that certain activities of registered security-based swap dealers, registered security-based swap execution facilities, and entities engaging in dealing activity in security-based swaps that are eligible for an exception under 17 CFR 240.3a71–2(a) (or subject to the period set forth in 17 CFR 240.3a71–2(b)) do not trigger the requirement to register as a clearing agency,[62] the Commission certifies that Rule 17Ad–24 will not have a significant economic impact on a substantial number of small entities.

VI. Other Matters

If any of the provisions of this rule, or the application thereof to any person or circumstance, is held to be invalid, such invalidity shall not affect other provisions or application of such provisions to other persons or circumstances that can be given effect without the invalid provision or application.

Pursuant to the Congressional Review Act,[63] the Office of Information and Regulatory Affairs has designated these rules as not a ''major rule,'' as defined by 5 U.S.C. 804(2).

VII. Statutory Authority

Pursuant to the Exchange Act, particularly Sections 17A and 36 thereof, 15 U.S.C. 78q–1 and 15 U.S.C. 78mm, the Commission is adopting Rule 17Ad–24.

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

Text of Amendment

In accordance with the foregoing, title 17, chapter II of the Code of Federal Regulations is amended as follows:

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[53] *See* Clearing Agency Standards adopting release, *supra* note 4, at 66242–43. In particular, security-based swap dealers do not have members like clearing agencies do. Requiring that they accept any participant that has net capital above $50 million may unduly restrict their ability to mitigate risks and function as a dealer.

[54] *See, e.g.,* Risk Mitigation Techniques adopting release, *supra* note 44, at 6390 (requiring certain risk mitigation techniques for registered security-based swap dealers who hold uncleared swaps because ''the risks of the counterparties' failure to manage credit risk adequately may not become apparent until the onset of a financial crisis,'' as well as discussing the rule's burden on competition and promotion of efficiency, competition, and capital formation).

[55] *See* 15 U.S.C. 78c–4.

[56] *See* 44 U.S.C. 3501 *et seq.;* 44 U.S.C. 3502(3).

[57] *See* 44 U.S.C. 3507(a)(1)(D); *see also* 5 CFR 1320.5(a)(1)(iv).

[58] *See* 5 U.S.C. 601 *et seq.*

[59] 5 U.S.C. 603(a).

[60] Section 601(b) of the RFA permits agencies to formulate their own definitions of ''small entities.'' *See* 5 U.S.C. 601(b). The Commission has adopted definitions for the term ''small entity'' for the purposes of rulemaking in accordance with the RFA. These definitions, as relevant to this rulemaking, are set forth in 17 CFR 240.0–10.

[61] *See* 5 U.S.C. 605(b).

[62] *See supra* Part III.

[63] 5 U.S.C. 801 *et seq.*

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

■ 1. The general authority citation for part 240 continues to read, in part, as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78c–3, 78c–5, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l,* 78m, 78n, 78n–1, 78*o,* 78*o*–4, 78*o*–10, 78p, 78q, 78q–1, 78s, 78u–5, 78w, 78x, 78dd, 78*ll,* 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7201 *et seq.,* and 8302; 7 U.S.C. 2(c)(2)(E); 12 U.S.C. 5221(e)(3); 18 U.S.C. 1350; Pub. L. 111–203, 939A, 124 Stat. 1376 (2010); and Pub. L. 112–106, sec. 503 and 602, 126 Stat. 326 (2012), unless otherwise noted.

* * * * *

■ 2. Section 240.17Ad–24 is added to read as follows:

§ 240.17Ad–24 Exemption from clearing agency definition for certain registered security-based swap dealers, registered security-based swap execution facilities, and entities engaging in dealing activity in security-based swaps that are eligible for an exception under § 240.3a71–2(a) (or subject to the period set forth in § 240.3a71–2(b)).

A registered security-based swap dealer, a registered security-based swap execution facility, or an entity engaging in dealing activity in security-based swaps that is eligible for an exception under § 240.3a71–2(a) (or subject to the period set forth in § 240.3a71–2(b)) shall be exempt from inclusion in the term ''clearing agency,'' as defined in section 3(a)(23)(A) of the Act, where such registered security-based swap dealer, registered security-based swap execution facility, or entity engaging in dealing activity in security-based swaps that is eligible for an exception under § 240.3a71–2(a) (or subject to the period set forth in § 240.3a71–2(b)) would be deemed to be a clearing agency solely by reason of:

(a) Functions performed by such institution as part of customary dealing activities or providing facilities for comparison of data respecting the terms of settlement of securities transactions effected on such registered security-based swap execution facility, respectively; or

(b) Acting on behalf of a clearing agency or participant therein in connection with the furnishing by the clearing agency of services to its participants or the use of services of the clearing agency by its participants.

By the Commission.

Dated: December 16, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–28194 Filed 1–29–21; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 153 and 157

[Docket No. RM20–15–001; Order No. 871–A]

Limiting Authorizations To Proceed With Construction Activities Pending Rehearing

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order addressing arguments raised on rehearing and clarification, and providing for additional briefing.

SUMMARY: On rehearing, the Federal Energy Regulatory Commission (Commission) modifies Order No. 871, which amended its regulations to preclude the issuance of authorizations to proceed with construction activities with respect to natural gas facilities authorized by order issued pursuant to section 3 or section 7 of the Natural Gas Act until either the time for filing a request for rehearing of such order has passed with no rehearing request being filed or the Commission has acted on the merits of any rehearing request. The Commission provides for further briefing on the issues raised in the rehearing requests.

DATES: The effective date of the document published on July 6, 2020 (85 FR 40113) is confirmed: August 5, 2020.

FOR FURTHER INFORMATION CONTACT: Tara DiJohn, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8671, *tara.dijohn@ferc.gov.*

SUPPLEMENTARY INFORMATION:

1. On June 9, 2020, the Federal Energy Regulatory Commission (Commission) issued Order No. 871, which is a final rule that precludes the issuance of authorizations to proceed with construction activities with respect to a Natural Gas Act (NGA) section 3 authorization or section 7(c) certificate order until the Commission acts on the merits of any timely-filed request for rehearing or the time for filing such a request has passed.[1] On July 9, 2020, the Interstate Natural Gas Association of America (INGAA) requested clarification or, in the alternative, rehearing, and Kinder Morgan, Inc. Natural Gas Entities[2] (Kinder Morgan) and TC Energy Corporation (TC Energy) requested rehearing of Order No. 871.

2. Pursuant to *Allegheny Defense Project* v. *FERC,*[3] the rehearing requests filed in this proceeding may be deemed denied by operation of law. However, as permitted by section 19(a) of the NGA,[4] we are modifying the discussion in Order No. 871 and providing for additional briefing, as discussed below.[5]

I. Background

3. In Order No. 871, the Commission explained that historically, due to the complex nature of the matters raised on rehearing of orders granting authorizations under NGA sections 3 and 7, the Commission had often issued an order (known as a tolling order) by the thirtieth day following the filing of a rehearing request, allowing itself additional time to provide thoughtful, well-considered attention to the issues raised on rehearing.

4. In order to balance its commitment to expeditiously responding to parties' concerns in comprehensive orders on rehearing and the serious concerns posed by the possibility of construction proceeding prior to the completion of agency review, the Commission, in Order No. 871, exercised its discretion by amending its regulations to add new § 157.23, which precludes the issuance of authorizations to proceed with construction of projects authorized under NGA sections 3 and 7 during the period for filing request for rehearing of

[1] *Limiting Authorizations to Proceed with Construction Activities Pending Rehearing,* Order No. 871, 85 FR 40113 (July 6, 2020), 171 FERC ¶ 61,201 (2020).

[2] The Kinder Morgan Gas Entities include: Natural Gas Pipeline Company of America LLC; Tennessee Gas Pipeline Company, L.L.C.; Southern Natural Gas Company, L.L.C.; Colorado Interstate Gas Company, L.L.C.; Wyoming Interstate Company, L.L.C.; El Paso Natural Gas Company, L.L.C.; Mojave Pipeline Company, L.L.C.; Bear Creek Storage Company, L.L.C.; Cheyenne Plains Gas Pipeline Company, LLC; Elba Express Company, L.L.C.; Kinder Morgan Louisiana Pipeline LLC; Southern LNG Company, L.L.C.; and TransColorado Gas Transmission Company LLC.

[3] 964 F.3d 1 (D.C. Cir. 2020) (en banc) (*Allegheny*).

[4] 15 U.S.C. 717r(a) (''Until the record in a proceeding shall have been filed in a court of appeals, as provided in subsection (b), the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it under the provisions of this chapter.'').

[5] *Allegheny,* 964 F.3d at 16–17.

the initial orders or while rehearing is pending.[6]

5. Three weeks after the Commission issued Order No. 871, the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) issued an en banc decision in *Allegheny.*[7] The court held that the Commission's use of tolling orders solely to allow itself additional time to consider an application for rehearing does not preclude operation of the NGA's deemed denial provision,[8] which enables a rehearing applicant to obtain judicial review after thirty days of agency inaction.[9] The court explained that, to prevent a rehearing from being deemed denied, the Commission must act on an application for rehearing within thirty days of its filing by taking one of the four NGA-enumerated actions: Grant rehearing, deny rehearing, or abrogate or modify its order without further hearing.[10]

6. On July 9, 2020, INGAA filed a request for clarification or, in the alterative, rehearing of Order No. 871. On the same day, Kinder Morgan and TC Energy also filed requests for rehearing.

II. Discussion

7. We believe that the issues raised regarding this rulemaking merit further consideration by the Commission. Accordingly, to facilitate our reconsideration of the rulemaking and ensure a complete record for further Commission action, we provide all interested parties an opportunity to comment on the arguments in the rehearing requests, including, but not limited to, the issues enumerated below.

a. Should the Commission withhold authorizations to commence construction during the pendency of all rehearing requests? Alternatively, should the Commission withhold authorizations to commence construction only during the pendency of rehearing requests that raise certain issues or arguments? If the Commission were to limit such a rule to only certain issues or arguments, which issues or arguments should trigger that rule?

b. If the Commission were to adopt a rule of withholding authorizations to commence construction while rehearing is pending, should that rule apply to all orders pertaining to an NGA section 3 authorization or section 7 certificate or only a subset thereof?

c. In its rehearing request, INGAA poses a number of hypotheticals regarding circumstances that may unfold following *Allegheny.*[11] Please comment on how a rule withholding authorizations to commence construction during rehearing, if appropriate, should apply to those circumstances.

d. Should the Commission modify its practices or procedures to address concerns regarding the exercise of eminent domain while rehearing requests are pending before the Commission? If so, how?

e. If the Commission retains the rule withholding authorizations to commence construction while rehearing is pending, at what point in time should projects be permitted, upon receipt of an appropriate authorization, to commence construction? For example, should the Commission set a specific time, such as 90 days after the filing for a request for rehearing, for the Commission to issue an authorization to proceed?

8. Briefs shall be due within 21 days (February 16, 2021). Reply briefs shall be due 15 days thereafter (March 3, 2021). Barring exceptional circumstances, the Commission will issue an order addressing the issues raised on rehearing and in the briefs within 60 days of receipt of the reply briefs.

III. Filing Procedures

9. Submissions must refer to Docket No. RM20–15–001, and must include the filer's name, the organization they represent, if applicable, and their address. The Commission encourages electronic filing via the eFiling link on the Commission's website at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. If filing electronically, you do not need to make a paper filing.

10. 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 RM20–15–001.

11. All submissions will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below.

IV. Document Availability

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

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

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

V. Effective Date

15. The effective date of the document published on July 6, 2020 (85 FR 40113) is confirmed: August 5, 2020.

By the Commission. Commissioner Danly is dissenting with a separate statement attached.

Issued: January 26, 2021.

Kimberly D. Bose,

Secretary.

United States of America
Federal Energy Regulatory Commission

Limiting Authorizations To Proceed With Construction Activities Pending Rehearing

Docket No. RM20–15–001

DANLY, Commissioner, *dissenting:*

1. On June 9, 2020, the Commission issued a final rule providing that an authorization to proceed with construction activities for a Natural Gas Act (NGA) section 3 [1] authorization or

[6] Order No. 871 also revised § 153.4 of the Commission's regulations to incorporate a cross-reference to new § 157.23.

[7] 964 F.3d 1.

[8] 15 U.S.C. 717r(a).

[9] *Allegheny,* 964 F.3d at 18–19.

[10] *See id.* at 13 (quoting 15 U.S.C. 717r(a)).

[11] INGAA Rehearing at 21–24.

[1] 15 U.S.C. 717b (2018).

section 7(c) [2] certificate authorization will not be issued until the Commission acts on the merits of any timely-filed request for rehearing or the time for filing such a request has passed.[3] On July 9, 2020, the Interstate Natural Gas Association of America requested clarification or, in the alternative, rehearing, and Kinder Morgan, Inc. Natural Gas Entities and TC Energy Corporation requested rehearing of Order No. 871. Today's order does not address any of these requests for rehearing, but instead establishes a briefing schedule for addressing several questions which touch on some, but not all, of the issues raised on rehearing, and additionally requests briefing on issues not raised on rehearing.

2. I dissent from today's order because it: (1) Falls short of the Commission's obligation under the Administrative Procedure Act (APA) to address the arguments raised in requests for rehearing; and (2) will delay a ruling on the merits of the rehearing requests until approximately ten months after they were submitted, an action that surely is in tension with the U.S. Court of Appeals for the District of Columbia Circuit's (D.C. Circuit) decision in *Allegheny Defense Project* v. *FERC* (*Allegheny*) [4] which prohibits the Commission from employing procedural means to delay judicial review of its orders.

3. Whether the Commission retains the regulation as it is currently written, modifies it, or vacates it, the Commission is required under the APA to explain its reasoning. In doing so, it must respond to arguments raised by litigants. This requirement is fundamental to administrative decision making.[5] The requests for rehearing assert that the adoption of the regulation was arbitrary and capricious due to a number of infirmities. Among them are:

- A claim that the regulation could be read to prohibit issuing an authorization to proceed with construction where a request for rehearing is filed by a party in support of the project (including by the project proponent itself);
- an argument that the rule would not allow an authorization to proceed with construction where the party requesting rehearing is not an affected landowner;
- a claim that the regulation, as drafted, might not allow the issuance of an authorization to proceed with construction when a rehearing request has been denied by operation of law due to Commission inaction;
- an argument that the rule, strictly construed, might not permit the issuance of an authorization to proceed with construction when the rehearing request concerns an amendment to an existing authorization or subjects unrelated to landowner concerns, such as rates; and
- potential indefinite delay in the issuance of an authorization to proceed with construction.

These are legitimate arguments. They deserve a response by the Commission. The Commission is obligated to provide those responses, but all are sidestepped in today's order.

4. An inattentive reader who does no more than glance at the title of today's order might well be lulled into believing that it accomplishes more than it really does. This order is styled ''Order Addressing Arguments Raised on Rehearing and Clarification, and Providing for Additional Briefing.'' Despite the title, the Commission neither addresses the arguments raised on rehearing nor provides any clarification. Instead, with no explanation other than a bald declaration that ''[w]e believe that the issues raised regarding this rulemaking merit further consideration,'' [6] today's order lists a number of questions for further briefing. Although the enumerated questions may be relevant to some points raised in the requests for rehearing, the Commission fails to explain why it agrees or disagrees with those arguments or why it believes the record insufficient for the Commission to rule on those arguments.

5. To the extent that the Commission suggests a more complete record is needed to consider the requests for rehearing, I disagree. The Commission received three requests for rehearing that detail arguments the Commission had not considered in issuing the final rule. These arguments are straightforward—implicating neither complex facts nor difficult legal principles. Although I acknowledge that the Commission may well have needed more than thirty days in which to address those arguments, the six months that have elapsed surely were more than adequate, and I see no reason why the Commission needs the additional ninety-six days afforded by today's order. Regardless, even if there were good reasons for needing more time, the Commission necessarily fails in its duties by offering no justification for further delay.

6. Moreover, the questions set forth for briefing are not confined to the issues properly raised on rehearing. One question asks whether the Commission should modify its practices or procedures to address concerns regarding the exercise of eminent domain while rehearing requests are pending before the Commission. No rehearing request suggests the Commission take this step. One wonders why this is the appropriate vehicle for such an inquiry, but it is not the proper vehicle to respond to arguments raised in the normal course of litigation.

7. The inquiry regarding eminent domain appears at odds with the Commission's well-developed body of law declaring that it lacks the authority to restrict a certificate holder's use of eminent domain once the certificate of public convenience and necessity is received.[7] I am not convinced that an automatic stay of the exercise of eminent domain pending Commission action on the merits of a rehearing request, which today's order suggests the Commission will consider, can be reconciled with NGA section 19(c).[8] That section provides that ''[t]he filing of an application for rehearing . . . shall not, unless *specifically* ordered by the Commission, operate as a stay of the Commission's order.'' [9] As such, the idea that the Commission may adopt practices or procedures (presumably) to automatically stay an authorization to restrict a certificate holder's use of eminent domain would appear, at least on initial inquiry, to conflict with NGA section 19(c). At a minimum, if the Commission wants parties to address the question of whether the exercise of eminent domain should be stayed automatically during the pendency of rehearing requests, it should also have

[2] 15 U.S.C. 717f(c).

[3] *See Limiting Authorizations to Proceed with Construction Activities Pending Rehearing,* Order No. 871, 85 FR 40,113 (July 6, 2020), 171 FERC ¶ 61,201 (2020) (Order No. 871).

[4] 964 F.3d 1 (D.C. Cir. 2020) (en banc).

[5] *See Motor Vehicle Mfrs. Ass'n of U.S., Inc.* v. *State Farm Mut. Auto. Ins. Co.,* 463 U.S. 29, 43 (1983) (''Normally, an agency rule would be arbitrary and capricious if the agency has relied on factors which Congress has not intended it to consider, *entirely failed to consider an important aspect of the problem,* offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.'') (emphasis added); *New England Power Generators Ass'n, Inc.* v. *FERC,* 881 F.3d 202, 211 (D.C. Cir. 2018) (finding ''that FERC did not engage in the reasoned decisionmaking required by the Administrative Procedure Act'' because it ''failed to respond to the substantial arguments put forward by Petitioners and failed to square its decision with its past precedent'').

[6] *Limiting Authorizations to Proceed with Construction Activities Pending Rehearing,* Order No. 871–A, 174 FERC 61,050, at P 7 (2021).

[7] *See, e.g., PennEast Pipeline Co., LLC,* 174 FERC ¶ 61,056, at P 10 & n.17 (2021) (collecting cases).

[8] *See* 15 U.S.C. 717r(c).

[9] *Id.* (emphasis added).

directed the parties to address the foundational question of the Commission's legal authority to issue a rule mandating such a stay. I *strongly encourage* parties to address this question in their briefs, even though it was not specifically mentioned in the majority's order.

8. The Commission's failure to address the substance of the rehearing requests might be understandable if the order directing briefing had been issued earlier. Indeed, the Court in *Allegheny* suggested that it might be permissible for the Commission to provide for such supplemental briefing.[10] However, that suggestion was offered in the context of the Court's discussion of a potential Commission order issued in connection with a timely ruling on rehearing within thirty days after a rehearing request.[11] Here, we are simply failing to perform our duties.

9. Finally, lest any reader of today's order overlook it, let's pause for a moment to consider the irony of what the Commission contemplates here. In the very same proceeding in which the Commission promulgated a rule specifically aimed at alleviating concerns that its tolling orders served only to ''buy [the Commission] more time to act on a rehearing application and stall judicial review,'' [12] the Commission attempts to buy more time by ordering further procedure after the statutory deadline to act on rehearing has passed and as judicial review is imminent, absent any modification in the meantime of the rule under review. I for one will be interested to see whether the D.C. Circuit countenances this action any more than it accepted the Commission's use of tolling orders for the very same purpose. Time will tell.

For these reasons, I respectfully dissent.

James P. Danly,

Commissioner.

[FR Doc. 2021–02063 Filed 1–29–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

25 CFR Part 575

Annual Adjustment of Civil Monetary Penalty To Reflect Inflation

AGENCY: National Indian Gaming Commission.

ACTION: Final rule.

SUMMARY: In compliance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the Act) and Office of Management and Budget (OMB) guidance, the National Indian Gaming Commission (NIGC or Commission) is amending its civil monetary penalty rule to reflect an annual adjustment for inflation in order to improve the penalty's effectiveness and maintain its deterrent effect. The Act provides that the new penalty level must apply to penalties assessed after the effective date of the increase, including when the penalties whose associated violation predate the increase.

DATES: This final rule is effective February 1, 2021.

FOR FURTHER INFORMATION CONTACT: Armando J. Acosta, Senior Attorney, Office of General Counsel, National Indian Gaming Commission, at (202) 632–7003; fax (202) 632–7066 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

I. Background

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74). Beginning in 2017, the Act requires agencies to make annual inflationary adjustments to their civil monetary penalties by January 15th of each year, in accordance with annual OMB guidance.

II. Calculation of Annual Adjustment

In December of every year, OMB issues guidance to agencies to calculate the annual adjustment. According to OMB, the cost-of-living adjustment multiplier for 2021 is 1.01182, based on the Consumer Price Index for the month of October 2020, not seasonally adjusted.

Pursuant to this guidance, the Commission has calculated the annual adjustment level of the civil monetary penalty contained in 25 CFR 575.4 (''The Chairman may assess a civil fine, not to exceed $53,524 per violation, against a tribe, management contractor, or individual operating Indian gaming for each notice of violation . . .''). The 2021 adjusted level of the civil monetary penalty is $54,157 ($53,524 × 1.01182).

III. Regulatory Matters

Regulatory Planning and Review

This final rule is not a significant rule under Executive Order 12866.

(1) This rule will not have an effect of $100 million or more on the economy or will not adversely affect, in a material way, the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This rule does not involve entitlements, grants, user fees, or loan programs or the rights or obligations of recipients.

(4) This regulatory change does not raise novel legal or policy issues.

Regulatory Flexibility Act

The Commission certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rule makes annual adjustments for inflation.

Small Business Regulatory Enforcement Fairness Act

This final rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. It will not result in the expenditure by state, local, or tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year. The rule will not result in a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions. Nor will this rule have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

This final rule does not impose an unfunded mandate of more than $100 million per year on state, local, or tribal governments or the private sector. The rule also does not have a significant or unique effect on state, local, or tribal governments or the private sector. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings

Under the criteria in Executive Order 12630, this final rule does not affect individual property rights protected by the Fifth Amendment nor does it involve a compensable ''taking.'' Thus, a takings implication assessment is not required.

[10] *See Allegheny,* 964 F.3d at 16.

[11] *See id.*

[12] *Id.* at 9.

Federalism

Under the criteria in Executive Order 13132, this final rule has no 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.

Civil Justice Reform

This final rule complies with the requirements of Executive Order 12988. Specifically, this rule has been reviewed to eliminate errors and ambiguity and written to minimize litigation. It is written in clear language and contains clear legal standards.

Consultation With Indian Tribes

In accordance with the President's memorandum of April 29, 1994, *Government-to-Government Relations with Native American Tribal Governments,* Executive Order 13175 (59 FR 22951, November 6, 2000), the Commission has determined that consultations with Indian gaming tribes is not practicable, as Congress has mandated that annual civil penalty adjustments in the Act be implemented no later than January 15th of each year.

Paperwork Reduction Act

This final rule does not affect any information collections under the Paperwork Reduction Act.

National Environmental Policy Act

This final rule does not constitute a major Federal action significantly affecting the quality of the human environment.

Information Quality Act

In developing this final rule, the Commission did not conduct or use a study, experiment, or survey requiring peer review under the Information Quality Act (Pub. L. 106–554).

Effects on the Energy Supply

This final rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

Clarity of This Regulation

The Commission is required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule that the Commission publishes must:

(a) Be logically organized;

(b) use the active voice to address readers directly;

(c) use clear language rather than jargon;

(d) be divided into short sections and sentences; and

(e) use lists and tables wherever possible.

Required Determinations Under the Administrative Procedure Act

In accordance with the Act, agencies are to annually adjust civil monetary penalties without providing an opportunity for notice and comment, and without a delay in its effective date. Therefore, the Commission is not required to complete a notice and comment process prior to promulgation.

List of Subjects in 25 CFR Part 575

Administrative practice and procedure, Gaming, Indian lands, Penalties.

For the reasons set forth in the preamble, the Commission amends 25 CFR part 575 as follows:

PART 575—CIVIL FINES

■ 1. The authority citation for part 575 continues to read as follows:

Authority: 25 U.S.C. 2705(a), 2706, 2713, 2715; and Sec. 701, Pub. L. 114–74, 129 Stat. 599.

§ 575.4 [Amended]

■ 2. Amend the introductory text of § 575.4 by removing ''$53,524'' and adding in its place ''$54,157''.

Dated: January 15, 2021.

E. Sequoyah Simermeyer,

Chairman.

Kathryn Isom-Clause,

Vice Chair.

[FR Doc. 2021–01413 Filed 1–29–21; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket Number USCG–2019–0028]

RIN 1625–AA01

Anchorage; Galveston Harbor, Bolivar Roads Channel, Galveston, TX

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a 48-hour time limit in Anchorage Area (B) in Bolivar Roads near Galveston, Texas. Anchorage areas (A) and (C) in the Bolivar Roads Channel already have a 48-hour time limit, but anchorage (B) did not. This resulted in vessels remaining in anchorage (B) for extended periods, blocking other vessels with pressing logistical needs, adversely affecting commerce and impacting navigational safety. Except when stress of weather makes sailing impractical or hazardous, this rule will prohibit vessels from anchoring in anchorage area (B) for more than 48 hours unless expressly authorized by the Captain of the Port Houston-Galveston.

DATES: This rule is effective March 3, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2019–0028 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander Sarah Rousseau or Lieutenant Junior Grade Ryan Gilbert, Sector Houston-Galveston Waterways Management Division, U.S. Coast Guard; telephone 281–464–4736/5800, email *HoustonWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
HSC Lone Star Harbor Safety Committee
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code
VTS Coast Guard Vessel Traffic Service Houston/Galveston

II. Background Information and Regulatory History

On October 11, 2018, the Texas Lone Star Harbor Safety Committee requested a regulatory change to the Galveston Harbor Bolivar Roads Anchorage area (B). The HSC submitted a recommendation to the Sector Houston-Galveston Captain of the Port that Anchorage area (B) be regulated under the same 48-hour time limit as the adjacent Anchorage areas (A) and (C). The HSC developed a working group, the Anchorage Working Group, to assess the optimal ways to use the anchorage to facilitate safety and efficiency within the port.

On January 28, 2020, we published a notice of proposed rulemaking (85 FR 4919) that proposed to establish a 48-hour time limit in Anchorage Area (B) in Bolivar Roads near Galveston, Texas. The purpose of the propose rule was to align the Galveston Harbor Bolivar Roads Anchorage area (B) to the adjacent anchorages. This action is necessary to address port congestion

and navigation safety concerns. We noted that the local VTS would continue to monitor and control vessel movement within the Anchorage area (B), and that the VTS would be allowed to grant extensions for extenuating circumstances.

III. Legal Authority and Need for Rule

The Secretary of Homeland Security has delegated to the Coast Guard the authority to establish and regulate anchorage grounds in accordance with 33 U.S.C. 471; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1, para. II, (63). The Captain of the Port Houston-Galveston (COTP) has determined that currently anchorage areas (A) and (C) in the Bolivar Roads Channel have a 48-hour time limit, however anchorage (B) does not. This has resulted in vessels remaining in anchorage (B) for extended periods, blocking other vessels with pressing logistical needs, adversely affecting commerce and impacting navigational safety. This rule addresses that problem by not permitting vessels to anchor in anchorage area (B) for more than 48 hours unless expressly authorized by the Captain of the Port Houston-Galveston or without express permission if the stress of weather makes sailing impractical or hazardous.

IV. Discussion of Comments, Changes, and the Rule

We received six comments to the NPRM (85 FR 4919) published January 28, 2020. They all supported the proposed rule. We made no changes in the regulatory text of this rule from the proposed regulatory text in the NPRM. This rule establishes a 48-hour time limit in Anchorage Area (B) in Bolivar Roads near Galveston, Texas, by revising paragraph (b)(2) in 33 CFR 110.197.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the anchorage duration of vessels in a previously established anchorage ground. This regulation will have a positive impact on vessel traffic of the waterway, increasing the efficiency of the limited inshore anchorage space for Houston and Galveston.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

The number of small entities impacted and the extent of the impact, if any, is expected to be minimal. The anchorage area is located in an area of Bolivar Roads that is not a popular or productive fishing location. Further, the location is in an area not routinely transited by vessels heading to, or returning from, known fishing grounds. Finally, the anchorage is located in an area that is not currently used by small entities, including small vessels, for anchoring due to the depth of water naturally present in the area. Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have

determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishing a 48-hour anchor time limit in the Galveston Harbor Bolivar Roads Anchorage area B. It is categorically excluded from further review under paragraph L59(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 110

Anchorage grounds.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 110 as follows:

PART 110—GALVESTON HARBOR, BOLIVAR ROADS CHANNEL, TEXAS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2071; 46 U.S.C. 70034; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 110.197(b)(2) to read as follows:

§ 110.197 Galveston Harbor, Bolivar Roads Channel, Texas.

* * * * *

(b) * * *

(2) Except when stress of weather makes sailing impractical or hazardous, vessels shall not anchor in anchorage areas (A), (B), or (C) for more than 48 hours unless expressly authorized by the Captain of the Port Houston-Galveston. Permission to anchor for longer periods may be obtained through Coast Guard Vessel Traffic Service Houston/Galveston on VHF–FM channels 12 (156.60 MHz) or 13 (156.65 MHz).

* * * * *

Dated: January 22, 2021.

John P. Nadeau,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 2021–02000 Filed 1–29–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2020–0334]

RIN 1625–AA09

Drawbridge Operation Regulation; New Jersey Intracoastal Waterway, Atlantic City, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily modifying the operating schedule that governs the Route 30 (Absecon Boulevard) Bridge across the New Jersey Intracoastal Waterway (NJICW), Beach Thorofare, mile 67.2, at Atlantic City, NJ. This temporary modification will allow the drawbridge to remain in the closed-to-navigation position to accommodate critical bridge maintenance.

DATES: This temporary final rule is effective from March 3, 2021, through 5 p.m. on March 31, 2023.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov. Type* USCG–2020–0334 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Mickey Sanders, Bridge Administration Branch, Fifth District, U.S. Coast Guard, telephone (757) 398–6587, email *Mickey.D.Sanders2@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code
NJICW New Jersey Intercoastal Waterway

II. Background Information and Regulatory History

On September 16, 2020, the Coast Guard published a notice of proposed rulemaking entitled ''Drawbridge Operation Regulation; New Jersey Intracoastal Waterway, Atlantic City, NJ'' in the **Federal Register** (85 FR 57808). We received one favorable comment and one irrelevant comment.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499. The New Jersey Department of Transportation, which owns and operates the Route 30 (Absecon Boulevard) Bridge, across the NJICW Beach Thorofare, at mile 67.2, in Atlantic City, NJ, requested the modification to allow the drawbridge to remain in the closed-to-navigation position. The closure is necessary to facilitate bridge maintenance of the drawbridge, while ensuring the safety of those performing bridge maintenance and vessels navigating in the area. A work platform will reduce the horizontal clearance of the navigation channel to approximately 30 feet and temporary shielding will reduce the vertical clearance of the entire bridge to approximately 19 feet above mean high water in the closed position.

Under the temporary final rule, the drawbridge will remain in the closed-to-navigation position from 8 a.m. on March 3, 2021, through 5 p.m. on March 31, 2021; from 8 a.m. on November 1, 2021, through 5 p.m. on March 31, 2022; and from 8 a.m. on November 1, 2022, through 5 p.m. on March 31, 2023. At all other times the drawbridge will operate per 33 CFR 117.733 (e). The bridge will not be able to open for emergencies and there is no immediate alternative route for vessels unable to pass through the bridge in the closed position. Vessels that can safely transit through the bridge in the closed position with the reduced vertical and horizontal clearances may do so, if at least 30 minutes notice is given, to allow for safe navigation.

IV. Discussion of Comments, Changes and the Temporary Final Rule

The Coast Guard provided a period of 30 days and two comments were received. One was in favor of the schedule change, and the other was outside the scope of the proposed regulation. No changes were made to the regulatory text of this temporary final rule.

V. Regulatory Analyses

The Coast Guard developed this rule after considering numerous statues and Executive Orders related to rulemaking.

Below we summarize our analyses based on a number of these statues and Executive Orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget (OMB) and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the fact that the closure will occur outside of recreational boating season on the NJICW, and only during specific daily hours. An average of only 40 annual bridge openings occurred for recreational vessels and light tugs from November 1 to March 31 between 2015 through 2017.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev.1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule promulgates the operating regulations or procedures for drawbridges and is categorically excluded from further review, under paragraph L49, of Chapter 3, Table 3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 117.733 by adding paragraph (e)(4) to read as follows:

§ 117.733 New Jersey Intracoastal Waterway.

* * * * *

(e) * * *

(4) From 8 a.m. on March 3, 2021, through 5 p.m. on March 31, 2021; from 8 a.m. on November 1, 2021, through 5 p.m. on March 31, 2022; and from 8 a.m. on November 1, 2022, through 5 p.m. on March 31, 2023, the drawbridge will be maintained in the closed-to-navigation position. A work platform will reduce the horizontal clearance of the navigation channel to approximately 30

feet and temporary shielding will reduce the vertical clearance of the entire bridge to approximately 19 feet above mean high water in the closed position. Vessels that can safely transit through the bridge in the closed position with the reduced clearances may do so, if at least 30 minutes notice is given, to allow for safe navigation.

* * * * *

Dated: January 13, 2021.

L.M. Dickey,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 2021–02058 Filed 1–29–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2020–0691]

RIN 1625–AA00

Safety Zone; Super Bowl LV; Hillsborough Bay and River, Tampa, FL

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

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on certain waters of Garrison Channel, Seddon Channel Turning Basin, and the Hillsborough River, in the vicinity of downtown Tampa, Florida during the Super Bowl LV celebrations. The safety zone is necessary to protect the public and Super Bowl LV event personnel from the hazards associated with potential vessel traffic within the area of the safety zone. All persons and vessels would be required to transit through the safety zone at a steady speed and may not slow down, stop or anchor except in the case of unforeseen mechanical failure or other emergency unless given prior authorization from the Captain of the Port. Any person or vessel forced to slow or stop in the established zone must immediately notify the Captain of the Port Tampa via VHF channel 16.

DATES: This rule is effective daily from 12:01 a.m. on January 29, 2021, through 11:59 p.m. on February 7, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2020–0691 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Marine Science Technician First Class Michael D. Shackleford, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228–2191, email *Michael.D.Shackleford@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for bypassing the full notice and comment process because it is impracticable and contrary to the public interest to do so in this situation. On September 22, 2020, the Maritime Subcommittee for Super Bowl LV notified the Coast Guard that during the Super Bowl LV event celebrations there will be several planned super bowl-related events throughout the waterfront areas of Tampa, FL. These events will occur at various times from January 29, 2021 through February 7, 2021. These events could lead to large gatherings of persons and vessels in waterways around the Tampa area. The Captain of the Port St. Petersburg (COTP) has determined that the potential hazards associated with persons and vessel congestion within the safety zone during these events is a safety concern. A notice of proposed rulemaking was published to the **Federal Register** on January 4, 2021, however, there remains insufficient time to complete the full rulemaking process.[1] It is necessary for the Coast Guard to establish this safety zone by January 29, 2021, in order to ensure the appropriate level of protection exists in order to mitigate the potential safety hazards associated with the Super Bowl LV event celebrations. Therefore, this temporary final rule is being published before the comment period ends on the notice of proposed rulemaking.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule for the same reasons stated in the preceding paragraph.

III. Discussion of the Rule

This rule establishes a safety zone from January 29, 2021, through February 7, 2021. The safety zone would cover certain navigable waters of Garrison Channel, Seddon Channel Turning Basin, and the Hillsborough River, in the vicinity of downtown Tampa, Florida. The duration of the zone is intended to ensure the safety of persons, vessels, and navigable waters before, during, and after the scheduled events. All persons and vessels would be required to transit through the safety zone at a steady speed and may not slow down, stop or anchor except in the case of unforeseen mechanical failure or other emergency unless given prior authorization from the COTP. Any person or vessel forced to slow or stop in the established zone must immediately notify the Captain of the Port Tampa via VHF channel 16.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, scope and duration of the safety zone. The rule will impact only a small designated area of Garrison Channel, Seddon Channel Turning Basin, and the Hillsborough

[1] See Coast Guard notice of proposed rulemaking, ''Safety Zone; Super Bowl LV; Hillsborough Bay and River, Tampa, FL'' (86 FR 32) (this document is available at: *https://beta.regulations.gov/document/USCG-2020-0691-0001*).

River in the vicinity of downtown Tampa, Florida, and vessel traffic will be able to safely operate in the area with minimal restrictions, hence the safety zone is limited in size and location. Vessels will be able to transit through the safety zone at a steady speed, making it limited in scope. The safety zone will be in effect for ten days, making it limited in duration. The Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM Channel 16 about the safety zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting approximately 4 days that will prohibit entry to all navigable waters of Tampa Bay, Florida east of a line formed by connecting the points of 27°48′9″ N, 082°24′56″ W and 27°48′0″ N, 082°24′56″ W. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T07–0691 to read as follows:

§ 165.T07–0691 Safety Zone; Super Bowl LV, Hillsborough Bay and River, Tampa, FL.

(a) *Location.* The following regulated area is a safety zone: All waters in the vicinity of downtown, Tampa, Florida, in the Hillsborough River downstream of the North Boulevard Bridge; the turning basin at the mouth of Hillsborough River north of Seddon Channel, west of the South Harbour Island Boulevard Bridge, and northeast of the northwest-bound span of the Davis Islands Bridge; and Garrison Channel west of the Beneficial Drive Bridge.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port St. Petersburg in the enforcement of the regulated area.

(c) *Regulations.* (1) All persons and vessels are required to transit through the safety zone at a steady speed and

may not slow down, stop, or anchor except in the case of unforeseen mechanical failure or other emergency, to avoid collision, or to otherwise comply with the Inland Navigation Rules (33 CFR part 83), unless given prior authorization from the Captain of the Port. Any person or vessel forced to slow or stop in the established zone must immediately notify the Captain of the Port Tampa via VHF channel 16.

(2) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement period.* This section will be enforced daily from January 29, 2021, through February 7, 2021.

Dated: January 15, 2021.

Matthew A. Thompson,

Captain, U.S. Coast Guard, Captain of the Port St. Petersburg.

[FR Doc. 2021–02107 Filed 1–28–21; 11:15 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 210

[Docket No. 2020–12]

Music Modernization Act Transition Period Transfer and Reporting of Royalties to the Mechanical Licensing Collective; Correction

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Final rule; correction.

SUMMARY: The U.S. Copyright Office is correcting a final rule that appeared in the **Federal Register** on January 11, 2021. The rule addressed digital music providers' obligations to transfer and report accrued royalties for the use of unmatched musical works (or shares thereof) to the mechanical licensing collective for purposes of eligibility for the Music Modernization Act's limitation on liability for prior unlicensed uses.

DATES: Effective February 10, 2021.

FOR FURTHER INFORMATION CONTACT: John R. Riley, Assistant General Counsel, by email at *jril@copyright.gov,* or Jason E. Sloan, Assistant General Counsel, by email at *jslo@copyright.gov.* Each can be contacted by telephone by calling (202) 707–8350.

SUPPLEMENTARY INFORMATION: In FR Doc. 2020–29190 appearing on page 2176 in the **Federal Register** of Monday, January 11, 2021, the following correction is made:

§ 210.10 [Corrected]

■ 1. On page 2203, in the third column, in part 210, in amendment 3, the instruction ''Amend § 210.10 by revising paragraphs (b) introductory text, (b)(1), (b)(2) introductory text, and (b)(3)(i) and adding paragraphs (c) through (m) to read as follows:'' is corrected to read ''Amend § 210.10 by revising paragraphs (b) introductory text, (b)(1), (b)(2) introductory text, and (b)(3)(i) and adding paragraphs (c) through (o) to read as follows:''

Dated: January 25, 2021.

Shira Perlmutter,

Register of Copyrights and Director of the U.S. Copyright Office.

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2021–02049 Filed 1–29–21; 8:45 am]

BILLING CODE 1410–30–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary of the Interior

43 CFR Part 10

[NPS–WASO–NAGPRA–31250; PPWOVPADU0/PPMPRLE1Y.Y00000]

RIN 1024–AE67

Civil Penalties Inflation Adjustments

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: This rule revises U.S. Department of the Interior regulations implementing the Native American Graves Protection and Repatriation Act to provide for annual adjustments of civil penalties to account for inflation under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and Office of Management and Budget guidance. The purpose of these adjustments is to maintain the deterrent effect of civil penalties and to further the policy goals of the underlying statute.

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

FOR FURTHER INFORMATION CONTACT: Melanie O'Brien, Manager, National NAGPRA Program, (202) 354–2204, National Park Service, 1849 C Street NW, Washington, DC 20240.

SUPPLEMENTARY INFORMATION:

I. Background

On November 2, 2015, the President signed into law the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74) (''the Act''). The Act requires Federal agencies to adjust the level of civil monetary penalties annually for inflation no later than January 15 of each year.

II. Calculation of Annual Adjustments

The Office of Management and Budget (OMB) recently issued guidance to assist Federal agencies in implementing the annual adjustments required by the Act which agencies must complete by January 15, 2021. *See* December 23, 2020, Memorandum for the Heads of Executive Departments and Agencies, from Russel T. Vought, Director, Office of Management and Budget, re: *Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (M–21–10). The guidance states that the cost-of-living adjustment multiplier for 2021, based on the Consumer Price Index (CPI–U) for the month of October 2020, not seasonally adjusted, is 1.01182. (The annual inflation adjustments are based on the percent change between the October CPI–U preceding the date of the adjustment, and the prior year's October CPI–U.) The guidance instructs agencies to complete the 2021 annual adjustment by multiplying each applicable penalty by the multiplier, 1.01182, and rounding to the nearest dollar.

The annual adjustment applies to all civil monetary penalties with a dollar amount that are subject to the Act. A civil monetary penalty is any assessment with a dollar amount that is levied for a violation of a Federal civil statute or regulation, and is assessed or enforceable through a civil action in Federal court or an administrative proceeding. A civil monetary penalty does not include a penalty levied for violation of a criminal statute, or fees for services, licenses, permits, or other regulatory review. This final rule adjusts the following civil monetary penalties contained in the Department regulations implementing the Native American Graves Protection and Repatriation Act (NAGPRA) for 2021 by multiplying 1.01182 by each penalty amount as updated by the adjustment made in 2020:

CFR citation	Description of the penalty	Current penalty including catch-up adjustment	Annual adjustment (multiplier)	Adjusted penalty
43 CFR 10.12(g)(2)	Failure of Museum to Comply	$6,955	1.01182	$7,037
43 CFR 10.12(g)(3)	Continued Failure to Comply Per Day	1,392	1.01182	1,408

Consistent with the Act, the adjusted penalty levels for 2021 will take effect immediately upon the effective date of the adjustment. The adjusted penalty levels for 2021 will apply to penalties assessed after that date including, if consistent with agency policy, assessments associated with violations that occurred on or after November 2, 2015. The Act does not, however, change previously assessed penalties that the Department is collecting or has collected. Nor does the Act change an agency's existing statutory authorities to adjust penalties.

III. Procedural Requirements

A. Regulatory Planning and Review (E.O. 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The Executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. See 5 U.S.C. 603(a) and 604(a). The RFA does not apply to this final rule because the Office of the Secretary is not required to publish a proposed rule for the reasons explained below in Section III.L.

C. Congressional Review Act

This rule is not a major rule under 5 U.S.C. 804(2). This rule:

(a) Does not have an annual effect on the economy of $100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

D. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

E. Takings (E.O. 12630)

This rule does not effect a taking of private property or otherwise have taking implications under Executive Order 12630. A takings implication assessment is not required.

F. Federalism (E.O. 13132)

Under the criteria in section 1 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. A federalism summary impact statement is not required.

G. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

H. Consultation With Indian Tribes (E.O. 13175 and Departmental policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on federally recognized Indian tribes and that consultation under the Department's tribal consultation policy is not required.

I. Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

J. National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the rule is covered by a categorical exclusion. This rule is excluded from the requirement to prepare a detailed statement because it is a regulation of an administrative nature. (For further information see 43 CFR 46.210(i).) We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

K. Effects on the Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in Executive Order 13211; the rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy,

and the rule has not otherwise been designated by the Administrator of Office of Information and Regulatory Affairs as a significant energy action. A Statement of Energy Effects is not required.

L. Administrative Procedure Act

The Act requires agencies to publish annual inflation adjustments by no later than January 15 of each year, notwithstanding section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553). OMB has interpreted this direction to mean that the usual APA public procedure for rulemaking—which includes public notice of a proposed rule, an opportunity for public comment, and a delay in the effective date of a final rule—is not required when agencies issue regulations to implement the annual adjustments to civil penalties that the Act requires. Accordingly, we are issuing the 2021 annual adjustments as a final rule without prior notice or an opportunity for comment and with an effective date immediately upon publication in the **Federal Register**.

List of Subjects in 43 CFR Part 10

Administrative practice and procedure, Hawaiian natives, Historic preservation, Indians—claims, Indians—lands, Museums, Penalties, Public lands, Reporting and recordkeeping requirements.

For the reasons given in the preamble, the Office of the Secretary amends 43 CFR part 10 as follows:

PART 10—NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION REGULATIONS

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

Authority: 16 U.S.C. 470dd; 25 U.S.C. 9, 3001 *et seq.*

§ 10.12 [Amended]

■ 2. In § 10.12:

■ a. In paragraph (g)(2) introductory text, remove ''$6,955'' and add in its place ''$7,037''.

■ b. In paragraph (g)(3), remove ''$1,392'' and add in its place ''$1,408''.

George Wallace,

Assistant Secretary for Fish and Wildlife and Parks.

Editorial note: This document was received for publication by the Office of the Federal Register on January 14, 2021.

[FR Doc. 2021–01303 Filed 1–29–21; 8:45 am]

BILLING CODE 4312–52–P

Proposed Rules

Federal Register
Vol. 86, No. 19
Monday, February 1, 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 LABOR

Employment and Training Administration

[DOL Docket No. ETA–2020–0006]

RIN 1205–AC00

Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States: Proposed Delay of Effective Date

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Proposed delay of effective date; request for comments.

SUMMARY: In accordance with the Presidential directive as expressed in the memorandum of January 20, 2021, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' this action proposes, following a 15 day comment period, to further delay until May 14, 2021, the effective date of the rule entitled *Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States,* published in the **Federal Register** on January 14, 2021. The current effective date is March 15, 2021. This proposed delay of 60 days will allow agency officials the opportunity to review any questions of fact, law, or policy the rule may raise.

DATES: The Department invites written comments on the proposed delayed effective date from interested parties. Written comments must be received by (postmarked, sent, or received) by February 16, 2021.

ADDRESSES: You may submit written comments electronically by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions on the website for submitting comments.

Instructions. Include the docket number ETA–2020–0006 in your comments. All comments received will be posted without change to *http://www.regulations.gov*. Please do not include any personally identifiable or confidential business information you do not want publicly disclosed.

FOR FURTHER INFORMATION CONTACT: Brian Pasternak, Administrator, Office of Foreign Labor Certification, Employment and Training Administration, Department of Labor, 200 Constitution Avenue NW, Room N–5311, Washington, DC 20210, telephone: (202) 693–8200 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone numbers above via TTY/TDD by calling the toll-free Federal Information Relay Service at 1 (877) 889–5627.

SUPPLEMENTARY INFORMATION:

The Employment and Training Administration (ETA) published a final rule entitled *Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States* on January 14, 2021 (86 FR 3608). The Agency bases this action on the Presidential directive as expressed in the memorandum of January 20, 2021, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review.'' The Memorandum directs agencies to consider delaying the effective date for regulations for the purpose of reviewing questions of fact, law, and policy raised therein. Therefore, in accordance with the Memorandum, ETA proposes to delay the effective date for the rule entitled ''*Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States*'' to May 14, 2021. Given the complexity of this regulation, ETA has determined that a 60-day extension of the effective date is necessary to provide adequate time to review this regulation. The proposed extension of the effective date will not affect the compliance dates of the rule.

ETA seeks comment on the proposed delay, including the proposed delay's impact on any legal, factual, or policy issues raised by the underlying rule and whether further review of those issues warrants such a delay. All other comments on the underlying rule will be considered to be outside the scope of this rulemaking. ETA therefore seeks comment by February 16, 2021 on its proposal to extend the effective date by 60 days to May 14, 2021.

Nancy Rooney,

Deputy Assistant Secretary.

[FR Doc. 2021–02090 Filed 1–27–21; 4:15 pm]

BILLING CODE 4510–FP–P

DEPARTMENT OF THE INTERIOR

Office of the Assistant Secretary Indian Affairs

25 CFR Part 1000

[212A2100DD/AAKC001030/A0A501010.999900 253G]

Self-Governance PROGRESS Act Negotiated Rulemaking Committee Establishment; Nominations

AGENCY: Office of the Assistant Secretary—Indian Affairs, Interior.

ACTION: Notice of intent to establish committee; request for nominations.

SUMMARY: The U.S. Department of the Interior (DOI) is announcing its intent to establish a Self-Governance PROGRESS Act Negotiated Rulemaking Committee (Committee) to negotiate and advise the Secretary of the Interior (Secretary) on a proposed rule to implement the Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2019 (PROGRESS Act). The DOI is soliciting comments on its proposal to form a negotiated rulemaking committee; and invites nominations for Committee members who will adequately represent the interests that are likely to be significantly affected by the proposed rule.

DATES: Comments regarding the intent to establish this Committee and nominations for Committee members must be submitted no later than March 3, 2021.

ADDRESSES: Send written comments and nominations to Ms. Vickie Hanvey, by any of the following methods:

• *(Preferred method) Email to: consultation@bia.gov;*

• Mail, hand-carry or use an overnight courier service to Ms. Vickie Hanvey, Office of Self-Governance, Office of the Assistant Secretary—Indian Affairs, 1849 C Street NW, Mail Stop 4660, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Ms. Vickie Hanvey, Program Policy Analyst, Office of Self-Governance, Office of the Assistant Secretary—Indian Affairs; telephone: (918) 931–0745; email: *Vickie.hanvey@bia.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On October 21, 2020, the PROGRESS Act was signed into law. *See* Public Law 116–180. The PROGRESS Act amends subchapter I of the Indian Self-Determination and Education Assistance Act (ISDEAA), 25 U.S.C. 5301 *et seq.,* which addresses Indian Self-Determination, and subchapter IV of the ISDEAA which addresses DOI's Tribal Self-Governance Program. The PROGRESS Act calls for a negotiated rulemaking committee to be established under 5 U.S.C. 565, with membership consisting only of representatives of Federal and Tribal governments, with the Office of Self-Governance serving as the lead agency for the DOI. The PROGRESS Act also authorizes the Secretary to adapt negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes.

This notice is published in accordance with the Negotiated Rulemaking Act of 1996 (NRA) (5 U.S.C. 561 *et seq.*); FACA; and the PROGRESS Act.

II. Scope of the Proposed Rule To Be Negotiated

The PROGRESS Act requires DOI to establish the negotiated rulemaking committee to develop proposed regulations to implement subchapter IV, regarding the Self-Governance Program. *See* Public Law 116–180, Section 413. Current regulations implementing the Self-Governance Program are found at 25 CFR part 1000, Annual Funding Agreements under the Tribal Self-Government Act Amendments to the Indian Self-Determination and Education Act. It is anticipated that the proposed rule will revise those regulations at 25 CFR part 1000 to amend, delete, and add provisions as appropriate to implement the PROGRESS Act.

III. The Committee and Process for Negotiated Rulemaking

The Committee will be charged with developing proposed regulations for the Secretary's implementation of the PROGRESS Act's provisions regarding the DOI's Self-Governance Program. In negotiated rulemaking, recommended provisions of a proposed rule are developed by a committee composed of at least one representative of the Federal Government and representatives of the interests that will be significantly affected by the rule. In compliance with FACA and the NRA, the DOI will use the following procedures for this negotiated rulemaking. The DOI may modify them in response to comments received on this notice of intent or during the negotiation process.

A. Committee Formation

The Committee will be formed in full compliance with the requirements of FACA and the NRA, and operate in full compliance with the NRA and the guidelines of its charter.

B. Composition of Committee

The Secretary is seeking nominations for representatives to serve on the Committee who can represent the interests listed in Section C, and who have a demonstrated ability to communicate well with groups about the interests they will represent. The Committee membership will consist of approximately 15, but not more than 25 members in accordance with the NRA.

Tribal Committee membership must:

- Include only representatives of the interests described below;
- Include representatives with a demonstrated ability to communicate well with groups about the interests they will represent; and
- Include Tribal representatives appointed by the Secretary that are:
  - Elected officials of Tribal governments acting in their official capacities;
  - Or their designated employees with authority to act on their behalf in their official capacities;
  - Representative of Tribes with a geographical balance; and
  - A majority of whom are representative of Indian Tribes with existing self-governance funding agreements.
- Comply with the FACA.

FACA regulations require the membership of a FACA committee to be fairly balanced in its member in terms of the points of view represented and the functions to be performed. *See* 41 CFR 102–3.30. In making membership decisions, the Secretary will consider whether the interest represented by a nominee will be affected significantly by the final products of the Committee, which may include report(s) and/or proposed regulations; whether that interest is already adequately represented by nominees; and whether the potential addition would adequately represent that interest.

Federally registered lobbyists are ineligible to serve on all FACA and non-FACA boards, committees, or councils in an individual capacity. The term ''individual capacity'' refers to individuals who are appointed to exercise their own individual best judgment on behalf of the government, such as when they are designated Special Government Employees, rather than being appointed to represent a particular interest.

C. Interests Identified

Under Section 562 of the NRA, ''interest'' means, with respect to an issue or matter, multiple parties which have a similar point of view or which are likely to be affected in a similar manner. A limited number of identifiable interests will be significantly affected by the rule. Those parties are Indian Tribes and Tribal organizations as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act that are currently participating in the Tribal Self-Governance Program and those that are not currently participating in, but are interested in participating in Tribal Self-Governance Program.

The DOI is accepting comments identifying other interests that may be significantly affected by the final products of the Committee, which may include report(s) and/or proposed regulations, until the date listed in the **DATES** section of this notice of intent.

D. Committee Member Responsibilities

The Committee is expected to meet approximately 3–5 times and each meeting is expected to last multiple hours for a consecutive 2–3 days each. The initial meeting will be held by teleconference and/or web conference; later meetings may be held either virtually or in person. The Committee's work is expected to occur over the course of 6–12 months, and it is the Secretary's intent to publish the proposed rule for notice and comment by the statutory deadline of July 21, 2022 (within 18 months of the anticipated date of the Committee's establishment). However, the Committee may continue its work for up to two years.

Because of the scope and complexity of the tasks at hand, Committee members must be able to invest considerable time and effort in the negotiated rulemaking process. Committee members must be able to attend all Committee meetings, work on Committee work groups, consult with their constituencies between Committee meetings, and negotiate in good faith toward a consensus on issues before the Committee. Because of the complexity of the issues under consideration, as

well as the need for continuity, the Secretary reserves the right to replace any member who is unable to participate in the Committee's meetings.

Under 5 U.S.C. 568(c), members of a negotiated rulemaking committee are responsible for their own expenses of participation in such committee, except that an Agency may, in accordance with Section 7(d) of the FACA, pay for a member's reasonable travel and per diem expenses, expenses to obtain technical assistance, and a reasonable rate of compensation, if:

- Such member certifies a lack of adequate financial resources to participate in the Committee; and
- The agency determines that such member's participation in the Committee is necessary to assure an adequate representation of the member's interest.

The DOI commits to pay the reasonable travel and per diem expenses of Committee members, if appropriate, under the NRA and Federal travel regulations.

E. Facilitator

The Committee may use a neutral facilitator. The facilitator will not be involved with the substantive development or enforcement of the regulation. The facilitator's role is to help the negotiation process run smoothly, and help participants define and reach consensus.

F. Administrative and Technical Support

The DOI will provide sufficient administrative and technical resources for the Committee to complete its work in a timely fashion. The DOI, with the help of the facilitator, will prepare and provide a final report of any issues on which the Committee reaches consensus.

G. Training and Organization

At the first meeting of the Committee, a neutral facilitator will provide training on negotiated rulemaking, interest-based negotiations, and consensus-building. In addition, at the first meeting, Committee members will make organizational decisions concerning protocols, scheduling, and facilitation of the Committee.

H. Committee Meeting Procedures

The members of the Committee, with the assistance of the facilitator, may adopt procedures for Committee meetings.

IV. Request for Nominations to the Committee

The PROGRESS Act requires that the Committee be comprised of only Federal and Tribal government representatives. Tribes may nominate Tribal leaders to serve on the Committee who will adequately represent the interests that are likely to be significantly affected by the proposed rule. Each nomination is expected to include a nomination for a primary representative and an alternate who can fulfill the obligations of membership should the primary representative be unable to attend. The Committee membership should reflect a diversity of interests, and nominees should only be of representatives and alternates who:

- Are elected officials of Tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities; and
- Will be able to:
  - Represent one or more of the specified interests with the authority to embody the views of that interest, communicate with interested constituents, and have a clear means to reach agreement on behalf of the interest(s);
  - Coordinate, to the extent possible, with other interests who may not be represented on the Committee;
  - Negotiate effectively on behalf of the interest(s) represented;
  - Commit the time and effort required to attend and prepare for meetings; and
  - Collaborate among diverse parties in a consensus-seeking process.

The DOI will consider nominations for representatives only if they are nominated through the process identified in this Notice of Intent. The DOI will not consider any nominations that we receive in any other manner. The DOI will not consider nominations for Federal representatives; only the Secretary may nominate Federal employees to the Committee.

Nominations must include the following information about each nominee:

1. A current letter from the governing body or chairperson of the Tribe representing one of the interest(s) identified supporting the nomination of the individual to serve as a representative for the Tribe on the Committee;

2. A resume reflecting the nominee's qualifications and experience, to include the nominee's name, Tribal affiliation, job title, major job duties, employer, business address, business telephone and fax numbers (and business email address, if applicable);

3. The interest(s) to be represented by the nominee (see Section III.C of this notice) and whether the nominee will represent other interest(s) related to this rulemaking; and

4. A brief description of how the nominee will represent the views of the identified interest(s), communicate with constituents, and have a clear means to reach agreement on behalf of the interest(s) they are representing.

5. A statement on whether the nominee is only representing one interest or whether the expectation is that the nominee represents a specific group of interests.

To be considered, nominations must be received by the close of business on the date listed in the **DATES** section, at the location indicated in the **ADDRESSES** section.

V. Solicitation of Public Comments

Members of the public are invited to submit comments on this proposal to establish the Committee.

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.

VI. Next Steps

Following the receipt of nominations and comments, DOI will publish a second notice in the **Federal Register** with a list of persons to represent the interests that are likely to be significantly affected by the rule and the person or persons proposed to represent the DOI. Persons who will be significantly affected by the proposed rule and who believe that their interests will not be adequately represented by any person specified in that second **Federal Register** notice will be given an opportunity to apply or nominate another person for membership on the Committee to represent such interests with respect to the proposed rule.

Following the second **Federal Register** notice and responses to it, DOI expects to establish the Committee. After the Committee reaches consensus on the recommended provisions of the proposed rule, as discussed in more detail below, the DOI will publish a proposed rule in the **Federal Register**.

VII. Determination That Negotiated Rulemaking is in the Public Interest

Under 5 U.S.C. 563, the head of the agency is required to determine that the use of the negotiated rulemaking procedure is in the public interest.

In making such a determination, the agency head must consider certain factors. Taking these factors into account, the Secretary, through the authority delegated to the Assistant Secretary—Indian Affairs, has determined that a negotiated rulemaking is in the public interest because:

1. A rule is needed. The PROGRESS Act directs the Secretary to conduct a negotiated rulemaking pursuant to the NRA.

2. A limited number of identifiable interests will be significantly affected by the rule.

3. There is a reasonable likelihood that the Committee can be convened with a balanced representation of persons who can adequately represent the interests discussed in item 2, above, and who are willing to negotiate in good faith to attempt to reach a consensus on provisions of a proposed rule.

4. There is a reasonable likelihood that the Committee will reach consensus on a proposed rule within a fixed period of time.

5. The use of negotiated rulemaking will not delay the development of a proposed rule because time limits will be placed on the negotiation. We anticipate that these negotiations will expedite a proposed rule and ultimately the acceptance of a final rule.

6. The DOI is making a commitment to ensure that the Committee has sufficient resources to complete its work in a timely fashion.

7. The DOI, to the maximum extent possible and consistent with the legal obligations of the Agency, will use the consensus report of the Committee as the basis for a proposed rule for public notice and comment.

For the above reasons, I hereby certify that the Self-Governance PROGRESS Act Negotiated Rulemaking Committee is in the public interest.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2021–01149 Filed 1–29–21; 8:45 am]

BILLING CODE 4337–15–P

POSTAL SERVICE

39 CFR Part 20

New Outbound Commercial Provider Initiative (OCPI) Program Information; Opportunity for Comments

AGENCY: Postal Service™.

ACTION: Advance notice of proposed rulemaking; invitation to comment.

SUMMARY: The Postal Service is providing an advance notification and introduction to the Outbound Commercial Provider Initiative (OCPI) program. This document provides general information on the OCPI program, related mailing requirements, and shipping standards. The Postal Service is exploring the advisability of the OCPI program and providing support to mailers to assure their ability to adhere to the new OCPI program guidelines.

DATES: Comments on this advance notice are due March 3, 2021.

ADDRESSES: Due to the current COVID–19 pandemic, comments in response to this document will only be accepted via email—any comments or communications sent via fax or mail will not be accepted.

When sending communication and comments related to the OCPI program, the following instructions and guidelines apply:

- All comments and questions should be sent to the Manager, International Products and Major Accounts, Global Business, at the following email address: *ProductClassification@usps.gov.*
- Communications must also include the following:
  - *Subject Line:* OCPI Program Advanced Notice Comments
  - Name of Sender

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

You may inspect and photocopy all written comments, by appointment only, at USPS® Headquarters Library, 475 L'Enfant Plaza SW, 11th Floor North, Washington, DC 20260. These records are available for review Monday through Friday, 9 a.m. to 4 p.m., by calling 202–268–2906.

FOR FURTHER INFORMATION CONTACT: Frank Cebello, 202–268–8058; or *GlobalBusinessOCPI@usps.gov.*

SUPPLEMENTARY INFORMATION: The Postal Service is providing this notification to set forth the following general information and guidelines for the OCPI program:

1. An overview of the OCPI program with general information to advise and notify USPS customers, partners, and affiliates;

2. Discussion of the countries and specific products that will be serviced through the OCPI program; and

3. Specific changes and requirements associated with the OCPI program, relating to mail preparation, induction, and acceptance, such as:

i. Customs Form(s), shipping label(s), and tag(s),

ii. New, OCPI-specific Commercial Invoice, and

iii. Process changes and requirements related to OCPI service provider destinations

4. References for advanced notifications of OCPI program feature changes.

Overview

The Postal Service expects to implement these new program service enhancements on or about March 31, 2021.

As cross-border eCommerce continues to grow and demand for a variety of shipping solutions continues, the Postal Service has encountered a need to identify alternatives for commercial shipments going through its international mail streams. The Postal Service relies entirely on foreign postal operators to deliver our customer packages worldwide, making outbound shipments subject to several limitations including shipping rates, transit times, and scan visibility. The rapidly expanding eCommerce market coupled with the increase in competition has motivated the Postal Service to explore alternate delivery service channels and competitive market strategies for product offerings in order to provide the services that customers demand, while remaining competitive in the global eCommerce market.

The Outbound Commercial Provider Initiative (OCPI) is a strategic program designed to help the Postal Service remain competitive in the cross-border shipping market, whereby it can effectively compete with alternative providers. OCPI also enables the continuity of service in situations where issues arise with foreign postal operators, such as strikes, unfavorable bilateral negotiations, COVID–19 impacts, or significant service issues. Creating an alternative channel also offers opportunities for providing enhanced service options. Additional benefits of the OCPI Program include but are not limited to:

- Offering new services that are currently unavailable through the postal channels;
- Improving service delivery times because of options to deliver products by commercial suppliers to select countries; and
- Providing a more enhanced customer experience, through advancements in customer service and package visibility on international outbound operations.

OCPI Program Country-Product Service Enhancements

The Postal Service will be identifying opportunities and selecting designated country destinations and products for the OCPI program. Destination product and country pairings for OCPI will be the exclusive delivery options, however existing service will continue for destinations for which OCPI solutions are not offered. The products offered through the OCPI program will be international shipping services, limited to Priority Mail Express International® (PMEI®), Priority Mail International (PMI), and First-Class Package International Service® (FCPIS®). This allows for a more seamless transition for existing customers and mailers and avoids the confusion and capital that would be required to create and launch new dedicated OCPI product offerings. Products such as FCMI letters and Flats, Military Mail, IPA, and ISAL are not within the scope of the OCPI program. After publishing this document, the Postal Service will provide a more detailed description of the applicable OCPI changes to the existing products and procedures for USPS customers. The country-product designated for the OCPI program may change depending on future opportunities identified and potential foreign postal operator-related service disruptions.

Mail Preparation

For customers that tender shipments to the Postal Service in bulk and or consolidations, all shipments sent to OCPI destinations must be presented separately and in individually prepared receptacles by product class and destination country. Specific products that are destined for OCPI destination countries may not be tendered in any mixed country receptacles.

OCPI Commercial Invoices

The OCPI program will require mailers to produce commercial invoices and customs forms to comply with commercial customs clearance requirements and differentiate OCPI documentation from existing postal forms. The OCPI program will also require additional recipient information to be provided by the sender (including recipient's phone number and email address) to comply with commercial clearance processes. The OCPI forms will be made available to mailers via online applications and electronically at USPS retail service counters.

OCPI Receptacle Tags and Customs Forms

The OCPI program has developed specific receptacle tags and customs forms which will allow operations personnel to identify and segregate OCPI products throughout the entire supply chain. In addition to International Mail Manual (IMM) updates, the Postal Service will provide industry notifications to inform all parties of OCPI program changes and provide examples of the new OCPI receptacle tags and customs forms to help integrate changes into the existing operational processes.

OCPI Program Features and Service Notifications

The Postal Service will provide a minimum of advanced 30-day notification regarding upcoming OCPI services or feature changes via *Postal Bulletins* articles and PostalPro. Additionally, the Postal Service will provide updated mailer requirements to assist business mailers and provide support throughout the transition process to ensure a smooth transition.

Joshua J. Hofer,

Attorney, Federal Compliance.

[FR Doc. 2020–28968 Filed 1–29–21; 8:45 am]

BILLING CODE P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 25

[IB Docket No. 20–330; FCC 20–158; FR ID 17347]

Commission Rules To Enable GSO Fixed-Satellite Service (Space-to-Earth) Operations in the 17.3–17.8 GHz Band, To Modernize Certain Rules Applicable to 17/24 GHz BSS Space Stations, and To Establish Off-Axis Uplink Power Limits for Extended Ka-Band FSS Operations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (FCC) proposes to permit geostationary satellite orbit (GSO) space station in the fixed-satellite service (FSS) to operate downlinks (space-to-Earth) in the 17.3–17.8 GHz frequency band, subject to certain limitations, and also proposes related technical updates to its rules governing the FSS and the Broadcasting-Satellite Service to prevent harmful interference.

DATES: Comments are due March 3, 2021. Reply comments are due March 18, 2021.

ADDRESSES: You may submit comments, identified by IB Docket No. 20–330, by any of the following methods:

- *Federal Communications Commission's Website: http://apps.fcc.gov/ecfs/.* Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document. To request materials in accessible formats for people with disabilities, send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

FOR FURTHER INFORMATION CONTACT: Sean O'More, International Bureau, Satellite Division, 202–418–2453, *sean.omore@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking, FCC 20–158, adopted November 18, 2020, and released November 19, 2020. The full text of the Notice of Proposed Rulemaking is available at *https://www.fcc.gov/edocs/search-results?t=quick&fccdaNo=20-158.*

Comment Filing Requirements

Interested parties may file comments and reply comments on or before the dates indicated in the **DATES** section above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- *Electronic Filers.* Comments may be filed electronically using the internet by accessing the ECFS, *http://apps.fcc.gov/ecfs.*
- *Paper Filers.* Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no

longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20–304 (March 19, 2020). *https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy.*

• *Persons with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice) or 202–418–0432 (TTY).

Ex Parte Presentations

The Commission will treat this proceeding as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Paperwork Reduction Act

This document contains proposed new and modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, we specifically seek comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Initial Regulatory Flexibility Analysis. As required by the Regulatory Flexibility Act of 1980 (RFA) [1] the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) relating to this Notice of Proposed Rulemaking.

Synopsis

In this Notice of Proposed Rulemaking, the Commission considers permitting use of the 17.3–17.7 GHz band by GSO space stations operating in the FSS, which would increase intensive and efficient use of the band and provide additional downlink capacity for high-throughput satellite communications.

Notice of Proposed Rulemaking

In this Notice of Proposed Rulemaking (Notice), we propose to permit use of the 17.3–17.7 GHz band by geostationary satellite orbit (GSO) space stations in the fixed-satellite service (FSS) in the space-to-Earth direction on a co-primary basis with incumbent services. We also propose to permit limited GSO FSS (space-to-Earth) use of the 17.7–17.8 GHz band on a non-protected basis with respect to fixed service operations. Permitting use of the 17.3–17.8 GHz band to include FSS downlinks would increase intensive and efficient use of the band and provide additional downlink capacity for high-throughput satellite communications. With appropriate technical safeguards proposed herein, permitting the use of this band for GSO FSS downlink services would facilitate deployment of advanced satellite systems for the benefit of American consumers.

We propose to define an extended Ka-band in our rules, *i.e.,* the 17.3–18.3 GHz (space-to-Earth), 18.8–19.4 GHz (space-to-Earth), 19.6–19.7 GHz (space-to-Earth), 27.5–28.35 GHz (Earth-to-space) and 28.6–29.1 GHz (Earth-to-space) bands. We further propose to apply certain uplink power limits currently applicable to GSO FSS transmissions in the conventional Ka-band to GSO FSS uplink transmissions in the extended Ka-band. If adopted, these power limits will allow us to streamline licensing of FSS earth stations and will result in a closely harmonized regulatory framework for all similar FSS uplink transmissions in the conventional and extended Ka-bands.[2]

The proposals herein, if adopted with appropriate safeguards, would result in efficient and effective use of the spectrum, alleviate the growing need for additional Ka-band GSO FSS downlink spectrum to support communications to gateway earth stations, and further streamline the licensing process of certain satellite systems.[3]

Current Allocations and Use of the 17.3–17.8 GHz Band

The Table of Frequency Allocations is comprised of the International Table and the United States Table of Frequency Allocations (U.S. Table). In the International Table, the 17.3–17.7 GHz band is allocated, in the International Telecommunication Union (ITU) Region 2, to the FSS (Earth-to-space) and to the broadcasting-satellite service (BSS) on a co-primary basis, as well as to the radiolocation service on a secondary basis.[4] In the U.S. Table,

[1] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 847 (1996). The SBREFA was enacted as Title II of the Contract with America Advancement Act of 1996 (CWAAA).

[2] The term ''Ka-band'' generally refers to the space-to-Earth (downlink) frequencies at 17.70–20.20 GHz and the corresponding Earth-to-space (uplink) frequencies at 27.50–30.00 GHz. *See Establishment of Policies and Service rules for the Non-Geostationary Satellite Orbit, Fixed Satellite Service in the Ka-Band,* IB Docket No. 02–19, Notice of Proposed Rulemaking, 17 FCC Rcd 2807, n.1 (2002). *See also* IEEE Standard 521–2019 *https://www.microwaves101.com/encyclopedias/frequency-letter-bands.*

[3] By initiating this rulemaking proceeding, we also grant, to the extent discussed herein, the petition for rulemaking filed by SES Americom, Inc. (SES) requesting that the Commission initiates a proceeding to authorize GSO FSS operations in the space-to-Earth direction using the 17.3–17.7 GHz frequencies. *See* Petition for Rulemaking of SES Americom, Inc., RM–11839, at 1 (filed Mar. 5, 2019), *https://ecfsapi.fcc.gov/file/103051358025155/Petition%20for%20Rulemaking%20for%2017%20GHz%20FSS%20(Mar%205%202019).pdf* (SES Petition).

[4] Footnote 5.516 further limits use of the band by the FSS to feeder links for the BSS and in ITU Region 2 to geostationary satellite orbit (GSO)

Continued

the 17.3–17.7 GHz band is allocated to the FSS (Earth-to-space) and to the BSS on a co-primary basis [5] and to the radiolocation services on a secondary basis. The adjacent 17.7–17.8 GHz band is allocated internationally in ITU Region 2 to the fixed service, the BSS, the FSS (in both the space-to-Earth and Earth-to-space directions) on a primary basis and to the mobile service on a secondary basis.[6] The 17.7–17.8 GHz band is allocated to the FSS (Earth-to-space) and to the fixed service on a co-primary basis in the U.S. Table.[7]

Historically, in the United States, the 17.3–17.8 GHz band has been used for FSS feeder [8] uplinks that transmit programming to Direct Broadcast Satellite (DBS) service [9] GSO space stations. DBS feeder link operations typically involve the use of large, high-gain antennas at a limited number of individually licensed earth station locations. The DBS service satellites then downlink that video programming directly to consumers in the 12.2–12.7 GHz band. DBS is the principal means of delivering satellite television in the United States. U.S.-licensed DBS providers include DIRECTV and DISH Network.

In May 2007, the Commission adopted rules for a new service that would use the 17.3–17.8 GHz band in the space-to-Earth direction to provide BSS. This service, known as the ''17/24 GHz BSS,'' [10] provides service downlinks to customers in the same 17.3–17.8 GHz band that is used for feeder uplinks to DBS space stations, *i.e.,* reverse band operation. Although the 17/24 GHz BSS may use the entire 17.3–17.8 GHz band internationally, it may only provide service in the United States in the 17.3–17.7 GHz band. DBS feeder link uplinks by contrast, operate in the entire 17.3–17.8 GHz band in the United States. At the same time that the Commission adopted rules for the 17/24 GHz BSS, it also sought comment on rules to avoid interference between DBS and 17/24 GHz BSS operations, both in-orbit (''space path'' interference) and on the ground (''ground path'' interference). The Commission adopted technical rules to address space path interference in 2011 that included a requirement that 17/24 GHz BSS space stations locate at least 0.2 degrees from a DBS space station. In 2017, the Commission adopted rules to address ground path interference. Since rules were adopted for the 17/24 GHz BSS, a number of licenses or grants of U.S. market access have been issued, but only a few of these licenses or grants remain in effect.

SES Americom Petition for Rulemaking

On March 5, 2019, SES [11] petitioned the Commission to initiate a rulemaking proceeding to amend Parts 2 and 25 of the Commission's rules to authorize GSO FSS operations in the space-to-Earth direction within the United States using the 17.3–17.7 GHz frequencies on a protected basis. On May 31, 2019, AT&T Services, Inc, (AT&T) and Telesat Canada (Telesat) filed comments in response to the SES Petition, and on June 17, 2019, SES filed reply comments.

SES proposes we modify the U.S. Table to permit FSS downlinks on a co-primary basis in the 17.3–17.7 GHz band under its proposed technical rules. SES contends that such an allocation would comport with Commission policies supporting flexible spectrum use.[12] SES also notes that the international allocation to the BSS in the 12.2–12.7 GHz band is accompanied by a footnote to the allocation that permits assignment of this spectrum to FSS downlinks, ''provided that such transmissions do not cause more interference, or require more protection from interference, than the broadcasting-satellite service transmissions operating in conformance with the Plan or the List, as appropriate.'' Finally, SES notes that the Commission recently adopted rule changes permitting more diverse use of FSS in the feeder link frequencies associated with the 17/24 GHz BSS service.[13] SES argues that modifying Commission rules to permit protected FSS downlinks in the 17 GHz band will achieve the same objectives, promoting more robust use of spectrum and providing flexibility for satellite networks to respond to customer demand without impairing existing authorized use of the spectrum.

Telesat agrees with SES that FSS licensees will be able to use the band following the same framework for location and operation of gateway earth stations that currently regulate BSS feeder link operations in the band. Telesat also states that Innovation, Science, and Economic Development Canada is currently considering similar changes to the Canadian Table of

satellite networks. Footnote 5.515 specifies that sharing between the FSS and BSS is governed by Appendix 30A, Annex 4, paragraph 1 of the *Radio Regulations.* 47 CFR 2.106. We note that the ITU Region 2 area includes the United States. *See* 47 CFR 2.104(b) and 2.105(a).

[5] Provision of FSS in the band, however, is limited by footnote US271 to the U.S. Table to feeder links for BSS, and footnote NG163 limits BSS use of the band to geostationary satellite systems. 47 CFR 2.106, nn. US271 and NG163.

[6] Footnote 5.516 further limits Earth-to-space use of the band by the FSS to feeder links for the BSS and in Region 2 to GSO satellite networks. Footnote 5.517 precludes FSS networks operating in the space-to-Earth direction from claiming protection from or causing harmful interference to BSS assignments operating in conformance with the Radio Regulations. Footnote 5.515 specifies that sharing between the FSS and BSS is governed by Appendix 30A, Annex 4, paragraph 1 of the *Radio Regulations.* 47 CFR 2.106, nn. 5.515 and 5.516.

[7] Footnote US271 further limits FSS use of the band (Earth-to-space) to feeder links for the BSS. Footnote US334 permits operation of Federal FSS space stations in the band subject to certain restrictions. 47 CFR 2.106, nn. US271 and US334.

[8] A feeder link is defined as a ''radio link from a fixed earth station at a given location to a space station, or vice versa, conveying information for a space radiocommunication service other than the Fixed-Satellite Service. The given location may be at a specified fixed point or at any fixed point within specified areas.'' 47 CFR 25.103.

[9] DBS is defined as ''a radiocommunication service in which signals transmitted or retransmitted by Broadcasting-Satellite Service space stations in the 12.2–12.7 GHz band are intended for direct reception by subscribers or the general public.'' 47 CFR 25.103. DBS operations are subject to the International Radio Regulation BSS and Feeder-link Plans contained in Appendices 30 and 30A.

[10] 17/24 GHz BSS is defined as a ''radiocommunication service involving transmission from one or more feeder-link earth stations to other earth stations via geostationary satellites, in the 17.3–17.7 GHz (space-to-Earth) (domestic allocation), 17.3–17.8 GHz (space-to-Earth) (international allocation) and 24.75–25.25 GHz (Earth-to-space) bands.'' 47 CFR 25.103.

[11] SES is a satellite company that, together with its affiliates, provides FSS to the United States with both GSO and non-geostationary orbit (NGSO) satellites and associated earth stations. SES affiliate, SES–17 S.à.r.l. was recently granted U.S. market access for its SES–17 satellite that will use the 17.3–17.7 GHz band for downlink communications to gateway earth stations in the United States. Operation of these FSS downlinks in the 17.3–17.7 GHz band (space-to-Earth) was granted through a waiver of the U.S. Table of Frequency Allocations and are on an unprotected, non-interference basis. *See,* IBFS File No. SAT–PDR–20190305–00014 (grant stamp dated May 8, 2020).

[12] In support of its position, SES cites the example of the Commission's decision in 2002 to allow non-conforming satellite use of DBS spectrum, which concluded that relaxation of use restrictions would encourage the development of new telecommunications products and services. SES Petition at 7–8 (citing *Policies and Rules for the Direct Broadcast Satellite Service,* IB Docket No. 98–21, Report and Order, 17 FCC Rcd 11331, 11401 (2002)).

[13] SES Petition at 8–9 (stating that ''[i]n its Spectrum Frontiers proceeding, the Commission responded to requests by SES and other satellite industry interests for revision of the rules governing the 24.75–25.25 GHz frequencies.'') SES notes that the Commission proposed and adjusted its rules to place FSS on the same footing as BSS feeder links in the Spectrum Frontiers proceeding, and this was consistent with the Commission's goals: ''increasing flexibility of use and spectrum efficiency,'' citing *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services,* GN Docket No. 14–177, Second Report and Order, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, and Memorandum Opinion and Order, 32 FCC Rcd 10988, 11017–20 (2017) and *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services,* Third Report and Order, Memorandum Opinion and Order, and Third Further Notice of Proposed Rulemaking, 33 FCC Rcd 5576, 5586 (2018)).

Frequency Allocations to permit FSS downlinks in the band.

AT&T urges the Commission to carefully evaluate a number of technical concerns that could impact incumbent DBS and 17/24 GHz BSS operators. AT&T states that the Commission should consider whether authorizing FSS downlinks in the 17.3–17.7 GHz band could constrain future development or modifications of existing DBS systems, and the effect it might have on new applicants to provide DBS feeder link service. AT&T further argues that any rulemaking should consider the effect of proposed changes on other bands, such as the 24.75–25.25 GHz band, which is currently available for FSS uplinks. AT&T further suggests that we seek comment on the effect that allowing FSS downlinks in the 17.3–17.7 GHz band could have on operations that are co-located with, or near to, U.S. DBS licensees' facilities. Finally, AT&T contends that we should make clear that use of the 17.3–17.7 GHz band for FSS downlinks does not extend to earth stations in motion, nor to non-geostationary satellite orbit (NGSO) satellites.

SES claims that none of AT&T's contentions impede the Commission from initiating a rulemaking. SES further disputes AT&T's claim that authorizing FSS downlinks in the 17.3–17.7 GHz band could limit future modifications of BSS networks. According to SES, AT&T's claims are speculative and outweighed by the potential benefits of promoting more efficient spectrum use. SES also asserts that we should not prejudge whether FSS downlinks in the 17.3–17.7 GHz band can be used to communicate with user terminals, including terminals in motion.

We propose to permit GSO FSS (space-to-Earth) communications in the 17.3–17.8 GHz band. We also propose technical rules to prevent harmful interference between stations or services in this band. With appropriate technical safeguards to protect incumbents, permitting the use of this band for GSO FSS downlink services would facilitate deployment of advanced satellite systems and enable the most effective and efficient use of the spectrum. We further propose to define extended Ka-band frequencies and to establish routine licensing criteria for earth stations seeking to operate in those frequencies.

Proposed GSO FSS Allocation in the 17.3–17.8 GHz Band

The Ka-band is used extensively by FSS operators to provide satellite-based broadband access services using high-throughput satellites. In these systems, end user terminals uplink to space stations using one set of frequencies, and the space station downlinks traffic to earth station terminals using a separate set of frequencies (and back into the internet backbone). The satellites in these systems typically use spot-beam technology and high-order frequency re-use to significantly increase capacity and spectral efficiency.

Over the last ten years there has been an increase in the number of space stations using Ka-band frequencies that serve, or intend to serve, customers in the United States. In its petition for rulemaking, SES argues that there is a particular need for additional Ka-band spectrum for FSS gateway earth stations to support high-throughput satellite communications.[14] SES argues that the full benefits from these systems cannot be achieved without access to sufficient gateway spectrum to support multiple spot beams for expanded downlink connectivity. SES states that permitting FSS downlink communications in the 17.3–17.7 GHz band would help to address the need for more spectrum and enable enhanced space station performance in communicating with gateway earth stations. SES further states that having the additional spectrum for space-to-Earth communications in turn would allow U.S. consumers to ''enjoy greater access to innovative satellite services both at home and during their travels by air and sea.'' Telesat states that it ''shares the concerns expressed by SES regarding the limited availability of FSS frequencies that can be used to operate gateway earth stations to support the burgeoning development of Ka-band satellite services.'' Telesat further argues that ''[t]he 17 GHz band is well-suited to supplement the frequency capacity available for this purpose, both in terms of its functionality for FSS operators in the Ka-band, including Telesat and SES, and the compatibility of their use with other authorized uses of the band.'' Telesat emphasizes that there is increasingly limited spectrum and ''providing for the expanded use of the 17 GHz band to support growing demand for FSS Ka-band downlink spectrum while not jeopardizing existing operations in the band will enhance the use of spectrum for the public good.'' AT&T does not dispute the need for additional spectrum but asks that ''any rulemaking must be carefully tailored to allow the Commission and interested parties to fully consider and evaluate SES's proposals and their potential impact on current and future DBS and BSS operators.''

We propose to make the 17.3–17.8 GHz band available for more intensive use by FSS satellite operators, to meet the need for additional Ka-band GSO FSS downlink spectrum. We note that the need for additional spectrum for these services also has been recognized internationally.[15] We seek comment on this potential need for additional Ka-band GSO FSS downlink spectrum and on our proposed changes to the U.S. Table [16] and other Commission rules.

In particular, we propose to add a primary allocation to the FSS in the space-to-Earth direction in the U.S. Table to permit FSS downlinks from geostationary satellites to operate in the 17.3–17.7 GHz band on a co-primary (co-equal) basis [17] with other primary services in that band.[18] In addition, as discussed below, we propose certain changes to the U.S. Table to permit GSO FSS space-to-Earth operations in the adjacent 17.7–17.8 GHz band. We note that in the 17.7–17.8 GHz band a bi-directional allocation currently exists in the International Table for ITU Region 2, but not in the U.S. Table. FSS operation in the 17.7–17.8 GHz band is limited to the Earth-to-space direction in the United States. We propose to revise the allocation to permit FSS in the space-to-Earth direction. We also propose to permit authorization of FSS receiving

[14] SES Petition at 3. As an example, SES cites its SES–17 satellite that will use all the Ka-band spectrum allocated for FSS in the space-to-Earth direction. *See,* IBFS File No. SAT–PDR–20190305–00014 (grant stamp dated May 8, 2020).

[15] There is already a primary allocation to the FSS (space-to-Earth) in the 17.7–17.8 GHz in all three ITU Regions internationally. *See* 47 CFR 2.106. The 2019 World Radiocommunication Conference (WRC–19) also adopted Resolution 174 (WRC–19) inviting the ITU–R to complete the sharing and compatibility studies necessary to consider a possible new primary allocation to the FSS (space-to-Earth) in Region 2 in the 17.3–17.7 GHz band. *See also* Innovation, Science, and Economic Development Canada, *Consultation on the Utilization of the Bands 18.8–19.3 GHz and 28.6–29.1 GHz, and the Bands 17.3–17.7 GHz, 19.3–19.7 GHz and 29.1–29.25 GHz by the Fixed-Satellite Service,* available at *https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf11441.html.*

[16] The proposed changes to the U.S. Table herein refer to changes to the U.S. Non-Federal Table of Frequency Allocations in the Allocation Table. *See* 47 CFR 2.105(a).

[17] A service designated as co-primary must share operations with other services designated as co-primary in the frequency band on a co-equal basis. *See Redesignation of the 17.7–19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7–20.2 GHz and 27.5–30.0 GHz Frequency Bands, and the Allocation of Additional Spectrum in the 17.3–17.8 GHz and 24.75–25.25 GHz Frequency Bands for Broadcast Satellite Service Use,* 13 FCC Rcd 19923 at n.4 (1998).

[18] We also propose a consequential modification to footnote US402. 47 CFR 2.106.

earth stations in the 17.7–17.8 GHz band on a non-protected basis with respect to fixed service operations; such FSS receiving earth stations would operate on a co-primary basis, however, vis-à-vis primary satellite operations in the band. We seek comment on these changes and proposals.

GSO FSS Transmissions in the 17.3–17.7 GHz Band. At present, neither the International Table (for Region 2) nor the U.S. Table allows a space-to-Earth FSS transmission in the 17.3–17.7 GHz band.[19] To accommodate such operations in the United States, on a co-primary basis, SES requests we revise the U.S. Table, specifically footnotes US402 and NG163. Footnote NG163, as currently written, limits use of the 17.3–17.7 GHz band by the BSS to geostationary satellites. SES asks that we revise this footnote to include a statement that ''Space stations in this band may transmit in the fixed-satellite service (space-to-Earth) on a primary basis, provided that such transmissions do not cause more interference, or require more protection from interference, than broadcasting-satellite service transmissions operating in accordance with the Commission's rules.'' [20] As a consequence of this change, SES also proposes edits to footnote US402 [21] to include non-Federal FSS receiving earth stations among those not entitled to protection from Federal earth station transmissions in specific geographic areas. SES states that ''FSS downlinks in the 17 GHz band will be fully compatible with both satellite services authorized in the spectrum: Feeder links for direct broadcast satellite (''DBS'') networks and ''Reverse Band'' use for the downlink portion of 17/24 GHz BSS operations.'' SES points out that '' [n]o party opposes the SES Petition or presents any substantial obstacles to the rule revisions sought by SES to promote robust, flexible satellite use of spectrum.''

AT&T, however, states that the Commission should make clear that any use of the 17.3–17.7 GHz band for FSS downlinks would be limited to GSO satellites. We note that the interference-mitigation regime the Commission established for the BSS and DBS feeder links in the 17.3–17.7 GHz band presupposed only GSO satellites. In addition, Article 22 of the ITU Radio Regulations does not include equivalent power flux density limits at the Earth's surface for the 17.3–17.8 GHz band that are necessary to protect earth stations receiving GSO transmissions from harmful interference from NGSO operations. Accordingly, we propose to modify the U.S. Table, revise footnote US402, and adopt a new footnote NG58 to permit co-primary operation of FSS downlink transmissions in the 17.3–17.7 GHz band, while limiting FSS downlink operations to GSO satellite networks.[22] To streamline the applicable restrictions to the 17.3–17.8 GHz band in the U.S. Table, we further propose to incorporate the use limits found in US271 and NG163 into the new footnote NG58 and remove US271 and NG163. We also propose consequential modifications to our licensing information requirements contained in § 25.115(e). We seek comment on these proposals.

GSO FSS Transmissions in the 17.7–17.8 GHz Band. In the U.S. Table, the 17.7–17.8 GHz band is allocated on a primary basis to the fixed service and to the FSS (Earth-to-space) limited, by footnote US271, to use by feeder links for the BSS.[23] The International Table includes primary allocations to the FSS (both Earth-to-space and space-to-Earth) in all three ITU Regions, including Region 2, in the 17.7–17.8 GHz band, and FSS operators may use this band to provide service outside of the United States.

With respect to sharing of the 17.7 and 17.8 GHz band with the fixed service, we note that in 2000, the Commission designated the 17.7–18.3 GHz band for primary use by terrestrial services.[24] This designation was based in large part upon the conclusion, at that time, that sharing between terrestrial services and satellite services was not feasible, especially when satellite earth stations would be ubiquitously deployed. In 2017, however, the Commission adopted a secondary allocation for the FSS (space-to-Earth) in the 17.8–18.3 GHz band and also permitted blanket earth station licensing. In the 17.7–17.8 GHz band, we now propose to add a space-to Earth direction (to the existing primary FSS allocation) in the U.S. Table, but also to add a footnote stipulating that earth stations receiving in the 17.7–17.8 GHz band are not entitled to protection from the fixed service. This would make these FSS downlink operations co-primary vis-à-vis other satellite operations in the band but treat them as secondary with respect to fixed service operations, consistent with the treatment of the FSS (space-to-Earth) operations vis-a-vis fixed services in the adjacent 17.8–18.3 GHz band. Accordingly, if we permit GSO FSS (space-to-Earth) operations in the 17.7–17.8 GHz band, we propose these operations would be conducted on a non-protected basis vis-a-vis the fixed service.[25] We seek comment on these proposals and conclusions.

We note that allowing use of the 17.7–17.8 GHz band by the FSS (space-to-Earth) would provide a contiguous band for FSS downlink operations at 17.3–18.3 GHz, along with the existing FSS use in the 18.3–18.8 GHz band.[26] This would facilitate operational efficiencies and flexibility to avoid interference and to use this contiguous spectrum in the most effective and efficient manner. We seek comment on our proposals and these conclusions. As discussed further below, we also seek comment on how our proposals would affect the existing operations of the incumbent fixed services in the 17.7–17.8 GHz band as well as the potential for the future development and deployment of other terrestrial services in this band. To the extent that commenters assert that our proposal would negatively impact existing and future terrestrial services in the 17.7–17.8 GHz band, these commenters should explain whether such impacts could be mitigated by any modifications to our proposals herein.

With respect to FSS operations vis-a-vis other satellite operations in the

[19] A 17.3–17.7 GHz space-to-Earth FSS allocation exists in ITU Region 1, and in the adjacent 17.7–17.8 GHz band in all three Regions. 47 CFR 2.106.

[20] SES Petition, Rule Appendix at 1. SES models its proposed language on footnote 5.492 to the International Table of Allocations which permits FSS downlink transmissions in BSS Ku-band frequencies which are part of an ITU Appendix 30 Plan or List. *See also,* 47 CFR 2.106, n.5.492.

[21] 47 CFR 2.106, n.US402. This footnote defines two geographic areas and frequency segments in which 17/24 GHz BSS earth stations may not claim protection from earth stations transmitting to Federal satellites in the Earth-to-space direction.

[22] As a corresponding change, we also propose to similarly amend note 1 to § 25.202(a)(9) of our rules which addresses use of the 17.3–17.8 GHz band for BSS. 47 CFR 2.202(a)(9).

[23] 47 CFR 2.106 and footnote US271. The use of the band 17.3–17.8 GHz by the FSS (Earth-to-space) is limited to feeder links for BSS.

[24] Prior to 2000, the 17.7–18.3 GHz band was designated for shared co-primary use by GSO FSS and fixed service operations. *See 18 GHz Order,* 15 FCC Rcd 13430. In 2000, in addition to designating the 17.7–18.3 GHz band for primary use by terrestrial services, the Commission also designated the 18.3–18.58 GHz band for co-primary use by GSO FSS and terrestrial fixed services, and the 18.58–18.8 GHz band for primary use by GSO FSS.

[25] In addition, the fixed service stations would be protected from harmful interference from GSO FSS downlink operations, given the existing power flux density (PFD) limits for GSO space stations in § 25.208(c) of the Commission rules. 47 CFR 25.208(c). These PFD limits comport with established international standards for preventing harmful interference to fixed service stations and are applicable in the entire 17.7–19.7 GHz band. *See also infra* at paragraph 24.

[26] In 2000, the Commission also designated the 18.3–18.58 GHz band for co-primary use by GSO FSS and fixed service and the 18.58–18.8 GHz band for primary use by GSO FSS. *See 18 GHz Order,* 15 FCC Rcd at 13432, 13445, paragraphs 4 and 31.

17.7–17.8 GHz band, we propose to treat FSS (space-to-Earth) operations on a co-primary basis vis-à-vis the primary FSS (Earth-to-space) allocation in the 17.7–17.8 GHz band. Treating satellite operations on co-primary basis would be consistent with the International Table and our proposed co-primary treatment of satellite operations in the adjacent 17.3–17.7 GHz band. This would facilitate the use of the 17.3–17.7 GHz and 17.7–17.8 GHz frequencies as a contiguous band, governed by the same streamlined rules, allowing flexibility to the FSS space-to-Earth systems to operate efficiently. Accordingly, allowing FSS downlink operations in the 17.7–17.8 GHz band would serve the public interest, provided such FSS operations comply with other proposed revisions to the technical requirements intended to protect the operations of incumbent services, including 17/24 GHz BSS and DBS systems. We seek comment on these proposals and conclusions.

If adopted, we propose to implement our revisions to the U.S. Table by including a primary allocation to the FSS (space-to-Earth) but also including the new footnote NG58 that would permit authorization of earth stations receiving transmissions from GSO FSS space stations in the 17.7–17.8 GHz band, strictly on a non-protected basis with respect to terrestrial fixed service operations. The relevant portion of this new footnote NG58 would read: ''Earth stations in the fixed-satellite service (space-to-Earth) in the 17.7–17.8 GHz band shall not claim protection from stations in the fixed service that operate in that band.'' We believe this approach will provide a certain level of flexibility to GSO FSS operators while placing no additional coordination burden on fixed service operators.[27] This approach also is consistent with our goals to allocate increasingly scarce spectrum resources in the most efficient and effective manner possible. We also propose corresponding modifications to § 25.115 to reference these conditions in our licensing requirements, including a proposed condition that blanket licensed FSS earth stations, if authorized to receive FSS (space-to-Earth) transmissions in the 17.7–17.8 GHz band, must operate on a non-protected basis and claim protection from neither fixed service operations nor FSS earth stations providing feeder links to BSS space stations in the band.[28] We seek comment on these proposals.

With respect to protecting incumbents from harmful interference, we note that § 25.208(c) includes angle-dependent PFD limits intended to protect terrestrial services from space station transmissions in the 17.7–19.7 GHz band. We seek comment on whether these angle-dependent PFD limits would adequately protect fixed service operations from harmful interference from GSO FSS operations in the 17.7–17.8 GHz band. Apart from these and the default service rules contained in § 25.217 we have no requirements specifically governing space-to-Earth FSS transmissions in the 17.7–17.8 GHz band. If commenters propose any additional rules to facilitate sharing, they also should address costs and benefits of adopting their proposals.

Although we believe that the above-outlined approach best achieves our goals of promoting spectrum efficiency and operational flexibility, we seek comment on alternatives and how we can protect the operations of incumbent services. AT&T asserts that when considering the entry of new FSS co-primary operations into the band, the Commission should consider the impact of these new operations on the future expansion of DBS uplinks. Although the recent removal of the DBS freeze should alleviate AT&T's particular concern regarding the timing of introducing these new operations, we nonetheless seek comment on this question generally as raised by AT&T. We believe that our proposed revisions to the U.S. Table allowing co-primary FSS downlinks in the 17.3.17.8 GHz band are compatible with existing operations in the band given the accompanying revisions to the technical requirements intended to protect the operations of incumbent services. Nonetheless, we seek comment on the possible impact to current and future DBS, 17/24 GHz BSS, or terrestrial fixed service systems, and we ask if the introduction of new GSO FSS downlinks into the band might have unforeseen or unreasonably constraining consequences to these systems. If so, we ask what course of action would best protect the operations of future and existing users.

Technical Rules To Prevent Harmful Interference in the 17.3–17.8 GHz Band

Measures To Facilitate Space-to-Earth Operations of 17/24 GHz BSS and FSS

We propose various requirements intended to facilitate both intra-service operations between 17.3–17.8 GHz FSS space stations and inter-service operations between FSS and17/24 GHz BSS space stations. Most of these requirements are already applicable to 17/24 GHz BSS space stations transmitting in the band, and we propose to extend them to 17.3–17.8 GHz FSS space stations either directly or with some modifications.

Required Longitudinal Separation. At present, the different satellite services operating in the 17.3–17.8 GHz band are subject to different orbital spacing requirements. Our rules require 17/24 GHz BSS space stations that transmit in the space-to-Earth direction in the 17.3–17.8 GHz band to be separated from each other by at least four degrees.[29] In contrast, DBS stations are authorized to receive feeder uplink transmissions in the 17.3–17.8 GHz band in the opposite direction (*i.e.,* reverse-band operations), and are typically separated from each other by at least nine degrees.[30] Transmitting 17/24 GHz BSS space stations must also maintain at least 0.2 degrees separation from DBS space stations to minimize space path interference. GSO FSS space stations however, have historically been subject to a two-degree spacing requirement.[31]

[27] We note that with respect to adjacent band operations, under the currently applicable rules, a fixed service operator in the 17.7–18.3 GHz band is required to comply with out of band emission limits contained in our rules. A fixed service operator in the 17.7–18.3 GHz band that complies with these limits would not otherwise be required to coordinate its operations with FSS receiving earth stations in the 17.3–17.7 GHz band. *See* Letter from Donald J. Evans, Counsel to the Fixed Wireless Communications Coalition, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 20–330 at 2 (filed Nov. 10, 2020). *See also* 47 CFR 74.637, § 78.103, and § 101.111. Fixed services in the 17.8–18.3 GHz band would likewise not be subject to a coordination requirement vis-à-vis FSS receiving earth stations operating in the 17.7–17.8 GHz band.

[28] *See infra,* Appendix A. Unlike blanket licensed FSS earth stations, individually licensed FSS earth stations would be permitted to claim protection from earth stations providing feeder links to BSS space stations in the band. *See infra,* paragraph 55.

[29] We note however, that the FSS space stations in the 24.75–25.25 GHz band, which include (but are not limited to) feeder uplinks for 17/24 GHz BSS stations may be located as close as two degrees. *See Use of Spectrum Bands Above 24 GHz for Mobile Radio Services,* GN Docket No. 14–177, WT Docket No. 10–112, Third Report and Order, Memorandum Opinion and Order, and Third Further Notice of Proposed Rulemaking, 33 FCC Rcd 5576, 5586, paragraph 25 (2018).

[30] The spectrum and orbital resources for DBS are subject to planned use, on a regional basis, under the international regulations administered by the International Telecommunication Union (ITU). Under this plan, the United States is assigned eight orbital locations for the provision of DBS, spaced at least nine degrees: 61.5° West Longitude (W.L.), 101° W.L., 110° W.L., 119° W.L., 148° W.L., 157° W.L., 166° W.L., and 175° W.L. *See* ITU *Radio Regulations,* Art. 5, section 1.

[31] 47 CFR 25.103. Our rules define a two-degree compliant space station as a GSO FSS space station operating in the conventional or extended C-bands, the conventional or extended Ku-bands, the 24.75–25.25 GHz band, or the conventional Ka-band within the limits on downlink EIRP density or PFD specified in § 25.140(a)(3) and communicating only with earth stations operating in conformance with routine uplink parameters specified in §§ 25.138(a), 25.211(d), 25.212(c), (d), or (f), 25.218, 25.221(a)(1)

Continued

Compliance with the two-degree orbital separation requirements for FSS space stations is verified by the information certifications and technical showings required by § 25.140(a) of our rules.

In its Petition, SES includes proposed modifications to both rule §§ 25.140, and 25.262. Under this proposed approach, FSS space stations would be required to maintain at least two degrees of separation from each other and would also be required to maintain a default orbital separation of at least four degrees from 17/24 GHz BSS space stations.[32]

In determining what orbital separation would be most appropriate for FSS space stations seeking to operate in the 17.3–17.8 GHz band in the space-to-Earth direction, we consider not only accommodation of FSS operations in a manner most consistent with other FSS bands, but also harmonization of the operations of the three different satellite services operating bi-directionally in the same frequency band. We therefore propose changes to §§ 25.140(a) and (b), (d) and 25.262 of our rules, to require GSO FSS and 17/24 GHz BSS applicants seeking to operate in the 17.3–17.8 GHz band, to demonstrate compliance with rules applicable to their service's particular orbital spacing requirements, while simultaneously accommodating adjacent neighboring space stations in other services.[33] We propose to adopt a two-degree orbital spacing approach for transmitting FSS space stations and require an FSS applicant to make different coordination showings depending upon the service of its adjacent neighbors. We believe that permitting two-degrees of separation between downlinking FSS space stations, while retaining four-degree separation from 17/24 GHz BSS space stations, would most efficiently use the orbital arc and associated spectrum resources. We seek comment on this proposal, and on its possible ramifications for the incumbent services.

We also seek comment on other alternatives, including whether we should apply the same orbital spacing requirements to downlinking FSS space stations as we currently apply to 17/24 GHz BSS stations, (*i.e.,* four-degree spacing). While this approach might yield a more homogeneous regulatory and operating environment and could be implemented using the coordination showings per § 25.140(b) for both types of applicants, it may not, however, most effectively maximize use of the orbital arc and spectral resources, nor provide maximum flexibility for FSS or 17/24 GHz BSS operators. Commenters proposing other alternatives also should discuss any cost and benefits associated with their proposals, in addition to discussing any technical advantages.

Downlink Power Limits. The Commission has typically employed downlink PFD limits for space stations transmissions in order to facilitate both inter-service and intra-service sharing. PFD limits for intra-service operations are generally imposed to ensure a relatively homogeneous transmitting environment which aids in protecting co-frequency receiving antennas from adjacent satellite interference.[34] PFD limits may also be imposed to facilitate inter-service operations, notably to protect terrestrial services from satellite transmissions.

The Commission's current rules include PFD limits for 17/24 GHz BSS systems transmitting in the 17.3–17.7 GHz band.[35] These PFD levels were established to accommodate four-degree spacing (*i.e.,* intra-service sharing) between 17/24 GHz BSS networks. The regional variation was adopted, among other reasons, to account for geographic variations in rainfall characteristics. Moreover, these limits are intended to protect BSS receiving antennas conforming to the requirements of § 25.224 of our rules and are derived from antenna patterns in Recommendation ITU–R BO.1213–1 which applies specifically to BSS receiving antennas.[36] FSS receiving antennas will likely exhibit different gain characteristics and may ultimately operate in an orbital spacing environment (*e.g.,* two degrees) different from the four-degree separation approach established for 17/24 GHz BSS space stations. 17/24 GHz BSS and FSS space stations transmitting in the 17.7–17.8 GHz band are also subject to the arrival-angle-dependent PFD limits contained in § 25.208(c) that are intended to protect terrestrial systems in that band.[37]

At present, our rules do not include PFD limits for FSS space stations in the 17.3–17.7 GHz band. In its petition, SES proposes PFD limits for FSS systems based on the existing regional PFD limit scheme, with some modifications.[38] SES proposes that in some geographic regions FSS downlink transmissions not exceed a PFD limit of –118 dBW/m^2/MHz which is more stringent than the limit imposed on 17/24 GHz BSS space stations in the same region.[39] Although SES offers no explicit rationale for its proposal to apply this more stringent PFD limit to FSS transmissions, we recognize that it is identical to the PFD limit our rules apply to FSS transmissions in the nearby conventional Ka-band to allow two-degree spacing.[40] We propose applying regional PFD limits to 17.3–17.8 GHz FSS space station transmissions, to harmonize them with those now applicable to the 17/24 GHz BSS, and propose adopting the specific regional limits advocated by SES. We tentatively conclude that these limits, including the maximum value of −118 dBW/m^2/MHz will allow transmitting FSS space stations to operate in both a two-degree FSS spacing environment as well as alongside the four-degree 17/24 GHz BSS environment.[41] We seek comment on these conclusions.

The PFD limits contained in § 25.208 are largely intended to facilitate sharing between space and terrestrial services. Most are angle-dependent and closely replicate the PFD limits contained in

or (3), or 25.222(a)(1) or (3), 25.226(a)(1) or (3), or 25.227(a)(1) or (3).

[32] The minimum four-degree separation requirement between 17/24 GHZ BSS space stations would be unchanged. SES Petition, Rule Appendix.

[33] 47 CFR 25.140(a) and (b) and § 26.262. We also propose conforming changes to § 25.114(d)(15) which refers to the showings applicants must provide with their applications.

[34] The downlink power levels transmitted by adjacent co-frequency satellites, in combination with the sidelobe performance characteristics of the receiving earth station antenna, will determine the carrier-to-interference ratio that an operator experiences at the receive antenna as a result of adjacent satellite interference.

[35] 47 CFR 25.208(w). Specifically, these PFD limits are: (1) In the region of the contiguous United States, located south of 38° North Latitude and east of 100 West Longitude: −115 dBW/m^2/MHz; (2) In the region of the contiguous United States, located north of 38° North Latitude and east of 100° West Longitude: −118 dBW/m^2/MHz; (3) In the region of the contiguous United States, located west of 100 West Longitude: −121 dBW/m^2/MHz; and (4) For all regions outside of the contiguous United States including Alaska and Hawaii: −115 dBW/m^2/MHz. *Id.*

[36] In contrast, FSS receiving antennas in other frequency bands are typically subject to the requirements contained in § 25.209.

[37] 47 CFR 25.208(c). These limits are applicable in the 17.7–19.7 GHz band and must be met by FSS and 17/24 GHz BSS space stations.

[38] SES Petition at 10. SES's proposed requirements are: (1) In the region of the contiguous United States, located south of 38° North Latitude and east of 100° West Longitude: −118 dBW/m^2/MHz; (2) In the region of the contiguous United States, located north of 38° North Latitude and east of 100° West Longitude: −118 dBW/m^2/MHz; (3) In the region of the contiguous United States, located west of 100° West Longitude: −121 dBW/m^2/MHz.; and (4) For all regions outside of the contiguous United States including Alaska and Hawaii: −118 dBW/m^2/MHz.

[39] This limit is more stringent compared with the most restrictive PFD limit of −115 dBW/m^2/MHz required in the same geographic region from BSS space stations.

[40] 47 CFR 25.140(a)(3)(iii). The conventional downlink Ka-bands include 18.3–18.8 GHz (space-to-Earth) and 19.7–20.2 GHz (space-to-Earth).

[41] We note that if the −118 dBW/m^2/MHz regional PFD limit is met, then the angle-dependent PFD limits contained in § 25.208(c) that are intended to protect terrestrial operations in the 17.7–17.8 GHz band will be met as well.

Article 21 of the ITU Radio Regulations. Since § 25.140(a) contains rules to facilitate FSS operations in a two-degree orbital spacing environment, we believe that this rule section is a more appropriate place to include our proposed PFD limits, as they are intended to facilitate intra-service operation. Thus, rather than amending § 25.208, we propose to include these new PFD requirements in § 25.140(a)(3). Further, to improve the organizational coherence of our Part 25 rules, we also propose to likewise move the regional PFD limits for 17/24 GHz BSS space stations now contained in section 25.208(w) to § 25.140(b)(3). As a consequence of this move, we also propose conforming updates to other paragraphs in § 25.140(b)(3) [42] and to rule sections that currently reference section 25.208(w) including §§ 25.114(d)(15)(i) and (ii), 25.140(b)(5), and 25.262(b)(1) and (2) and (c) and (d). We seek comment on these proposed rule changes generally, and on whether the proposed PFD limits for FSS space stations are appropriate.

Polarization and Full Frequency Re-Use Requirements. Section 25.210(f) of our rules requires all space stations in the FSS operating in any portion of the bands specified therein to employ state-of-the-art full frequency reuse, either through the use of orthogonal polarizations within the same beam and/or the use of spatially independent beams.[43] It similarly requires full frequency reuse for BSS space stations transmissions in the 17.3–17.8 GHz band (space-to-Earth).[44] We propose to amend this requirement to include 17.3–17.8 GHz in the list of specified frequencies, thereby extending the requirement to FSS space-to-Earth transmissions in the band. We seek comment on this proposal.

Cross-Polarization Isolation Requirements. Section 25.210(i) requires 17/24 GHz BSS transmitting space station antennas to provide cross-polarization isolation of at least 25 dB within the primary coverage area. We note that a similar cross-polarization isolation requirement for transmitting FSS space stations was eliminated in the *Part 25 Second Report and Order,* although at that time the Commission did not address the cross-polarization isolation requirement for 17/24 GHz BSS. We propose to not extend the cross-polarization requirements to FSS space station antennas transmitting in the 17.3–17.8 GHz band. We seek comment on this proposal. We also seek comment on whether this requirement might be obsolete in the current digital transmission environment and could be eliminated for 17/24 GHz BSS space station transmissions as well.[45]

Measures To Mitigate Space Path Interference

In the 17.3–17.8 GHz reverse-band sharing environment, receiving DBS space stations are vulnerable to space path interference [46] from nearby co-frequency 17/24 GHz BSS space station transmissions.[47] In the *17/24 GHz Space Path Report and Order,* the Commission adopted requirements to mitigate such space path interference. If we opt to permit FSS space-to-Earth transmissions in the 17.3–17.8 GHz band, analogous requirements will need to be adopted to mitigate space path interference from FSS space station transmissions into DBS satellite receivers. We propose to apply to FSS space stations the same antenna off-axis power flux density coordination trigger, antenna off-axis gain measurement requirements, two-part information submission process, and orbital inclination and eccentricity constraints that § 25.264 of our rules now applies to 17/24 GHz BSS space stations.

Off-Axis Power Flux Density Coordination Trigger. To avoid harmful levels of space path interference into DBS space station antennas from 17/24 GHz BSS transmissions, our rules provide a coordination trigger value, *i.e.,* a PFD of -117 dBW/m^2/100 kHz at the victim DBS space station receiving antenna above which coordination is required. To protect DBS space stations from space path interference arising from adjacent FSS space station downlinks, SES proposes modifications to § 25.264 of our rules to extend the current PFD coordination trigger of –117 dBW/m^2/100 kHz to downlinking FSS space stations in the 17.3–17.7 GHz band. We further propose applying this coordination trigger to transmissions from FSS space stations is an appropriate approach to mitigate space path interference into DBS receivers and we propose to amend § 25.264(a) through (i) of our rules accordingly. We also propose to apply this requirement to FSS downlinking space stations in the 17.7–17.8 GHz band, which could also be a source of space path interference into DBS receivers. We seek comment on these proposals.

In addition, we propose to amend § 25.264(b)(1) and (2) and (e) to require that the PFD calculations at the DBS receiver consider the *aggregate* power flux density from *all* 17.3–17.8 GHz transmitting beams on the adjacent space station. Under our proposed new rules, this requirement would apply to both FSS and any new 17/24 GHz BSS space station operations. Our space path mitigation rules were initially written considering the 17/24 GHz BSS space stations of an earlier generation as potential interference sources; at that time we did not contemplate today's space station design, that often employs multiple spot beams and may result in a cumulative interference level at the DBS receiver. We seek comment on these proposals.

Requirements for Antenna Off-Axis Gain, Angular Measurement Ranges, and Minimum Longitudinal Separation. Our current rules require that 17/24 GHz BSS space stations maintain a minimum longitudinal separation of at least 0.2° from an adjacent DBS satellite. This angular separation, in conjunction with limits on certain orbital parameters of space stations in both the DBS and 17/24 GHz BSS services, bounds the range over which 17/24 GHz BSS applicants or licensees must provide off-

[42] We propose renumbering of § 25.140(b)(3) generally as well as conforming updates to paragraphs (b)(4), (b)(5) and a new paragraph (b)(6). *See infra* Appendix A.

[43] 47 CFR 25.210(f). The FSS bands listed include 3600–4200 MHz, 5091–5250 MHz, 5850–7025 MHz, 10.7–12.7 GHz, 12.75–13.25 GHz, 13.75–14.5 GHz, 15.43–15.63 GHz, 18.3–20.2 GHz, 24.75–25.25 GHz, or 27.5–30.0 GHz bands, including feeder links for other space services. This requirement does not apply to telemetry, tracking, and command operation.

[44] 47 CFR 25.210(f). This requirement does not apply to telemetry, tracking, and command operation.

[45] Historically, the Commission adopted its 30 dB FSS cross-polarization isolation requirement in an environment where satellites were predominantly using analog transmissions as it served to minimize the interference between adjacent satellites when both carried analog video signals with highly varying (peaked) power density levels. Although relaxed to 25 dB, a similar cross-polarization requirement, was later extended to 17/24 GHz BSS systems. *17/24 GHz R&O and FNPRM,* 22 FCC Rcd at 8888–89, paragraph 113.

[46] This type of interference may occur when the off-axis downlinked signals from one space station are detected by the receiving antenna of a nearby co-frequency space station. The severity of space path interference will depend upon the transmitted signal power level; the off-axis gain discrimination characteristics of the transmitting and receiving antennas; and on the specific orientation of, and separation between, the transmitting and receiving antennas on both space stations. This latter factor in turn depends upon various inter-dependent parameters including longitudinal separation and the inclination and eccentricity of both space station orbits. Management of space path interference is typically more challenging when a receiving DBS space station is located within a few tenths of a degree in orbital longitude from a transmitting co-frequency space station.

[47] Analogously, ground path interference arises between earth stations when the off-axis transmissions in the Earth-to-space direction of one service are received by a nearby co-frequency receiving earth station in another service. *See infra* at paragraphs 49–58.

axis angular gain and PFD data.[48] Sections 25.264(a) and (b) of our rules specify the set of angular ranges over which antenna off-axis gain data and associated PFD calculations must be provided to demonstrate whether the coordination trigger will be exceeded at planned or existing DBS satellite locations.[49] SES proposes that transmitting FSS space stations be required to maintain this same minimum longitudinal separation of 0.2° from adjacent DBS satellites, and would extend to them the same limits on orbital inclination and eccentricity. It further proposes extending to transmitting FSS space stations, the requirement to provide antenna off-axis gain and PFD information over the same angular and frequency measurement ranges contained in our rules for 17/24 GHz BSS transmitting space stations.

The required angular measurement ranges and associated orbital parameters including longitudinal separation, inclination and eccentricity, are inter-dependent values. Accordingly, the off-axis angle occurring between two geostationary satellites will vary as a result of changes in these inter-dependent orbital parameters. The off-axis measurement ranges specified in our rules for 17/24 GHz BSS satellites are intended to encompass the angular range arising between DBS and 17/24 GHz BSS satellites with longitudinal separations as small as 0.1 degrees,[50] while simultaneously accommodating operation of such space stations within typically observed orbital eccentricity and inclination values. At the time the current values for these parameters were chosen, the Commission sought to provide 17/24 GHz BSS operators with the flexibility to locate at the small orbital separations they then sought, while simultaneously requiring the antenna off-axis gain measurement data to be made within ranges considered to be reasonable by commenters. We note however, that no 17/24 GHz BSS operator has yet provided service from a location separated from a U.S.-licensed DBS satellite by as little as 0.2 degrees.[51] Moreover, in more recent instances, 17/24 GHz BSS applicants have sought waivers of our off-axis antenna gain measurement requirements, citing difficulties making measurements over the required angular ranges and or specified frequencies.

In its Petition, SES proposes FSS use in space-to-Earth direction for gateway earth stations, not direct-to-home consumer services. For such use, FSS operators will not have the same economic incentives to locate space stations at such small longitudinal separations from DBS satellites (*i.e.,* to make use of a single subscriber receiving antenna). Thus, we believe that the minimum longitudinal separation from DBS satellites that FSS space stations must maintain could be increased, resulting in more limited angular ranges over which antenna gain data must be measured.[52] Requiring a minimum orbital separation between DBS and downlinking 17.3–17.8 GHz satellites of 0.5 degrees [53] would reduce the required angular measurement range in planes rotated about the Z axis to as little as ±20 degrees. The corresponding reduction in measurement range in the X–Z pane would reduce from ±30 degrees to approximately ±6 degrees.

We propose to amend § 25.264(g) of our rules to apply 0.5 degrees as the minimum orbital longitude separation that transmitting FSS space stations must maintain relative to DBS space stations, and to amend § 25.264(a) to reflect the corresponding off-axis measurement angles, *i.e.,* ±10 degrees in the X–Z plane and ±20 degrees in planes rotated about the Z axis.[54] We propose to retain our current requirements for orbital inclination and eccentricity, and propose to amend § 25.264(h) to extend these values to FSS space stations. We seek comment on these proposals, and we ask whether 0.2 degrees or some different orbital separation value, or other orbital parameters would be more appropriate. Further, we tentatively conclude that this same change in the required minimum orbital separation value and corresponding antenna measurement angles could be extended to 17/24 GHz BSS space stations transmitting in the 17.3–17.8 GHz band. We propose to similarly amend § 25.264(a) and (g) with respect to 17/24 GHz BSS space stations, and we seek comment on these options, and on alternatives that might be appropriate.

Measurement Frequencies. To account for the frequency-dependent nature of antenna gain, our current rules require off-axis angular measurements to be made at a minimum of three measurement frequencies determined with respect to the entire portion of the 17.3–17.8 GHz band over which the space station is designed to transmit.[55] Although we propose no changes in this requirement, we seek comment on whether our rules should be revised to permit increased flexibility in the measurement frequencies. If so, commenters should be specific regarding how such a rule should be re-structured. Comments should address how many measurement frequencies should be required, over what range, and at what separation from each other.

Two-Part Data Submission Process. At present our rules require a two-part submission process for antenna off-axis gain data and associated PFD calculations to demonstrate conformance with the off-axis PFD coordination trigger.[56] Under this

[48] 47 CFR 25.264(h) and (i). Orbital inclination is limited to less than 0.075° and orbital altitude may not exceed 35,806 km or fall below 35,766 km above the Earth's surface. Although a DBS space station may exceed these bounds, it may not claim protection from any additional space path interference arising as a result of its excessively inclined or eccentric operations and may only claim protection as if it were operating within the defined bounds. *See also, 17/24 GHz Space Path Report and Order* at 8945–47, paragraphs 39–41.

[49] 47 CFR 25.264(a). Specifically, measurements must be made over a range of ±30° from the X axis in the X–Z plane, and over a range of ±60° in planes rotated about the Z axis. This rule section also defines the X and Z axes using a cartesian coordinate system wherein the X axis is tangent to the geostationary orbital arc with the positive direction pointing east, *i.e.,* in the direction of travel of the satellite; the Y axis is parallel to a line passing through the geographic north and south poles of the Earth, with the positive direction pointing south; and the Z axis passes through the satellite and the center of the Earth, with the positive direction pointing toward the Earth. *See also, 17/24 GHz Space Path Report and Order* at 8941–42, paragraphs 30–31.

[50] Taking the station keeping requirements of ±0.05° into account, the required nominal separation between the two space stations is 0.2°.

[51] Following adoption of minimum orbital separation requirements in the *17/24 GHz Second Report and Order,* Spectrum Five LLC sought to operate from an orbital location of 119.25° W.L. Spectrum Five LLC's application was granted although the grant later declared null and void. *See Petition for Declaratory Ruling Regarding 17/24 GHz Broadcasting-Satellite Service to the U.S. Market from the 119.25° W.L. Orbital Location,* 33 FCC Rcd 153 (IB, Sat. Div. 2012) (declaring null and void Spectrum Five LLC's grant of access to the U.S. market for a GSO satellite to be located at the 119.25° W.L. orbital location operating in the 17/24 BSS satellite).

[52] One approach that might permit relaxation of the required angular measurement range for off-axis antenna gain (and calculated PFD performance) would be to increase the minimum orbital separation requirement between transmitting 17.3–17.8 GHz space stations and DBS receiving space stations from 0.2 degrees to a somewhat larger value. Similarly, further restricting the limits placed on orbital inclination and eccentricity could accomplish this, although this would seem somewhat impractical.

[53] Taking an east/west station keeping allowance of ±0.05 degrees into account a nominal orbital separation of 0.5 degrees results in an actual minimum orbital separation of 0.4 degrees.

[54] Smaller orbital separations would still be possible if a coordination agreement is achieved between the FSS and DBS operators.

[55] 47 CFR 25.264(a)(4) and (5). Specifically, these are: (1) Five megahertz above the lower edge of the band; (2) at the band center frequency; and (3) five megahertz below the upper edge of the band. A greater angular measurement range may be used, if necessary, to account for any planned spacecraft orientation bias or change in operating orientation relative to the reference coordinate system.

[56] Initially the Commission's rules required analytical data to be included at the time of

approach at an early stage in the process, operators submit predicted antenna off-axis gain data and associated PFD calculations at any identified victim (DBS) space station receiver. No later than two months prior to launch this predicted data is confirmed by submission of measured data and associated PFD calculations. We propose to amend § 25.264(a) through (e) of our rules to extend this requirement to FSS applicants proposing space-to-Earth transmissions in the 17.3–17.8 GHz band. We seek comment on this approach as well as whether it would serve the public interest to adopt a modified data submission process instead. We also seek comment on whether we should retain, update, or modify any part of the process for 17/24 GHz BSS applicants.

In its comments to the *Part 25 Second Report and Order,* SIA argued that § 25.264(c) should be revised to permit acceptance of simulated antenna gain data in place of measured data to afford applicants additional technical flexibility. In that Order, the Commission acknowledged that strict compliance with § 25.264(c) has proven difficult for some applicants. At that time, however, we declined to adopt SIA's proposal to accept simulated data in place of gain measurements, as the record contained insufficient information to determine whether the simulated data would replicate the accuracy of the required measurements. To evaluate whether to permit the use of simulated data in place of gain measurements in this instance, we seek comment on whether and how we should modify the two-part submission process to also accept simulated data in lieu of measured data. We ask what requirements we should place on the simulated data to ensure accuracy of required calculations and effectiveness of our rules. Are there specific software programs that should be specified, or certain input assumptions, conditions or other parameters that we should specify? In addition to the resulting gain and PFD levels, what information should we require applicants to include with their showing, *e.g.,* specific input assumptions, conditions or other parameters? If the Commission decides to accept simulated off-axis gain and associated PFD data, what other changes to our rules may be necessary. For example, is it necessary to retain the two-part information showing, or is a single simulation output sufficient? If so, at what point in the process should this information be submitted?

Would accepting simulated gain and PFD data obviate a need to reduce the angular ranges over which such measurements are made, based on its ability to alleviate the difficulties applicants and licensees experience in providing measured data? Or rather, would an increased orbital separation between space-to-Earth transmitting FSS or BSS and DBS space stations alleviate concerns associated with relying upon simulated off-axis gain data for determining likelihood of inference, recognizing that at increased longitudinal separation, the likelihood for space path interference is significantly diminished?

To demonstrate that the coordination trigger is not exceeded, § 25.264(a)(6) and (b)(4) of our rules require submission of PFD information calculated from the antenna off-axis gain data. The timing of PFD data submission is tied to the critical design review (CDR) process,[57] a former satellite milestone requirement that was defined to be two years after the license grant. In the *Part 25 Second Report and Order,* however, the Commission eliminated all interim milestone requirements, including CDR, thereby creating some uncertainty with regard to the timing of PFD submission requirements. To correct this, we propose to replace the phrase ''within 60 days after completion of critical design review'' with a requirement to submit information ''within two years after license grant'' in these rule sections. We seek comment on our proposed changes.

Measures To Mitigate Ground Path Interference

In the 17.3–17.8 GHz band, receiving FSS earth stations will be vulnerable to ground path interference from the Earth-to-space transmissions from nearby co-frequency DBS feeder link earth stations.[58] Section 25.203(m) of our rules contains requirements to mitigate ground path interference from DBS feeder links into BSS earth stations operating in the 17/24 GHz BSS. If FSS receiving earth stations are permitted to operate in the band with protected status with respect to DBS feeder link earth stations, then we will need to adopt analogous protection requirements. Below, we propose generally to apply the same coordination approach that the Commission adopted to facilitate operations between DBS and 17/24 GHz FSS earth stations to receiving FSS earth stations. We propose to apply this coordination approach to FSS earth stations in the entire 17.3–17.8 GHz band, although in the 17.7–17.8 GHz band such earth stations will not be entitled to protection from fixed service stations. As discussed below, we seek comment on modifications to the parameters used with the ITU Radio Regulations Appendix 7 coordination methodology[59] to account for differences between the receiving antennas in the two services.

SES argues that 17 GHz FSS downlinks readily fit into the existing 17/24 GHz BSS regulatory structure and will not constrain the placement of additional future DBS feeder link facilities. SES points out that all existing DBS feeder link sites are grandfathered and permitted to make modest changes, and that entities seeking to establish protected 17 GHz FSS receiving earth stations would select locations well away from current DBS feeder link facilities.[60] We propose generally to amend § 25.203(m) of our rules to include receiving FSS earth stations in the rules. We seek comment on this approach and on any unforeseen effects it may have on incumbent DBS operations. We also recognize that there are some differences between BSS receiving earth stations and those FSS stations that may operate in the band, and we ask commenters for input on if, and how, these differences might need

application, and measured data was required nine months prior to launch. The Commission later amended § 25.264 of our rules to provide 17/24 GHz BSS applicants and licensees greater flexibility, and to allow for finalization of antenna design. *See Part 25 Second Report and Order,* 30 FCC Rcd at 14816, paragraphs 329–330.

[57] In bounding the timing of PFD information submissions by the critical design review process, the Commission sought to permit licensees to provide gain and PFD predictions at a point when spacecraft design would be more mature, believing that predictions made at that point would generally be more reliable than predictions made at the application stage. *Comprehensive Review of Licensing and Operating Rules for Satellite Services,* IB Docket No. 12–267, Further Notice of Proposed Rulemaking, 29 FCC Rcd 12116, 12166, paragraph 177 (2014) (*Part 25 Further Notice*).

[58] Ground path interference arises in reverse-band sharing scenarios when the off-axis uplinked signals transmitted by one earth station are detected by the receiving antenna of a nearby co-frequency earth station. It is analogous to space path interference which arising between co-frequency space stations as discussed above. As with space path interference, the severity of ground path interference will depend upon the transmitted signal power level, the off-axis gain discrimination characteristics of the transmitting and receiving antennas, and the specific orientation of, and separation between, the transmitting and receiving antennas on both earth stations. In addition, local geography can also influence ground path interference levels.

[59] ITU *Radio Regulations,* Appendix 7 at section 3; Table 9b of Annex 7.

[60] SES Petition at 6–7. SES further argues that the gateway-type receiving FSS earth stations it contemplates would be fewer in number and more resistant to interference than the ubiquitously deployed 17/24 GHz BSS earth stations now permitted in the band. *Id.*

to be accounted for in any rule modifications. We recognize, for example, that receiving FSS and BSS earth stations will have different antenna performance characteristics,[61] and unlike 17/24 GHz BSS earth stations, FSS earth stations entitled to protection from DBS feeder link earth stations will not be ubiquitously deployed.

Upgrades and Modifications to Grandfathered DBS Facilities. In the *17/24 GHz Ground Path Report and Order* the Commission grandfathered existing DBS earth station sites and adopted a two-pronged approach to allow existing DBS feeder link operators to modify or add antennas to their networks at these sites. Under that approach, the aggregate PFD resulting from the new or modified operations cannot exceed the PFD generated by the existing station measured at any point between three and ten meters above the ground. In addition, any new earth station antenna must be located within one kilometer of an existing authorized DBS feeder link earth station antenna. Otherwise, the new or modified earth station is subject to the coordination procedures in § 25.203(m) of our rules, which are discussed below. We propose to retain this grandfathered status for existing DBS feeder link earth stations relative to FSS receiving earth stations, and to apply to FSS the same criteria for permitting DBS operators to modify or add antennas to their existing networks. We seek comment on these proposals.

Coordination between DBS and FSS Receiving Earth Stations. The Commission's rules include a coordination methodology to permit licensing of new DBS feeder link earth stations in the 17.3–17.8 GHz band while protecting co-frequency receiving BSS earth stations in the 17.3–17.7 GHz band. This rule requires a DBS operator with a new or modified earth station to complete frequency coordination with existing and planned 17/24 GHz BSS receive earth stations within an established coordination zone around its proposed site using the methodology outlined in Appendix 7 of the ITU Radio Regulations.[62] Section 25.203(m) of our rules contains specific parameter values to be used in determining this coordination zone.[63] These parameters however, were adopted based on the characteristics of BSS receiving earth stations, and we do not believe that they are necessarily appropriate to use in calculating the coordination zone relative to receiving FSS earth stations. Thus, we propose to modify § 25.203(m)(1) to include new values for use in coordination of DBS feeder link earth stations relative to FSS earth stations. We seek comment on this conclusion and on whether different parameter values should be included in our rules, and on what these values should be. For example, parameters such as the link performance margin (M_s), receiver noise temperature (T_e) and receiving antenna gain parameters (G_m, G_r) are specific to BSS systems.

In addition, our rules identify certain information that applicants proposing new DBS feeder link earth station must provide to a third-party coordinator to resolve any potential interference issues with affected 17/24 GHz BSS receiving stations prior to licensing. We believe that the same information should also be provided to a third-party coordinator to enable coordination with affected FSS receiving earth stations in the 17.3–17.8 GHz band. Accordingly, we propose to apply § 25.203(m)(2) to FSS with no additional changes to the requested information. We seek comment on this proposal. The requested information is as follows:

- The geographical coordinates of the proposed earth station antenna(s);
- Proposed operating frequency band(s) and emission(s);
- Antenna diameter (meters);
- Antenna center height above ground and ground elevation above mean sea level;
- Antenna gain pattern(s) in the plane of the main beam;
- Longitude range of geostationary satellite orbit (GSO) satellites at which an antenna may be pointed;
- Horizon elevation plot;
- Antenna horizon gain plot(s) determined in accordance with the procedure in section 2.1 of Annex 5 to Appendix 7 of the ITU Radio Regulations;
- Minimum elevation angle;
- Maximum equivalent isotropically radiated power (e.i.r.p.) density in the main beam in any one-megahertz band;
- Maximum available RF transmit power density in any one-megahertz band at the input terminals of the antenna(s); and
- A plot of the coordination distance contour(s) and rain scatter coordination distance contour(s) as determined by Table 2 of section 3 to Appendix 7 of the ITU Radio Regulations.

DBS operators needing to coordinate with 17.3–17.8 GHz receiving FSS earth station operations must be able to determine those locations at which coordination is required. Receive-only earth stations are generally not required to apply for a license or to be registered with the Commission, although they may do so in accordance with the provisions of § 25.115(b) of our rules, to receive interference protection from terrestrial service in bands shared co-equally with the fixed service. We seek comment on how to facilitate coordination with DBS operators and to ensure protection from DBS feeder link earth station ground path interference. We propose that interference protection will be afforded to individual FSS receiving earth stations from DBS feeder link transmissions only if they have been licensed with the Commission, and we propose to amend § 25.203(m)(3) of our rules to reflect this requirement. We seek comment on these proposals.

We propose, however, to allow blanket licensed FSS earth stations (other than earth stations in motion (ESIMs)) on a non-protected basis in the 17.3–17.8 GHz band and propose to amend § 25.115(e) to reflect this. We seek comment on this proposal. SES asserts that the 17.3–17.7 GHz FSS downlink spectrum is needed to accommodate gateway operations, while other FSS bands would be used for ubiquitously deployed user terminals. SES further argues that sharing with incumbent services in the 17.3–17.7 GHz band is feasible in part because such gateway-type FSS earth stations would be fewer in number and more resistant to interference than the widely-dispersed consumer terminals. Given the already complex reverse-band sharing situation in the band, we seek comment on whether extending protection to ubiquitously deployed earth stations in yet another service could unduly constrain incumbent users. Commenters should discuss any consequences that may unduly constrain incumbent services as well as any benefits of allowing non-protected blanket licensed earth stations in the 17.3–17.8 GHz band.

[61] 17/24 GHz BSS receiving antennas no smaller than 45 cm in diameter are protected from interference only to the extent that they conform to the criteria stated in ITU–R Recommendation BO.1213–1. 47 CFR 25.224(a).

[62] *17/24 GHz Ground Path Report and Order,* 32 FCC Rcd at 3710–11, paragraphs 15–17, and 47 CFR 25.203(m)(1). The ITU methodologies are described in section 2–3 to Annex 5 of Appendix 7 of the ITU Radio Regulations and define techniques for calculating a coordination area around a transmitting earth station. The methodologies make use of additional parameters defined in Table 9b to Annex 7, which includes the modulation type of the receiving earth station, various receiving earth station interference parameters and criteria, receiving earth station physical characteristics, reference bandwidth and permissible interference power levels.

[63] 47 CFR 25.203(m)(1). These parameters were adopted in the *17/24 GHz Ground Path Report and Order,* 32 FCC Rcd at 3710–11, paragraphs 15–17, as Table 9b of Annex 7 to Appendix 7 did not include all the values necessary to make the required calculations.

In its comments AT&T asserts that we should make clear that any use of the 17.3–17.7 GHz band for FSS downlinks would be limited to fixed earth stations. In reply, SES argues that the Commission should decline to prejudge this issue at the Notice stage, but rather should invite comment on the range of services that can effectively be provided by FSS in the band while remaining consistent with reasonable requirements to protect incumbent 17/24 GHz BSS and DBS operations. While receiving FSS earth stations in the 17.3–17.8 GHz band should not pose an interference threat to incumbent DBS, 17/24 GHz BSS, or fixed service operations in the band, ESIMs could unduly constrain incumbent services if there is a requirement to protect receiving ESIM stations in the band.

At this time, we do not propose to amend § 25.202(a)(8) or (10) of our rules to permit operation of ESIMs in the 17.3–17.8 GHz band. We ask, however, whether such a modification could increase FSS operators' flexibility to use the band more efficiently, while still protecting and allowing sufficient flexibility for the operations of incumbent services. If so, what other modifications to our rules might be required to permit operation of ESIMs while protecting incumbent services and not imposing any undue constraints on their current and future operations in the band. The U.S. Table now includes footnotes in certain frequency bands that expressly preclude ESIMs from claiming protection from the transmissions of non-Federal stations in the fixed service.[64] Would it be reasonable, for example, to allow ESIMs to receive FSS transmissions in the band if they were similarly denied protection from co-frequency DBS feeder link transmissions? We seek comment on this possibility, and on any consequences that may result to incumbent services. Commenter should discuss any benefits and costs of allowing ESIMs, including consequences affecting current and future use of the band by the incumbent satellite and fixed services.

Finally, we ask whether there are any other measures we should adopt in this proceeding to protect FSS receiving earth stations from DBS feeder link transmissions in the 17.3–17.8 GHz band.

Other Proposed Rule Changes

Various conforming modifications to our rules are required as a result of the changes proposed above. We propose to modify the definition of a two-degree compliant space station in § 25.103 to include FSS satellites transmitting in the 17.3–17.8 GHz band. In addition, we propose to modify § 25.114 to identify 17.3–17.8 GHz space-to-Earth FSS applicants alongside information requirements applicable to such applications, specifically in § 25.114(d)(7), (15) and (18). We similarly propose to modify § 25.115(e) to identify the information required for receiving earth station applicants in this band. Finally, we modify § 25.117(d)(2)(v) to permit 17.3–17.8 GHz FSS operators to modify certain restrictions that might be associated with their licenses according to the same procedures afforded to 17/24 GHz BSS operators. We seek comment on these and any other needed rule changes.

Radio Astronomy. We note that current Part 25 rules include some rules to coordinate with radio astronomy in various bands. Section 25.203(f), for example, requires any applicant for a transmitting earth station in the vicinity of certain radio astronomy observatory sites, including Green Bank, West Virginia, to notify the National Radio Astronomy Observatory. We seek comment on whether there is a need for any measures, other than those in the current rules, that the Commission should consider with respect to radio astronomy in the adjacent 17.2–17.3 GHz band.

Defining the Extended Ka-Band and Creating Rules for Routine License Application Processing in This Band

In the *Part 25 Second Report and Order,* the Commission adopted definitions for conventional and extended C-bands, conventional and extended Ku-bands and the conventional Ka-band. At the same time, the Commission extended routine licensing processing criteria with respect to off-axis EIRP density limits for conventional C- and Ku-band earth stations in § 25.218 to earth station operations in the extended C- and Ku-bands. Although at that time the Commission neither defined the extended Ka-band nor extended routine licensing processing criteria to any such frequencies, we propose to do so now.

Definition of Extended Ka-band. We propose to define the extended Ka-band in § 25.103 as 17.3–18.3 GHz (space-to-Earth), 18.8–19.4 GHz (space-to-Earth), 19.6–19.7 GHz (space-to-Earth), 27.5–28.35 GHz (Earth-to-space) and 28.6–29.1 GHz, (Earth-to-space). These are frequency bands that include either primary or secondary allocations to the GSO FSS, apart from the conventional Ka-band[65] and those bands where FSS use is limited solely to MSS feeder links.[66] We seek comment on this proposal.

Routine License Application Processing Criteria for Extended Ka-band Earth Stations. Our current rules contain no provisions to afford ''routine'' license application processing to earth stations seeking to operate in extended Ka-band frequencies.[67] We propose to extend the routine license application processing criteria for conventional Ka-band earth stations contained in § 25.218(i) to extended Ka-band earth stations communicating with GSO space stations. We propose modifications to § 25.218(a) and (j) consistent with this approach. Routine license application processing criteria with respect to off-axis EIRP density limits specified in the rules will expedite processing of earth station applications for these bands and are consistent with our earlier decision to adopt such routine processing limits for space station transmissions in the extended C- and Ku-bands. We seek comment on this proposal.[68]

In addition, § 25.212(e) affords an alternative approach to routine license application processing of FSS earth stations transmitting to GSO satellites in the conventional Ka-band that permits such applicants to demonstrate compliance with off-axis gain and accompanying input power density levels. Accordingly, we propose to extend this approach to earth station applicants seeking to operate in the extended Ka-bands by modifying § 25.212(e) and (h)[69] to permit such applicants to similarly demonstrate compliance with the off-axis gain requirements in § 25.209(a) and (b) combined with an input power density limit of 3.5 dBW/MHz. We also propose

[64] *See e.g.,* 47 CFR 2.106, nn. NG457A and NG527A.

[65] The conventional Ka-band includes the 18.3–18.8 GHz (space-to-Earth), 19.7–20.2 GHz (space-to-Earth), 28.35–28.6 GHz (Earth-to-space), and 29.25–30.0 GHz (Earth-to-space) frequency bands.

[66] These include the 19.4–19.6 GHz (space-to-Earth) and 29.1–29.25 GHz (Earth-to-space) frequency bands.

[67] *See* 47 CFR 25.218 (allowing certain earth station applications to be ''routinely'' processed in certain frequency bands if the applicant certifies that the aggregate off-axis EIRP density will not exceed the off-axis EIRP density limits specified in this rule).

[68] We note that nothing in this ''routine'' license application process proposal should be construed as affecting or modifying any other applicable rules and obligations, including for example the criteria in Section 25.136 governing earth station siting rules applicable to FSS earth stations in the 27.5–28.35 GHz band. *See* 47 CFR 25.136.

[69] 47 CFR 25.212(h). This section addresses an alternative rules section for earth station applications that do not qualify for routine licensing. It requires a consequential modification to include reference to the extended Ka-band.

modifications to § 25.209(a) and (b) to extend the Ka-band off-axis antenna gain requirements across the full 27.5–30 GHz band, and to reference these alternative routine license application processing requirements in § 25.115(g), (k), and § 25.220(a). We seek comment on these proposals.

Procedural Matters

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act (RFA),[70] the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this Notice of Proposed Rulemaking (NPRM). We request written public comments on this IRFA. Commenters must identify their comments as responses to the IRFA and must file the comments by the deadlines for comments on the NPRM provided above in section IV.B. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.[71] In addition, summaries of the NPRM and IRFA will be published in the **Federal Register**.[72]

A. Need for, and Objectives of, the Proposed Rules

The NPRM seeks comment on several proposals relating to the Commission's allocation of frequency bands for use by the Fixed-Satellite Service (FSS) and technical rules and policies for preventing harmful interference between stations operating in the Fixed-Satellite Service and stations operating in the Digital Broadcasting Satellite (DBS) Service and the Broadcasting-Satellite Service (BSS). Adoption of the proposed changes would, among other things, permit the use of the 17.3–17.8 GHz band in the space-to-Earth direction by stations in the Fixed-Satellite Service.

B. Legal Basis

The proposed action is authorized under sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157(a), 303(c), 303(f), 303(g), 303(r).

C. Description and Estimate of the Number of Small Entities To Which the Proposed Rules May Apply

The RFA directs agencies to provide a description of, and, where feasible, an estimate of, the number of small entities that may be affected by adoption of proposed rules.[73] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' [74] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[75] A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).[76] Below, we describe and estimate the number of small entity licensees that may be affected by adoption of the proposed rules.

Satellite Telecommunications. This category comprises firms ''primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.'' [77] Satellite telecommunications service providers include satellite and earth station operators. The category has a small business size standard of $35 million or less in average annual receipts, under SBA rules.[78] For this category, U.S. Census Bureau data for 2012 show that there were a total of 333 firms that operated for the entire year.[79] Of this total, 299 firms had annual receipts of less than $25 million.[80] Consequently, we estimate that the majority of satellite telecommunications providers are small entities.

All Other Telecommunications. The ''All Other Telecommunications'' category is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation.[81] This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems.[82] Establishments providing internet services or voice over internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry.[83] The SBA has developed a small business size standard for ''All Other Telecommunications'', which consists of all such firms with annual receipts of $35 million or less.[84] For this category, U.S. Census Bureau data for 2012 show that there were 1,442 firms that operated for the entire year.[85] Of those firms, a total of 1,400 had annual receipts less than $25 million and 15 firms had annual receipts of $25 million to $49,999,999.[86] Thus, the Commission estimates that the majority of ''All Other Telecommunications'' firms potentially affected by our action can be considered small.

We anticipate that our proposed rule changes may have an impact on earth station and space station applicants and licensees. Space station applicants and licensees, however, rarely qualify under the definition of a small entity.

[70] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601 *et seq.,* has been amended by the Contract With America Advancement Act of 1996, Public Law 104–121, Title II, 110 Stat. 847 (1996) (CWAAA).

[71] *See* 5 U.S.C. 603(a).

[72] *Id.*

[73] 5 U.S.C. 604(a)(3).

[74] 5 U.S.C. 601(6).

[75] 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 15 U.S.C. 632). Pursuant to the RFA, the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.'' 5 U.S.C. 601(3).

[76] Small Business Act, 15 U.S.C. 632 (1996).

[77] *See* U.S. Census Bureau, *2017 NAICS Definition, ''517410 Satellite Telecommunications'', https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=517410&search=2017+NAICS+Search&search=2017.*

[78] *See* 13 CFR 121.201, NAICS Code 517410.

[79] *See* U.S. Census Bureau, *2012 Economic Census of the United States,* Table ID: EC1251SSSZ4, *Information: Subject Series—Estab and Firm Size: Receipts Size of Firms for the U.S.: 2012,* NAICS Code 517410, *https://data.census.gov/cedsci/table?text=EC1251SSSZ4&n=517410&tid=ECNSIZE2012.EC1251SSSZ4&hidePreview=false&vintage=2012.*

[80] *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

[81] *See* U.S. Census Bureau, *2017 NAICS Definition, ''517919 All Other Telecommunications'', https://www.census.gov/cgi-bin/sssd/naics/naicsrch?input=517919&search=2017+NAICS+Search&search=2017.*

[82] *Id.*

[83] *Id.*

[84] *See* 13 CFR 121.201, NAICS Code 517919.

[85] *See* U.S. Census Bureau, *2012 Economic Census of the United States,* Table ID: EC1251SSSZ4, *Information: Subject Series—Estab and Firm Size: Receipts Size of Firms for the U.S.: 2012,* NAICS Code 517919, *https://data.census.gov/cedsci/table?text=EC1251SSSZ4&n=517919&tid=ECNSIZE2012.EC1251SSSZ4&hidePreview=false.*

[86] *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard of annual receipts of $35 million or less.

Generally, space stations cost hundreds of millions of dollars to construct, launch, and operate. Consequently, we do not anticipate that any space station operators are small entities that would be affected by our proposed actions.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The NPRM proposes and seeks comment on several rule changes that would affect compliance requirements for space station operators. As noted above, these parties rarely qualify as small entities.

For example, we propose to allow additional uses of the 17.3–17.8 GHz band, subject to compliance with technical limits designed to protect other users of the bands.

In total, the proposals and questions in the NPRM are designed to achieve the Commission's mandate to regulate in the public interest while imposing the lowest necessary burden on all affected parties, including small entities.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rules for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.'' [87]

[87] 5 U.S.C. 603(c)(1)–(4).

The NPRM seeks comment from all interested parties. The Commission is aware that some of the proposals under consideration may impact small entities. Small entities are encouraged to bring to the Commission's attention any specific concerns they may have with the proposals outlined in the NPRM.

The Commission expects to consider the economic impact on small entities, as identified in comments filed in response to the NPRM, in reaching its final conclusions and taking action in this proceeding.

In this NPRM, the Commission invites comment on adding an allocation in the 17.3–17.8 GHz band to permit the use of the band by the Fixed-Satellite Service in the space-to-Earth direction, along with technical rules to prevent harmful interference between the FSS, DBS, and BSS. Overall, the proposals in the NPRM seek to increase the use of the 17.3–17.8 GHz band by satellite services while maintaining adequate protections against interference.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

Ordering clauses

Accordingly, *it is ordered* that, pursuant to Sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157(a), 303(c), 303(f), 303(g), 303(r), this Notice of Proposed Rulemaking *is hereby adopted.*

It is further ordered that the Petition for Rulemaking filed by SES in the Commission's rulemaking proceeding RM–11839 *is granted* to the extent specified herein, that RM–11839 is incorporated into this proceeding, IB Docket No. 20–330, and that RM–11839 is *terminated.*

It is further ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center will send a copy of this Notice of Proposed Rulemaking, including the initial regulatory flexibility analysis, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with Section 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

List of Subjects

47 CFR Part 2

Radio, Table of frequency allocations.

47 CFR Part 25

Administrative practice and procedure, Earth stations, Satellites.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 2 and 25, as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

■ 2. Section 2.106, the Table of Frequency Allocations, is amended as follows:

■ a. Revise page 52;

■ b. In the list of United States (US) Footnotes, remove footnote US271 and revise footnote US402; and

■ c. In the list of Non-Federal Government (NG) Footnotes, add footnote NG58 and remove footnote NG163.

The additions and revisions read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

BILLING CODE 6712–01–P

15.63-15.7 RADIOLOCATION 5.511E 5.511F AERONAUTICAL RADIONAVIGATION			15.63-15.7 RADIOLOCATION 5.511E 5.511F US511E AERONAUTICAL RADIONAVIGATION US260 US211	15.63-15.7 AERONAUTICAL RADIONAVIGATION US260 US211 US511E	Aviation (87)
15.7-16.6 RADIOLOCATION 5.512 5.513			15.7-16.6 RADIOLOCATION G59	15.7-17.2 Radiolocation	Private Land Mobile (90)
16.6-17.1 RADIOLOCATION Space research (deep space) (Earth-to-space) 5.512 5.513			16.6-17.1 RADIOLOCATION G59 Space research (deep space) (Earth-to-space)		
17.1-17.2 RADIOLOCATION 5.512 5.513			17.1-17.2 RADIOLOCATION G59		
17.2-17.3 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION SPACE RESEARCH (active) 5.512 5.513 5.513A			17.2-17.3 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION G59 SPACE RESEARCH (active)	17.2-17.3 Earth exploration-satellite (active) Radiolocation Space research (active)	
17.3-17.7 FIXED-SATELLITE (Earth-to-space) 5.516 (space-to-Earth) 5.516A 5.516B Radiolocation 5.514	17.3-17.7 FIXED-SATELLITE (Earth-to-space) 5.516 BROADCASTING-SATELLITE Radiolocation 5.514 5.515	17.3-17.7 FIXED-SATELLITE (Earth-to-space) 5.516 Radiolocation 5.514	17.3-17.7 Radiolocation US259 G59 US402 G117	17.3-17.7 FIXED-SATELLITE (Earth-to-space) (space-to-Earth) BROADCASTING-SATELLITE US259 US402 NG58	Satellite Communications (25)
17.7-18.1 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A (Earth-to-space) 5.516 MOBILE	17.7-17.8 FIXED FIXED-SATELLITE (space-to-Earth) 5.517 (Earth-to-space) 5.516 BROADCASTING-SATELLITE Mobile 5.515	17.7-18.1 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A (Earth-to-space) 5.516 MOBILE	17.7-17.8 US334 G117	17.7-17.8 FIXED FIXED-SATELLITE (Earth-to-space) (space-to-Earth) US334 NG58	Satellite Communications (25) TV Broadcast Auxiliary (74F) Cable TV Relay (78) Fixed Microwave (101)
	17.8-18.1 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A (Earth-to-space) 5.516 MOBILE 5.519		17.8-18.3 FIXED-SATELLITE (space-to-Earth) US334 G117 US519	17.8-18.3 FIXED Fixed-satellite (space-to-Earth) US334 US519 NG527A	Satellite Communications (25) TV Broadcast Auxiliary (74F) Cable TV Relay (78) Fixed Microwave (101)
18.1-18.4 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A 5.516B (Earth-to-space) 5.520 MOBILE 5.519 5.521			18.3-18.6 FIXED-SATELLITE (space-to-Earth) US334 G117	18.3-18.6 FIXED-SATELLITE (space-to-Earth) NG527A	Satellite Communications (25)
18.4-18.6 FIXED FIXED-SATELLITE (space-to-Earth) 5.484A 5.516B MOBILE			US139	US139 US334	

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United States (US) Footnotes

* * * * *

US402 In the band 17.3–17.7 GHz, existing Federal satellites and associated earth stations in the fixed-satellite service (Earth-to-space) are authorized to operate on a primary basis in the frequency bands and areas listed below. Non-Federal receiving earth stations in the broadcasting-satellite and fixed-satellite services within the bands and areas listed below shall not claim protection from Federal earth stations in the fixed-satellite service.

(a) 17.600–17.700 GHz for stations within a 120 km radius of 38°49′ N latitude and 76°52′ W longitude.

(b) 17.375–17.475 GHz for stations within a 160 km radius of 39°42′ N latitude and 104°45′ W longitude.

* * * * *

Non-Federal Government (NG) Footnotes

* * * * *

NG58 In the band 17.3–17.8 GHz, the following provisions shall apply to the broadcasting-satellite and fixed-satellite services:

(a) The use of the band 17.3–17.8 GHz by the broadcasting-satellite and fixed-satellite (space-to-Earth) services is limited to geostationary satellites.

(b) The use of the 17.7–17.8 GHz band by the broadcasting-satellite service is limited to receiving earth stations located outside of the United States and its insular areas.

(c) The use of the band 17.3–17.8 GHz by the fixed-satellite service (Earth-to-space) is limited to feeder links for broadcasting-satellite service.

(d) Earth stations in the fixed-satellite service (space-to-Earth) in the 17.7–17.8 GHz band shall not claim protection from stations in the fixed service that operate in that band.

* * * * *

PART 25—SATELLITE COMMUNICATIONS

■ 3. The authority citation for part 25 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309, 310, 319, 332, 605, and 721 unless otherwise noted.

■ 4. Amend § 25.103 by adding, in alphabetical order, a definition for ''Extended Ka-Band'' and revising the definition of ''Two-degree-compliant space station'' to read as follows:

§ 25.103 Definitions.

* * * * *

Extended Ka-band. The 17.3–18.3 GHz (space-to-Earth), 18.8–19.4 GHz (space-to-Earth), 19.6–19.7 GHz (space-to-Earth), 27.5–28.35 GHz (Earth-to-space), and 28.6–29.1 GHz (Earth-to-space) FSS frequency bands.

* * * * *

Two-degree-compliant space station. A GSO FSS space station operating in the conventional or extended C-bands, the conventional or extended Ku-bands, the 24.75–25.25 GHz band, or the conventional or extended Ka-bands within the limits on downlink EIRP density or PFD specified in § 25.140(a)(3) or (b)(3) and communicating only with earth stations operating in conformance with routine uplink parameters specified in § 25.211(d), § 25.212(c), (d), or (f), or § 25.218.

* * * * *

■ 5. Amend § 25.114 by revising paragraphs (d)(7), (15) and (18) to read as follows:

§ 25.114 Applications for space station authorizations.

* * * * *

(d) * * *

(7) Applicants for authorizations for space stations in the Fixed-Satellite Service, including applicants proposing feeder links for space stations operating in the 17/24 GHz Broadcasting-Satellite Service, must also include the information specified in § 25.140(a). Applicants for authorizations for space stations in the 17/24 GHz Broadcasting-Satellite Service or applicants seeking authorization for FSS space stations transmitting in the 17.3–17.8 GHz band (space-to-Earth), must also include the information specified in § 25.140(b);

* * * * *

(15) Each applicant for a space station license in the 17/24 GHz Broadcasting-Satellite Service or the FSS transmitting in the 17.3–17.8 GHz band, shall include the following information as an attachment to its application:

(i) If the applicant proposes to operate in the 17.3–17.8 GHz band, a demonstration that the proposed space station will comply with the applicable power flux density limits in § 25.140(a)(3)(iii) or (b)(3) unless the applicant provides a certification under paragraph (d)(15)(ii) of this section.

(ii) In cases where the proposed space station will not comply with the applicable power flux density limits set forth in § 25.140(a)(3)(iii) or (b)(3), the applicant will be required to provide a certification that all potentially affected parties acknowledge and do not object to the use of the applicant's higher power flux densities. The affected parties with whom the applicant must coordinate are those GSO 17/24 GHz BSS satellite networks or FSS satellite networks with space stations transmitting in the 17.3–17.8 GHz band that are located up to ±6° away. Excesses of more than 3 dB above the applicable power flux density levels specified in § 25.140(a)(3)(iii) or (b)(3), must also be coordinated with 17/24 GHz BSS satellite networks located up to ±10° away.

(iii) Any information required by § 25.264(a)(6), (b)(4), or (d).

* * * * *

(18) For space stations in the Direct Broadcast Satellite service, the 17/24 GHz Broadcasting-Satellite Service, or FSS space stations transmitting in the 17.3–17.8 GHz band, maximum orbital eccentricity.

■ 6. Amend § 25.115 by revising paragraphs (e), (g) and (k)(1) to read as follows:

§ 25.115 Applications for earth station authorizations.

* * * * *

(e) *GSO FSS earth stations in 17.3–30 GHz.* (1) An application for a GSO FSS earth station license in the 17.3–19.4 GHz, 19.6–20.2 GHz, 27.5–29.1 GHz, or 29.25–30 GHz bands not filed on FCC Form 312EZ pursuant to paragraph (a)(2) of this section must be filed on FCC Form 312, Main Form and Schedule B, and must include any information required by paragraphs (a)(5) through (10) or (g) or (j) of this section.

(2) Individual or blanket license applications may be filed for operation in the 17.3–17.8 GHz band; however, blanket licensed earth stations shall operate on an unprotected basis with respect to DBS feeder link earth stations. All receiving FSS earth stations shall operate on an unprotected basis with respect to the Fixed Service in the 17.7–17.8 GHz band.

* * * * *

(g) Applications for earth stations that will transmit to GSO space stations in any portion of the 5850–6725 MHz, 13.75–14.5 GHz, 24.75–25.25 GHz, 27.5–29.1 GHz, or 29.25–30.0 GHz bands must include, in addition to the particulars of operation identified on FCC Form 312 and associated Schedule B, the information specified in either paragraph (g)(1) or (2) of this section for each earth station antenna type.

* * * * *

(k)(1) Applicants for FSS earth stations that qualify for routine processing in the conventional or extended C-bands, the conventional or extended Ku-bands, the conventional or extended Ka-bands, or the 24.75–25.25 GHz band, including ESV applications

filed pursuant to paragraph (m)(1) or (n)(1) of this section, VMES applications filed pursuant to paragraph (m)(1) or (n)(1) of this section, and ESAA applications filed pursuant to paragraph (m)(1) or (n)(1) of this section, may designate the Permitted Space Station List as a point of communication. Once such an application is granted, the earth station operator may communicate with any space station on the Permitted Space Station List, provided that the operation is consistent with the technical parameters and conditions in the earth station license and any limitations placed on the space station authorization or noted in the Permitted Space Station List.

(2) Notwithstanding paragraph (k)(1) of this section, an earth station that would receive signals in the 17.7–20.2 GHz band may not communicate with a space station on the Permitted Space Station List in that band until the space station operator has completed coordination under Footnote US334 to § 2.106 of this chapter.

* * * * *

■ 7. Amend § 25.117 by revising paragraph (d)(2)(v) to read as follows:

§ 25.117 Modification of station license.

* * * * *

(d) * * *

(2) * * *

(v) Any operator of a space station transmitting in the 17.3–17.8 GHz band, whose license is conditioned to operate at less than the power level otherwise permitted by § 25.140(a)(3)(iii) and/or (b)(3), and is conditioned to accept interference from a neighboring 17/24 GHz BSS space station, may file a modification application to remove those two conditions in the event that the license for that neighboring space station is cancelled or surrendered. In the event that two or more such modification applications are filed, and those applications are mutually exclusive, the modification applications will be considered on a first-come, first-served basis pursuant to the procedure set forth in § 25.158.

* * * * *

■ 8. Amend § 25.140 by revising paragraphs (a)(2), (a)(3)(iii), (b)(3) through (5), and (d) introductory text to read as follows:

§ 25.140 Further requirements for license applications for GSO space station operation in the FSS and the 17/24 GHz BSS.

(a) * * *

(2) In addition to the information required by § 25.114, an applicant for GSO FSS space station operation, including applicants proposing feeder links for space stations operating in the 17/24 GHz BSS, that will be located at an orbital location less than two degrees from the assigned location of an authorized co-frequency GSO space station, must either certify that the proposed operation has been coordinated with the operator of the co-frequency space station or submit an interference analysis demonstrating the compatibility of the proposed system with the co-frequency space station. Such an analysis must include, for each type of radio frequency carrier, the link noise budget, modulation parameters, and overall link performance analysis. (See Appendices B and C to Licensing of Space Stations in the Domestic Fixed-Satellite Service, FCC 83–184, and the following public notices, copies of which are available in the Commission's EDOCS database, available at *https://www.fcc.gov/edocs:* DA 03–3863 and DA 04–1708.) The provisions in this paragraph do not apply to proposed analog video operation, which is subject to the requirement in paragraph (a)(1) of this section. Proposed GSO FSS space-to-Earth transmissions in the 17.3–17.8 GHz band are subject to the requirements of paragraphs (b)(4) and (5) of this section with respect to possible interference into 17/24 GHz BSS networks. Proposed GSO FSS space-to-Earth transmissions in the 17.3–17.8 GHz band are subject to the requirements of § 25.264 with respect to possible interference to the reception of DBS feeder link transmissions (Earth-to-space) in this band.

(3) * * *

(iii) With respect to proposed operation in the conventional or extended Ka-bands, a certification that the proposed space station will not generate power flux density at the Earth's surface in excess of the limits in paragraphs (a)(iii)(A) and (B) of this section, and that associated uplink operation will not exceed applicable EIRP density envelopes in § 25.218(i) unless the non-routine uplink and/or downlink operation is coordinated with operators of authorized co-frequency space stations at assigned locations within six degrees of the orbital location and except as provided in paragraph (d) of this section.

(A) −118 dBW/m²/MHz, except as provided in paragraph (a)(iii)(B) of this section.

(B) For space-to-Earth FSS transmissions in the 17.3–18.8 GHz band in the region of the contiguous United States, located west of 100 West Longitude: −121 dBW/m²/MHz.

* * * * *

(b) * * *

(3) An applicant for a license to operate a 17/24 GHz BSS space station transmitting in the 17.3–17.8 GHz band must certify that the downlink power flux density on the Earth's surface will not exceed the regional power flux density limits given in paragraphs (b)(3)(i) through (iv) of this section, or must provide the certification specified in § 25.114(d)(15)(ii):

(i) In the region of the contiguous United States, located south of 38° North Latitude and east of 100° West Longitude: −115 dBW/m²/MHz.

(ii) In the region of the contiguous United States, located north of 38° North Latitude and east of 100° West Longitude: −118 dBW/m²/MHz.

(iii) In the region of the contiguous United States, located west of 100° West Longitude: −121 dBW/m²/MHz.

(iv) For all regions outside of the contiguous United States including Alaska and Hawaii: −115 dBW/m²/MHz.

(4) Except among applicants for FSS space-to-Earth transmissions in the 17.3–17.8 GHz band, where the requirements of paragraph (a)(2) of this section apply, a 17/24 GHz BSS or FSS applicant for a space station transmitting in the 17.3–17.8 GHz band to be located less than four degrees from a previously authorized or proposed space station transmitting in the 17.3–17.8 GHz band, must either certify that the proposed operation has been coordinated with the operator of the co-frequency space station or provide an interference analysis of the kind described in paragraph (a) of this section, except that the applicant must demonstrate that its proposed network will not cause more interference to the adjacent space station transmitting in the 17.3–17.8 GHz band operating in compliance with the technical requirements of this part, than if the applicant were located at an orbital separation of four degrees from the previously licensed or proposed space station.

(5) In addition to the requirements of paragraphs (b)(3) and (4) of this section, the link budget for any satellite transmitting in the 17.3–17.8 GHz band (space-to-Earth) must take into account longitudinal station-keeping tolerances. Any applicant for a space station transmitting in the 17.3–17.8 GHz band that has reached a coordination agreement with an operator of another space station to allow that operator to exceed the pfd levels specified in § 25.140(a)(3)(iii) or (b)(3), must use those higher pfd levels for the purpose of this showing.

* * * * *

(d) An operator of a GSO FSS space station in the conventional or extended C-bands, conventional or extended Ku-bands, 24.75–25.25 GHz band (Earth-to-space), or conventional or extended Ka-bands may notify the Commission of its non-routine transmission levels and be relieved of the obligation to coordinate such levels with later applicants and petitioners.

* * * * *

■ 9. Amend § 25.203 by revising Table 1 to paragraph (m)(1) and paragraph (m)(3) to read as follows:

§ 25.203 Choice of sites and frequencies.

* * * * *

(m) * * *

(1) * * *

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Table 1 to paragraph (m)(1).

Space service designation in which the transmitting earth station operates	Fixed-Satellite				
Frequency bands (GHz)	17.3-17.7			17.3-17.8	
Space service designation in which the receiving earth station operates	Broadcasting-Satellite			Fixed-Satellite	
Orbit	GSO			GSO	
Modulation at receiving earth station	N (digital)			N (digital)	
Receiving earth station interference parameters and criteria:	17/24 GHZ BSS			FSS	
p_0 (%)	0.015			TBD	
n	2			TBD	
p (%)	0.015			TBD	
N_L(dB)	1			TBD	
M_s (dB)	In the area specified in 47 CFR 25.140(b)(3)			In the area specified in 47 CFR 25.140(a)(3)(iii)	
	(i) and (iv)	(ii)	(iii)	(A)	(B)
	4.8	3.0	1.8	TBD	TBD
W(dB)	4			TBD	
Receiving earth station parameters:	17/24 GHz BSS			FSS	
G_m (dBi)	36			TBD	
G_r	0			TBD	
ε_{min}	20°			TBD	
T_e (K)	150			TBD	

Reference bandwidth: B (Hz)	10^6				
Permissible interference power: $P_r(p)$ (dBW) in B	In the area specified in 47 CFR 25.140(b)(3)			In the area specified in 47 CFR 25.140(a)(3)(iii)	
	(i) and (iv)	(ii)	(iii)	(A)	(B)
	−146.8	−149.8	−152.8	TBD	TBD

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* * * * *

(3) Each applicant for such new or modified feeder-link earth stations shall file with its application memoranda of coordination with each co-frequency licensee authorized to construct BSS receive earth stations or an individually licensed FSS receive earth station within the coordination zone. Feeder link earth station applicants are not required to complete coordination with blanket-licensed receiving FSS earth stations in the 17.3–17.8 GHz band.

* * * * *

§ 25.208 [Amended]

■ 10. Amend § 25.208 by removing and reserving paragraph (w).

■ 11. Amend § 25.209 by revising the introductory text of paragraphs (a)(1), (3) and (4), and (6), and (b)(1) through (3) to read as follows:

§ 25.209 Earth station antenna performance standards.

(a) * * *

(1) In the plane tangent to the GSO arc, as defined in § 25.103, for earth stations not operating in the conventional Ku-band, the 24.75–25.25 GHz band, or the 27.5–30 GHz band:

* * * * *

(3) In the plane tangent to the GSO arc, for earth stations operating in the 24.75–25.25 GHz or 27.5–30 GHz bands:

* * * * *

(4) In the plane perpendicular to the GSO arc, as defined in § 25.103, for earth stations not operating in the conventional Ku-band, the 24.75–25.25 GHz band, or the 27.5–30 GHz band:

* * * * *

(6) In the plane perpendicular to the GSO arc, for earth stations operating in the 24.75–25.25 GHz or 27.5–30 GHz bands:

* * * * *

(b) * * *

(1) In the plane tangent to the GSO arc, for earth stations not operating in the 24.75–25.25 GHz or 27.5–30 GHz bands:

* * * * *

(2) In the plane perpendicular to the GSO arc, for earth stations not operating in the 24.75–25.25 GHz or 27.5–30 GHz bands:

* * * * *

(3) In the plane tangent to the GSO arc or in the plane perpendicular to the GSO arc, for earth stations operating in the 24.75–25.25 GHz or 27.5–30 GHz bands:

* * * * *

■ 12. Amend § 25.210 by revising paragraph (f) to read as follows:

§ 25.210 Technical requirements for space stations.

* * * * *

(f) All space stations in the Fixed-Satellite Service operating in any portion of the 3600–4200 MHz, 5091–5250 MHz, 5850–7025 MHz, 10.7–12.7 GHz, 12.75–13.25 GHz, 13.75–14.5 GHz, 15.43–15.63 GHz, 17.3–17.8 GHz (space-to-Earth), 18.3–20.2 GHz, 24.75–25.25 GHz, or 27.5–30.0 GHz bands, including feeder links for other space services, and in the Broadcasting-Satellite Service in the 17.3–17.8 GHz band (space-to-Earth), shall employ state-of-the-art full frequency reuse, either through the use of orthogonal polarizations within the same beam and/or the use of spatially independent beams. This requirement does not apply to telemetry, tracking, and command operation.

* * * * *

■ 13. Amend § 25.212 by revising paragraphs (e) and (h) to read as follows:

§ 25.212 Narrowband analog transmissions and digital transmissions in the GSO FSS.

* * * * *

(e) An earth station may be routinely licensed for digital transmission in the conventional or extended Ka-bands if the input power spectral density into the antenna will not exceed 3.5 dBW/MHz and the application includes certification pursuant to § 25.132(a)(1) of conformance with the antenna gain performance requirements in § 25.209(a) and (b).

* * * * *

(h) Applications for authority for fixed earth station operation in the conventional C-band, the extended C-band, the conventional Ku-band, the extended Ku-band, the conventional Ka-band or the extended Ka-band that do not qualify for routine processing under relevant criteria in this § 25.211 or 25.218 are subject to the requirements in § 25.220.

■ 14. Amend § 25.218 by:

■ a. Revising paragraph (a);

■ b. Adding a heading for paragraph (b);

■ c. Revising paragraphs (i) and (j).

The revisions and addition read as follows:

§ 25.218 Off-axis EIRP density envelopes for FSS earth stations transmitting in certain frequency bands.

(a) *Applicability.* This section applies to applications for fixed and temporary-fixed FSS earth stations transmitting to geostationary space stations in the conventional C-band, extended C-band, conventional Ku-band, extended Ku-band, conventional Ka-band, extended Ka-band, or 24.75–25.25 GHz, and applications for ESIMs transmitting in the conventional C-band, conventional Ku-band, conventional Ka-band, except for applications proposing transmission of analog command signals at a band edge with bandwidths greater than 1 MHz or transmission of any other type of analog signal with bandwidths greater than 200 kHz.

(b) *Routine Processing.* * * *

* * * * *

(i) *Digital earth station operation in the conventional or extended Ka-band.* (1) For co-polarized transmissions in the plane tangent to the GSO arc:

* * * * *

(j) *Non-Qualifying Applications.* Applications for authority for fixed earth station operation in the conventional C-band, extended C-band,

conventional Ku-band, extended Ku-band, conventional Ka-band, extended Ka-band, or 24.75–25.25 GHz, that do not qualify for routine processing under relevant criteria in this section, § 25.211, or § 25.212 are subject to the requirements in § 25.220.

■ 15. Amend § 25.220 by revising paragraph (a) to read as follows:

§ 25.220 Non-routine transmit/receive earth station operations.

(a) The requirements in this section apply to applications for, and operation of, earth stations transmitting in the conventional or extended C-bands, the conventional or extended Ku-bands, or the conventional or extended Ka-bands that do not qualify for routine licensing under relevant criteria in §§ 25.211, 25.212, or 25.218.

* * * * *

■ 16. Revise § 25.262 to read as follows:

§ 25.262 Licensing and domestic coordination requirements for 17/24 GHz BSS space stations and FSS space stations transmitting in the 17.3–17.8 GHz band.

(a) A 17/24 GHz BSS or FSS applicant seeking to transmit in the 17.3–17.8 GHz band may be authorized to operate a space station at levels up to the maximum power flux density limits defined below without coordinating its power flux density levels with adjacent licensed or permitted operators, as follows:

(i) For 17/24 GHz BSS applicants, up to the power flux density levels specified in § 25.140(b)(3) only if there is no licensed space station, or prior-filed application for a space station transmitting in the 17.3–17.8 GHz band at a location less than four degrees from the orbital location at which the applicant proposes to operate; and

(ii) For FSS space station applicants transmitting in the 17.3–17.8 GHz band, up to the maximum power flux density levels in § 25.140(a)(3)(iii), only if there is no licensed 17/24 GHz BSS space station, or prior-filed application for a 17/24 GHz BSS space station, at a location less than four degrees from the orbital location at which the FSS applicant proposes to operate, and there is no licensed FSS space station, or prior-filed application for an FSS space station transmitting in the 17.3–17.8 GHz band, at a location less than two degrees from the orbital location at which the applicant proposes to operate.

(b) Any U.S. licensee or permittee authorized to transmit in the 17.3–17.8 GHz band that does not comply with the applicable power flux-density limits set forth in §§ 25.140(a)(3)(iii) and/or 25.140(b)(3) shall bear the burden of coordinating with any future co-frequency licensees and permittees of a space station transmitting in the 17.3–17.8 GHz band as required in § 25.114(d)(15)(ii).

(c) If no good faith agreement can be reached, the operator of the FSS space station transmitting in the 17.3–17.8 GHz band that does not comply with § 25.140(a)(3)(iii) or the operator of the 17/24 GHz BSS space station that does not comply with § 25.140(b)(3), shall reduce its power flux-density levels to be compliant with those specified in §§ 25.140(a)(3)(iii) and/or 25.140(b)(3) as appropriate.

(d) Any U.S. licensee or permittee of a space station transmitting in the 17.3–17.8 GHz band that is required to provide information in its application pursuant to § 25.140(a)(2) or (b)(4) must accept any increased interference that may result from adjacent space stations transmitting in the 17.3–17.8 GHz band that are operating in compliance with the rules for such space stations specified in §§ 25.140(a) and (b), 25.202(a)(9), and (e) through (g), 25.210(i) through (j), 25.224, 25.262, 25.264(h), and 25.273(a)(3).

(e) Notwithstanding the provisions of this sections, licensees and permittees will be allowed to apply for a license or authorization for a replacement satellite that will be operated at the same power level and interference protection as the satellite to be replaced.

■ 17. Amend § 25.264 by revising the section heading and paragraphs (a) introductory text, (a)(1) and (2), and (6), (b) introductory text, (b)(2) introductory text, (b)(2)(ii), (b)(3) and (4), (c), (d) introductory text, (d)(1)(ii), (d)(2) introductory text, (e) introductory text, (e)(1) introductory text, (e)(2) introductory text, (e)(3), (f) introductory text, (f)(2), (g), (h) introductory text, and (i) introductory text to read as follows:

§ 25.264 Requirements to facilitate reverse-band operation in the 17.3–17.8 GHz Band.

(a) Each applicant or licensee for a space station transmitting in the 17.3–17.8 GHz band must submit a series of tables or graphs containing predicted off-axis gain data for each antenna that will transmit in any portion of the 17.3–17.8 GHz band, in accordance with the following specifications. Using a Cartesian coordinate system wherein the X axis is tangent to the geostationary orbital arc with the positive direction pointing east, *i.e.,* in the direction of travel of the satellite; the Y axis is parallel to a line passing through the geographic north and south poles of the Earth, with the positive direction pointing south; and the Z axis passes through the satellite and the center of the Earth, with the positive direction pointing toward the Earth, the applicant or licensee must provide the predicted transmitting antenna off-axis antenna gain information:

(1) In the X–Z plane, *i.e.,* the plane of the geostationary orbit, over a range of ±10 degrees from the positive and negative X axes in increments of 5 degrees or less.

(2) In planes rotated from the X–Z plane about the Z axis, over a range of ±20 degrees relative to the equatorial plane, in increments of 10 degrees or less.

* * * * *

(6) The predictive gain information must be submitted to the Commission for each license application that is filed for a space station transmitting in any portion of the 17.3–18.8 GHz band no later than two years after license grant for the space station.

(b) A space station applicant or licensee transmitting in any portion of the 17.3–17.8 GHz band must submit power flux density (pfd) calculations based on the predicted gain data submitted in accordance with paragraph (a) of this section, as follows:

(1) * * *

(2) The calculations must take into account the aggregate pfd levels at the DBS receiver at each measurement frequency arising from all antenna beams on the space station transmitting in the 17.3–17.8 GHz band. They must also take into account the maximum permitted longitudinal station-keeping tolerance, orbital inclination and orbital eccentricity of both the space station transmitting in the 17.3–17.8 GHz band and DBS space stations, and must:

(i) * * *

(ii) Indicate the extent to which the calculated pfd of the space station's transmissions in the 17.3–17.8 GHz band exceed the threshold pfd level of −117 dBW/m2/100 kHz at those prior-filed U.S. DBS space station locations.

(3) If the calculated pfd exceeds the threshold level of −117 dBW/m2/100 kHz at the location of any prior-filed U.S. DBS space station, the applicant or licensee must also provide with the pfd calculations a certification that all affected DBS operators acknowledge and do not object to such higher off-axis pfd levels. No such certification is required in cases where the frequencies assigned to the DBS and to the space station transmitting in the 17.3–17.8 GHz band do not overlap.

(4) The information and any certification required by paragraph (b) of this section must be submitted to the Commission for each license application

that is filed for a space station transmitting in any portion of the 17.3–17.8 GHz band no later than two years after license grant for the space station.

(c) No later than two months prior to launch, each licensee of a space station transmitting in any portion of the 17.3–17.8 GHz band must update the predicted transmitting antenna off-axis gain information provided in accordance with paragraph (a) of this section by submitting measured transmitting antenna off-axis gain information over the angular ranges, measurement frequencies and polarizations specified in paragraphs (a)(1) through (5) of this section. The transmitting antenna off-axis gain information should be measured under conditions as close to flight configuration as possible.

(d) No later than two months prior to launch, or when applying for authority to change the location of a space station transmitting in any portion of the 17.3–17.8 GHz band that is already in orbit, each such space station licensee must provide pfd calculations based on the measured off-axis gain data submitted in accordance with paragraph (c) of this section, as follows:

(1) * * *

(ii) At the location of any subsequently filed U.S. DBS space station where the pfd level in the 17.3–17.8 GHz band calculated on the basis of measured gain data exceeds −117 dBW/m²/100 kHz. In this rule, the term ''subsequently filed U.S. DBS space station'' refers to any co-frequency Direct Broadcast Satellite service space station proposed in a license application filed with the Commission after the operator of a space station transmitting in any portion of the 17.3–17.8 GHz band submitted the predicted data required by paragraphs (a) through (b) of this section but before submission of the measured data required by this paragraph. Subsequently filed U.S. DBS space stations may include foreign-licensed DBS space stations seeking authority to serve the United States market. The term does not include any applications (or authorizations) that have been denied, dismissed, or are otherwise no longer valid, nor does it include foreign-licensed DBS space stations that have not filed applications with the Commission for market access in the United States.

(2) The pfd calculations must take into account the maximum permitted longitudinal station-keeping tolerance, orbital inclination and orbital eccentricity of both the transmitting 17.3–17.8 GHz and DBS space stations, and must:

* * * * *

(e) If the aggregate pfd level calculated from the measured data submitted in accordance with paragraph (d) of this section is in excess of the threshold pfd level of −117 dBW/m2/100 kHz:

(1) At the location of any prior-filed U.S. DBS space station as defined in paragraph (b)(1) of this section, then the operator of the space station transmitting in any portion of the 17.3–17.8 GHz band must either:

* * * * *

(2) At the location of any subsequently filed U.S. DBS space station as defined in paragraph (d)(1) of this section, where the aggregate pfd level submitted in accordance with paragraph (d) of this section is also in excess of the pfd level calculated on the basis of the predicted data submitted in accordance with paragraph (a) of this section that were on file with the Commission at the time the DBS space station application was filed, then the operator of the space station transmitting in the 17.3–17.8 GHz band must either:

* * * * *

(3) No coordination or adjustment of operating parameters is required in cases where there is no overlap in frequencies assigned to the DBS and the space station transmitting in the 17.3–17.8 GH band.

(f) The applicant or licensee for the space station transmitting in the 17.3–17.8 GHz band must modify its license, or amend its application, as appropriate, based upon new information:

(1) * * *

(2) If the operator of the space station transmitting in the 17.3–17.8 GHz band adjusts its operating parameters in accordance with paragraphs (e)(1)(ii) or (e)(2)(ii) or this section.

(g) Absent an explicit agreement between operators to permit more closely spaced operations, U.S. authorized 17/24 GHz BSS or FSS space stations transmitting in the 17.3–17.8 GHz band and U.S. authorized DBS space stations with co-frequency assignments may not be licensed to operate at locations separated by less than 0.5 degrees in orbital longitude.

(h) All operational space stations transmitting in the 17.3–17.8 GHz band must be maintained in geostationary orbits that:

* * * * *

(i) U.S. authorized DBS networks may claim protection from space path interference arising from the reverse-band operations of U.S. authorized space stations transmitting in the 17.3–17.8 GHz band to the extent that the DBS space station operates within the bounds of inclination and eccentricity listed below. When the geostationary orbit of the DBS space station exceeds these bounds on inclination and eccentricity, it may not claim protection from any additional space path interference arising as a result of its inclined or eccentric operations and may only claim protection as if it were operating within the bounds listed below:

* * * * *

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 13–24, 03–123, and 10–51; FCC 20–132; FRS 17392]

Captioned Telephone Services Quality Metrics

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) proposes to amend the mandatory minimum standards applicable to internet Protocol Captioned Telephone Service (IP CTS) and Captioned Telephone Service (CTS) to include metrics for accuracy and caption delay and to define how testing and measurement of IP CTS and CTS provider performance should be conducted.

DATES: Comments are due March 3, 2021; reply comments are due April 2, 2021.

ADDRESSES: You may submit comments, identified by CG Docket Nos. 13–24, 03–123, and 10–51, by either of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the Commission's Electronic Filing System (ECFS): *https://www.fcc.gov/ecfs/filings.* Filers should follow the instructions provided on the website for submitting comments. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and CG Docket Nos. 13–24, 03–123, and 10–51.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or

messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

For detailed instructions on submitting comments and additional information on the rulemaking process, see document FCC 20–132 at *https://docs.fcc.gov/public/attachments/FCC-20-132A1.pdf.*

FOR FURTHER INFORMATION CONTACT: William Wallace, Consumer and Governmental Affairs Bureau, FCC, at 202–418–2716, or *William.Wallace@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking (Further Notice), document FCC 20–132, adopted on September 30, 2020, released on October 2, 2020, in CG Docket Nos. 13–24, 03–123, and 10–51. The Report and Order and Order on Reconsideration in document FCC 20–132 was published at 85 FR 64971, October 14, 2020. The full text of this document is available for public inspection and copying via the Commission's Electronic Comment Filing System (ECFS). 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 and Governmental Affairs Bureau at (202) 418–0530.

This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. 47 CFR 1.1200 *et seq.* Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b). In proceedings governed by § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Initial Paperwork Reduction Act of 1995 Analysis

The Further Notice in document FCC 20–132 seeks comment on proposed rule amendments that may result in modified information collection requirements. If the Commission adopts any modified information collection requirements, the Commission will publish another document in the **Federal Register** inviting the public to comment on the requirements, as required by the Paperwork Reduction Act. Public Law 104–13; 44 U.S.C. 3501–3520. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, the Commission seeks comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees. Public Law 107–198; 44 U.S.C. 3506(c)(4).

Synopsis

1. The Commission seeks comment on proposed rules to enable the Commission to better evaluate the efficacy of the IP CTS and CTS programs and the performance of individual service providers. The Commission proposes to amend its rules to provide for robust, efficient, objective, and quantifiable measurement of the quality of service offered by each CTS and IP CTS provider and by the telephone caption service program as a whole. The Commission's objective is to adopt minimum performance standards that will allow it to evaluate progress toward achieving the Congressional objectives set forth in section 225 of the Communications Act of 1934, as amended (the Act). 47 U.S.C. 225.

2. IP CTS is a form of Telecommunications Relay Service (TRS) that permits an individual who can speak but who has difficulty hearing over the telephone to use a telephone and an internet Protocol-enabled device via the internet to simultaneously listen to the other party and read captions of what the other party is saying. CTS is another form of telephone captioning, offered through state TRS programs, that functions similarly to IP CTS but without using the internet for the delivery of captions.

3. The Commission proposes to amend the minimum TRS standards applicable to CTS and IP CTS to provide quantifiable, measurable benchmarks for caption delay and accuracy. The Commission seeks comment on whether it should modify any other minimum TRS standards to provide more specific service-quality standards for CTS and IP CTS. The Commission also proposes to amend its rules to define how testing and measurement should be conducted to gauge provider performance in relation to these standards and to measure progress by the telephone caption service program as a whole toward achieving the statutory goals in section 225 of the Act. In addition, the Commission seeks comment on whether such performance assessment is best carried out by the Commission, by individual providers, or by an entity selected and overseen by all providers. More generally, the Commission seeks comment on whether these proposals will advance the relevant statutory objectives in section 225 of the Act, or ''performance goals''—technological currency and efficiency, and the overarching statutory goal of ''functional equivalence.'' What types of measurements are needed to ensure that service quality for telephone caption services is not only functionally equivalent but technologically current, and does not impede the development of improved technology?

4. The Commission invites commenters to propose performance-measurement alternatives that would advance the statutory goals and objectives, and the Commission seeks comment on the costs and benefits of its proposal and any alternatives. For example, would quantifiable, measurable benchmarks for caption delay and accuracy—or methods for measuring performance against such benchmarks—be more effectively and efficiently developed by a voluntary, consensus standards organization? If so, which standards-setting organization would be appropriate for developing such benchmarks and methods? What steps would be needed to ensure all stakeholders are able to participate effectively? How could a consensus process be managed so as not to unduly

delay the establishment of service quality standards? Should the Commission adopt default standards in these areas, pending completion of consensus standards?

Adding CTS/IP CTS Metrics to TRS Minimum Standards

5. *Caption Delay.* The Commission proposes to adopt a minimum standard for caption delay and proposes the following definition:

> Caption delay is the difference in time (in seconds) between when a word can be heard in the audio and when that word appears in the stream of captions on the caption user's primary display.

The Commission seeks comment on how to specify more precisely what is meant by ''when [a captioned word] appears'' in the transcript or stream of captions. Should such ''appearance'' be defined as the *initial* ''appearance'' of the word (*i.e.,* prior to any correction that may be provided subsequently) or its ''final displayed appearance'' (*i.e.,* so that the caption delay includes any time involved in providing a corrected version of the word)? Would measuring caption delay based on the initial appearance of a word provide an undesirable incentive for providers to prematurely deliver inaccurate captions? Conversely, would measuring caption delay based on the final displayed appearance provide an undesirable *dis*incentive to correct mistakes in previously delivered captions?

6. Caption delay may vary over the course of a call. The Commission proposes that testing procedures should ensure that caption delay measurements for any service include measurements taken from various segments in the duration of captioned calls. The Commission seeks comment on the above proposals and their costs and benefits. Should caption delays during a single test call be averaged together, with each test call given a score, and the score for each test call given equal weight in the overall average? Or should caption delay be averaged on some other basis, *e.g.,* total delays divided by the total number of minutes tested? Should ''seconds'' be measured to the nearest tenth of a second or some other measure? Also, for IP CTS, what internet speed(s) should be used to measure caption delay? Should delay be measured at more than one internet speed?

7. The Commission seeks comment on setting the applicable metric, *i.e.,* the maximum average caption delay that should be allowed by the FCC's minimum TRS standards. Testing of fully automatic telephone captioning indicates that such services are capable of delivering captions within one or two seconds, on average. How many seconds of delay should be considered the maximum acceptable delay for any form of captioning, in light of the capabilities of current technology, the expectations of caption consumers, and the impact of delay on a user's ability to carry on a natural telephone conversation? Should the FCC's minimum standards specify other limits on caption delay, in addition to the maximum average delay?

8. *Accuracy.* The Commission proposes to amend its rules to provide more specific standards and metrics for the accuracy of telephone captioning, including fully automatic IP CTS with captions created by an automatic speech recognition (ASR) program. The Commission proposes to combine accuracy with completeness in a single metric, ''Word Error Rate,'' which is likely to be easier to administer. Word Error Rate is comprised of individual counts of words that are incorrectly inserted, deleted, or substituted in the captions delivered to the caller.

9. For purposes of measuring compliance with the standard, the Commission seeks comment on the following definition of Word Error Rate:

> The Word Error Rate for a captioned telephone conversation is (i) the number of word substitutions, omissions, and insertions in the captions divided by (ii) the total number of words in the voice communications being captioned. Accuracy shall be assessed for a caption as delivered to the caption user's device within the minimum TRS standard for caption delay. A substitution error occurs when a spoken word is replaced with another word, an omission error involves the omission of a spoken word, and an insertion error consists of the addition of a word that has not been spoken.

10. The Commission seeks comment on this proposal and its costs and benefits. To implement this definition of Word Error Rate, should the Commission define what constitutes a ''word''? For example, should interjected sounds such as ''umm'' and ''ah'' or garbled speech count as words? If a speaker uses a regional dialect or foreign phrase that has no standard English spelling, can there be an error in transcription? The Commission also seeks comment on whether to insert a qualifier in the above definition to limit the word errors that are counted to ''major errors,'' which a group of IP CTS providers define as errors that significantly alter, obscure, or reverse the meaning of the original speech. Does this definition provide a consistent, repeatable determination of what constitutes a ''major'' error, and if not, can it be modified to do so? Would limiting counted errors to major errors produce materially different results in the overall assessment of CTS and IP CTS providers? More specifically, would any improvements from counting only major errors be sufficient to justify (1) the additional costs and burdens involved in classifying errors as major or minor and (2) the greater likelihood of disputes over which errors count as major errors?

11. Alternatively, if a distinction is needed between major and minor errors, should ''minor errors'' (*i.e.,* word substitutions (such as misspellings), deletions, or insertions that do not alter or obscure the meaning of the original speech) still be counted but given less weight than major errors? For example, even though minor errors may not prevent a user from understanding the gist of a conversation, they still may be a distraction and force the CTS or IP CTS user to work harder to decipher the captions. Or should the standard the Commission adopts be based on a combination of two measurements, one that is limited to major errors and one that takes all errors—including substitutions, deletions, and insertions whether major or minor—into account?

12. Should readability (a concept that includes correct capitalization and punctuation) be included in the Word Error Rate standard, and if so, how should it be measured?

13. The Commission also seeks comment on the maximum Word Error Rate that should be specified for caption service in the FCC's minimum TRS standards, and how this standard should apply to variable call conditions. Should the Commission set the accuracy standard based on the expectations of users and the impact of inaccuracies on a user's ability to carry on a natural telephone conversation, and if so, how should these be determined? Alternatively, in order to set an initial standard as expeditiously as possible, should the Commission initially set the maximum permitted Word Error Rate based on the current performance of IP CTS providers, and subsequently reset the standard based on measures of user expectations and understanding? If a current-performance-based approach is initially used, should the maximum level be set based on the Word Error Rate achieved by the average provider, or at some other defined value on the spectrum of baseline accuracy measurements? Should a different standard be applied to calls with poor audio quality? How would such a determination be made?

14. *Speed of Answer.* Commission rules currently provide a metric for speed of answer, which is that 85 percent of all captioned telephone calls be answered within ten seconds of a user's initiation of contact with the captioning center and the start of captioning, measured daily. The rules currently require TRS providers themselves to measure speed of answer and to submit speed-of-answer data for every call in their monthly call detail reports.

15. The Commission seeks comment on whether to strengthen the applicable speed-of-answer standard for telephone captions. With fully automatic captioning, for example, an IP CTS provider can begin delivering captioning almost instantaneously upon receiving notice that a registered user is making a call for which captioning is desired. Would it be reasonable to require all providers to meet a standard that approximates what is feasible with fully automatic captioning? For example, even though a provider may find it desirable, for other reasons, to continue using CAs for some or most calls, could fully automatic captioning be used as a stopgap measure for calls for which a CA is not immediately available?

16. *Other Standards.* The Commission tentatively concludes that no rule amendments are needed to quantify standards for transcription speed and usage data. The Commission seeks comment on this tentative conclusion. If the Commission adopts a caption delay standard, as proposed, should it also amend the rule on CA typing speed to make clear that it no longer applies to CTS and IP CTS?

17. The Commission seeks further comment on whether its minimum TRS standards should be modified to provide more specific and quantified performance standards for service outages and for dropped or disconnected calls. If the Commission adopts such standards, how should they be measured and what should be the minimum metric for compliance?

18. Should the Commission direct the Consumer and Governmental Affairs Bureau to conduct rulemakings or otherwise determine more granular metrics for caption delay, accuracy, or other TRS standards?

Testing and Measurement Methodologies

19. The Commission proposes that the methodologies used to assess provider performance shall produce objective, quantifiable, repeatable, and verifiable service quality measurements. The Commission also proposes that such methodologies be technologically neutral and not designed to favor any particular service provider. However, to the extent a provider's service is designed to work only with a particular device (such as a proprietary phone or a smartphone), the Commission proposes that the provider's service be tested when used with that device.

20. The Commission proposes the following additional guidelines for service quality testing:

(1) Sample size (*i.e.,* the number of test calls) should be calculated to provide reliable and accurate information;

(2) Test calls should mimic the proper use of the service (*e.g.,* both parties to a call should not be in the same room);

(3) Test calls should follow the structure of a natural telephone conversation;

(4) Test calls should not be detectable as ''test calls'' by CAs (*e.g.,* test calls should not start with a loud dual-tone multi-frequency tone followed by live conversation);

(5) Testing should be designed to evaluate service performance over a range of telephone audio conditions *(e.g.,* static, distortion, inaudible or unintelligible conversation, and background noises), accents, and dialects that are likely to be encountered by CTS and IP CTS users.

The Commission seeks comment on these proposed guidelines. Do they appropriately balance the benefits of precision and fairness with the need for efficient methods of measurement? Should the Commission adopt these guidelines as recommended or mandatory? Should test calls include conversations in languages other than English? Are there additional guidelines the Commission should consider for testing the quality of service provided to IP CTS users with hearing loss and low vision or who are deafblind?

21. The Commission also seeks comment on the specifics of how tests and measurements for caption delay and accuracy should be conducted, and how the Commission can best ensure that such methods and procedures are transparent. Should the Commission specify the sample size and frequency of such testing, and if so, how? To what extent can document scoring, technical parameters, recording conditions, or other parameters affect test values, and what guidance should the FCC's rules provide regarding these matters? Should the Commission direct the Consumer and Governmental Affairs Bureau to conduct rulemakings or otherwise make more granular determinations on how to conduct performance testing and measurement in relation to caption delay, accuracy, or other TRS standards? Alternatively, should test methods be subject to a peer review process?

22. The Commission also seeks comment on what specific consequences should result if testing shows that a provider is failing to meet the minimum standard for caption delay or accuracy. If test results conducted in accordance with applicable methodological guidelines indicate that a provider is not meeting the Commission's minimum standard for caption delay or accuracy, should the service be retested on a weekly basis, with compensation withheld until such time as testing shows the problem with caption delay or accuracy has been fixed? Alternatively, should the provider be given some period of time to rectify the problem, with withholding to begin if the problem cannot be rectified within that time period? Should the Commission formalize a compliance ladder approach, similar to the one used for closed captioning quality problems, which would be triggered whenever testing shows that a provider did not meet an applicable service quality standard?

Responsibilities for Measuring Service Quality

23. The Commission tentatively concludes that to obtain authoritative assessments of IP CTS providers' performance in relation to caption delay and caption accuracy, it would not be practicable to rely on provider self-measurement and reporting (*e.g.,* as in speed-of-answer compliance). Measurement of provider performance in these areas raises more complicated methodological issues than those involved in speed-of-answer reporting, such that effective oversight of the testing undertaken by individual providers would impose undue administrative burdens on both providers and the Commission. The Commission seeks comment on this tentative conclusion.

24. The Commission also seeks comment on whether authoritative testing and measurement of caption delay and accuracy would be most effectively and reliably performed by the Commission or by an entity selected and supervised by the providers themselves, through some type of joint undertaking. Could a provider-sponsored entity conduct such assessments in a manner that is objective and unbiased? How should the Commission ensure that such an entity remains unbiased and independent of improper influence by any TRS provider or group of providers?

25. The Commission seeks comment on whether an entity designated to conduct performance testing should be authorized to conduct testing and measurement in additional areas other than caption delay and accuracy. To

ensure that any entity designated to conduct performance testing has the ability to conduct sufficient testing and collect sufficient data to develop reliable performance assessments, should the Commission require that IP CTS providers submit user devices, software, and other material or information needed for testing, as well as provider-generated testing protocols and results, to such an entity upon reasonable request?

26. The Commission proposes that the results of testing and measurement of CTS and IP CTS providers' performance, both in the aggregate and for individual providers, be made available to the public on a regular basis, in reports on the Commission's website. The Commission seeks comment on this proposal and the frequency of such reports. In addition, the Commission seeks comment on the specificity of the results to be posted. Should the results only indicate whether each individual provider met the tested or measured minimum standard? Should the performance results for service quality standards other than caption delay and accuracy be reported? Should the performance results be reported in a way that allows consumers to compare providers' results? Should the reports include a rank or score for the provider's performance results? The Commission also seeks comment on whether to test and measure performance of publicly available captioning services for voice calls offered by entities that do not provide CTS or IP CTS and make such results available to the public in the CTS and IP CTS performance reports.

27. The Commission seeks comment on whether to mandate a system or procedure for CTS and IP CTS users to rate the quality and performance of captioning services, on a call-by-call or other appropriate basis, with publication of average ratings for each provider, and how such a system or procedure can be most effectively implemented and overseen. Would a five-star rating system provide sufficient granularity for meaningful user ratings of IP CTS providers? Should the rating system have more specific quality or usability ratings, such as on a scale of one to ten? For those users who choose to rate their TRS calls, should the Commission allow them the choice to identify themselves or should the ratings be strictly anonymous?

28. If testing of providers is conducted by a third party, how should the Commission ensure that providers (and their ASR technologies) respond to test calls as they would to any call, *i.e.,* how should the Commission ensure that tests are conducted so that the provider does not know its service is being tested? Should the Commission require that scripts used to conduct test calls not be given or identified to TRS providers or applicants prior to the execution of the tests? Should the Commission amend its rules to authorize the completion of test calls by registered CTS and IP CTS users via connections to providers' platforms, without disclosure to providers of the nature of the call, and with payment of TRS Fund compensation for such calls in the same manner as any TRS call? The Commission seeks comment on whether waivers of Commission rules are necessary and appropriate for this purpose, and more generally whether any rule provisions need to be waived to allow for effective testing and measurement of CTS and IP CTS.

29. The Commission seeks comment on the above proposals and their costs and benefits, and the beliefs and assumptions stated above.

Initial Regulatory Flexibility Act Analysis

30. As required by the Regulatory Flexibility Act of 1980, as amended, the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the Further Notice. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadline for comments on the Further Notice specified in the **DATES** section. The Commission sent a copy of document FCC 20–132 to the Chief Counsel for Advocacy of the Small Business Administration (SBA).

Need for, and Objectives of the Proposed Rules

31. In the Further Notice, the Commission proposes to amend its rules to provide for robust, efficient, objective, and quantifiable measurement of the quality of service offered by CTS and IP CTS providers. This measurement program will enable the Commission to better evaluate the efficacy of the IP CTS and CTS programs and the performance of individual service providers in relation to the statutory goals of functional equivalence, technological currency, and efficiency.

Legal Basis

32. The authority for this proposed rulemaking is contained in sections 1, 2, and 225 of the Communications Act of 1934, as amended.

Small Entities Impacted

33. The rules proposed in document FCC 20–132 will affect the obligations of CTS and IP CTS providers. These services can be included within the broad economic category of All Other Telecommunications.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

34. All CTS and IP CTS providers would be required to meet or exceed any quantitative performance standards adopted by the Commission for caption delay, accuracy, or other aspects of provider performance. Because the Commission tentatively concludes that provider self-measurement and reporting is not a practicable approach to assessing caption delay and accuracy, no specific reporting or recordkeeping requirements are proposed. However, the Commission asks whether providers should be required to submit user devices, software, and other material or information needed for testing, as well as provider-generated testing protocols and results, upon request, if the Commission authorizes a third-party entity to conduct the testing and measurement. Such requirements, if adopted, may involve some additional recordkeeping and reporting.

Steps Taken to Minimize Significant Impact on Small Entities, and Significant Alternatives Considered

35. Only CTS and IP CTS providers certified to receive compensation from the TRS Fund would be subject to the testing and measurement requirements, if the rules are adopted. The Commission's proposals limit unnecessary regulation of small entities by focusing on assessment of caption delay and caption accuracy—the two metrics that interested parties generally designate as most important to captioning service quality. Opting some providers out of the program or limiting the extent of testing for some providers is not proposed because it would prevent the availability of comprehensive performance information to the Commission and consumers.

36. The Further Notice seeks comment from all interested parties. Small entities are encouraged to bring to the Commission's attention any specific concerns they may have with the proposals outlined in the Further Notice. The Commission expects to consider the economic impact on small entities, as identified in comments filed in response to the Further Notice, in

reaching its final conclusions and taking action in this proceeding.

Federal Rules That Duplicate, Overlap, or Conflict With the Proposed Rules

37. None.

List of Subjects in 47 CFR Part 64

Individuals with disabilities, Telecommunications, Telephones.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend Title 47 of the Code of Federal Regulations as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 262, 276, 403(b)(2)(B), (c), 616, 620, 1401–1473, unless otherwise noted; Pub. L. 115–141, Div. P, sec. 503, 132 Stat. 348, 1091.

■ 2. Amend § 64.604 by adding paragraph (a)(4) to read as follows:

§ 64.604 Mandatory minimum standards.

* * * * *

(a) * * *

(4) *Additional operational standards for captioned telephone service and IP CTS.* Providers of captioned telephone service and IP CTS shall meet or exceed service quality standards for caption delay and accuracy.

(i) *Caption delay.* Caption delay is the difference in time (in seconds) between when a word can be heard in the audio and when that word appears in the stream of captions on the caption user's primary display. Average caption delay shall be no greater than [X.X] seconds.

(ii) *Caption accuracy.* The accuracy of a captioned telephone conversation shall be measured as the Word Error Rate, with a lower Word Error Rate indicating a higher degree of accuracy. The Word Error Rate for a captioned telephone conversation is:

(A) The number of word substitutions, omissions, and insertions in the captions divided by;

(B) The total number of words in the voice communications being captioned. Accuracy shall be assessed for a caption as delivered to the caption user's device within the minimum TRS standard for caption delay. A substitution error occurs when a spoken word is replaced with another word, an omission error involves the omission of a spoken word, and an insertion error consists of the addition of a word that has not been spoken. The average Word Error Rate shall be no more than [XX.X%].

(iii) *Testing methodologies and procedures for caption delay and accuracy.* (A) Sample size should be calculated to provide reliable and statistically significant information.

(B) Test calls should mimic the proper use of the service.

(C) Test calls should follow the structure of a natural telephone conversation.

(D) Test calls should not be detectable as ''test calls'' by CAs.

(E) Testing should be designed to evaluate service performance over a range of telephone audio conditions, accents, and dialects that are likely to be encountered by CTS and IP CTS users.

* * * * *

[FR Doc. 2021–01191 Filed 1–29–21; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 226

[Docket No. 201228–0357 and 201228–0358]

RIN 0648–BC56, 0648–BJ65

Endangered and Threatened Species; Designation of Critical Habitat for the Arctic Subspecies of the Ringed Seal and Designation of Critical Habitat for the Beringia Distinct Population Segment of the Bearded Seal; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of public hearings.

SUMMARY: We, NMFS, will hold three public hearings on both our January 8, 2021, revised proposed rule to designate critical habitat for the threatened Arctic subspecies of the ringed seal (*Pusa hispida hispida*) and our proposed rule to designate critical habitat for the threatened Beringia distinct population segment (DPS) of the Pacific bearded seal subspecies (*Erignathus barbatus nauticus*) under the Endangered Species Act (ESA).

DATES: Public hearing conference calls will be held, convening at 4 p.m. and concluding no later than 7 p.m. Alaska Standard Time (AKST), on each of the following dates: February 23, 2021 (Yukon-Kuskokwim and southwest Alaska); February 24, 2021 (Northwest Arctic Borough and northern Bering Sea); and February 25, 2021 (North Slope Borough). NMFS may close the hearings 15 minutes after the conclusion of public testimony and after responding to any clarifying questions from hearing participants about the proposed critical habitat designations. For each hearing, we encourage participation by members of the public wishing to provide oral comments specific to the regions indicated parenthetically. However, all hearings are open to all interested parties and at each hearing we will accept testimony regarding any area or aspect of the proposed critical habitat designations. Written comments must be received by March 9, 2021.

ADDRESSES: The public hearings will be held by conference calls rather than at physical locations. Conference call information for all three hearings is the same: Telephone: (800) 201–3962, Conference Code: 651174.

You may submit written data, information, or comments regarding the revised proposed rule to designate critical habitat for the Arctic ringed seal, identified by Docket ID NOAA–NMFS–2013–0114, and the proposed rule to designate critical habitat for the Beringia DPS of the bearded seal, identified by Docket ID NOAA–NMFS–2020–0029, by either of the following methods:

- *Electronic Submission:* Submit all electronic comments via the Federal eRulemaking Portal. Go to *www.regulations.gov,* search for the relevant Docket ID indicated above, click the ''Comment Now!'' or ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Jon Kurland, Assistant Regional Administrator for Protected Resources, Alaska Region NMFS, Attn: James Bruschi, P.O. Box 21668, Juneau, AK 99082–1668.

Instructions: NMFS may not consider comments sent by any other method, to any other address or individual, or received after the end of the comment period. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

The proposed rules and supporting documents are available in the dockets for the proposed rules at *www.regulations.gov,* and on the NMFS website at *www.fisheries.noaa.gov/action/designation-critical-habitat-arctic-subspecies-ringed-seal* and *www.fisheries.noaa.gov/action/designation-critical-habitat-beringia-distinct-population-segment-bearded-seal.*

FOR FURTHER INFORMATION CONTACT: Tammy Olson, NMFS Alaska Region, (907) 271–2373; or Jon Kurland, NMFS Alaska Region, (907) 586–7638.

SUPPLEMENTARY INFORMATION:

Background

On January 8, 2021, NMFS published a revised proposed rule to designate critical habitat for the threatened Arctic ringed seal (86 FR 1452) and a proposed rule to designate critical habitat for the threatened Beringia DPS of the bearded seal (86 FR 1433) under the ESA. Each proposed designation comprises an area of marine habitat in the northern Bering, Chukchi, and Beaufort seas. A particular area north of the Beaufort Sea shelf is proposed for exclusion from the proposed designation for the Arctic ringed seal based on national security impacts. The proposed rules opened a public comment period for each of the proposed designations through March 9, 2021, and announced that public hearings would be held in Alaska.

Public Hearings

We will hold three public hearing conference calls to accept oral comments on both our revised proposed rule to designate critical habitat for the Arctic ringed seal and our proposed rule to designate critical habitat for the Beringia DPS of the bearded seal on the dates and at the times listed above (see **ADDRESSES** and **DATES**). Please see the Public Comments Solicited section of the January 8, 2021, proposed rules regarding the types of information and data we particularly seek.

During each public hearing, NMFS will provide a brief opening presentation on the proposed critical habitat designations before accepting public testimony for the record. The hearings will be recorded for the purpose of preparing transcripts of oral comments received. Attendees will be asked to identify themselves before joining the hearing. Once connected to the call, telephone lines will be automatically muted. During the public testimony portion of the hearing, to indicate that you would like to offer a comment, press 5*. When it is your turn to offer your comment, the moderator will unmute your individual line. Commenters will be asked to indicate their full name and the identity of any organization on whose behalf they may be speaking. In the event that attendance at the public hearings is large, the time allotted for each commenter may be limited.

Anyone wishing to make an oral statement at the public hearing is encouraged to also submit a written copy of their statement to us during the comment period by either of the methods identified above (see **ADDRESSES** and **DATES**). There are no limits on the length of written comments submitted to us. Written statements and supporting data and information submitted during the comment period will be considered with the same weight as oral statements provided during the public hearings.

These public hearings are physically accessible to people with disabilities. People needing reasonable accommodations to participate in these hearings should submit a request as soon as possible, and no later than 10 business days before the accommodation is needed, by contacting Tammy Olson (see **FOR FURTHER INFORMATION CONTACT**).

Authority: 16 U.S.C. 1531 *et seq.*

Dated: January 26, 2021.

Angela Somma,

Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2021–02055 Filed 1–29–21; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 86, No. 19
Monday, February 1, 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

Saguache—Upper Rio Grande Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Saguache—Upper Rio Grande Resource Advisory Committee (RAC) will hold a virtual meeting. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following website: *https://www.fs.usda.gov/main/riogrande/workingtogether/advisorycommittees.*

DATES: The meeting will be held on Tuesday, February 23, 2021 at 8:30 a.m. Mountain Standard Time.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held with virtual attendance only. For virtual meeting information, please see the website listed 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 Rio Grande National Forest Headquarters, 1803 W Hwy. 160, Monte Vista, CO. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Gregg Goodland, RAC Coordinator by phone at 719–588–7045 or via email at *gregg.goodland@usda.gov.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review RAC funding, roles, responsibilities, and operating guidelines;

2. Allow public input on project proposals;

3. Allow time for project proposal presentations;

4. Discuss, recommend, and approve new Title II projects;

5. Discuss possible future meetings and next steps.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by Friday, February 19, 2021 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Gregg Goodland, RAC Coordinator, 1803 W Highway 160, Monte Vista, CO 81144; by email to *gregg.goodland@usda.gov,* or via facsimile to 719–852–6250.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Dated: January 15, 2021.

Cikena Reid,

Committee Management Officer.

[FR Doc. 2021–02013 Filed 1–29–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Ketchikan Resource Advisory Committee; Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ketchikan Resource Advisory Committee (RAC) will hold a virtual meeting. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act.

DATES: The meeting will be held on February 25, 2021, at 6:00 p.m. (Alaska Standard Time).

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held virtual only. A conference line is set up for those who would like to listen in by telephone. For the conference call number, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Ketchikan Misty Fjords Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Penny L. Richardson, RAC Coordinator, by phone at 907–228–4105 (office) or 907–419–5300 (cell), or via email at *penny.richardson@usda.gov.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Update members on past RAC projects, and

2. Propose new RAC projects.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by February 22, 2021 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Penny L. Richardson, RAC Coordinator, Ketchikan Misty Fjords Ranger District, 3031 Tongass Avenue, Ketchikan, Alaska 99901; by email to *penny.richardson@usda.gov,* or via facsimile to 907–225–8738.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accomodation. 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: January 14, 2021.

Cikena Reid,

Committee Management Officer.

[FR Doc. 2021–02012 Filed 1–29–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Southern Montana Resource Advisory Committee; Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southern Montana Resource Advisory Committee (RAC) will hold a virtual meeting. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act; and to make recommendations on recreation fee proposals for sites consistent with the Federal Lands Recreation Enhancement Act. RAC information can be found at the following website: *https://www.fs.usda.gov/detail/custergallatin/workingtogether/advisorycommittees/?cid=stelprd3841767.*

DATES: The meeting will be held on February 16, 2021, at 3:00 p.m., Mountain Standard Time.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held virtually via telephone and/or video conference. For virtual meeting information, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Custer Gallatin Supervisor's Office. Please call ahead at 406–587–6701 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Kathy Minor, Deputy Forest Supervisor, by phone at 406–587–6776 or via email at *kathleen.minor@usda.gov.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. *Approve meeting minutes:* And

2. Discuss and make recommendations on recreation fee proposals for sites located on the Custer Gallatin National Forest.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. 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 must be sent to Kathy Minor, Deputy Forest Supervisor, Custer Gallatin National Forest Supervisor's Office, 10 East Babcock Street, Bozeman, Montana 59715; by email to *kathleen.minor@usda.gov,* or via facsimile to 406–587–6758.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Dated: January 14, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021–02011 Filed 1–29–21; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Oregon Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a teleconference meeting of the Oregon Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Pacific Time) Friday, February 12, 2021. The purpose of the meeting will be to discuss their report outline and discuss drafting a statement of concern regarding the attempted government coup.

DATES: The meeting will be held on Friday, February 12, 2021 at 1:00 p.m. PT.

Public Call Information:

Dial: 800–367–2403
Conference ID: 7999183

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer (DFO) at *afortes@usccr.gov* or by phone at (202) 681–0857.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800–367–2403, conference ID number: 7999183. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and 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. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period

at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012 or email Ana Victoria Fortes at *afortes@usccr.gov.*

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at *https://www.facadatabase.gov/FACA/apex/FACAPublicCommittee?id=a10t0000001gzlwAAA.*

Please click on the ''Committee Meetings'' tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Statement of Concern
III. Review Report Outline
IV. Public Comment
V. Discuss Next Steps
VI. Adjournment

Dated: January 26, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–02029 Filed 1–29–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Maine Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of public 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 (FACA), that the Maine State Advisory Committee to the Commission will hold a virtual meeting on Thursday, February 18, 2021 at 12:00 p.m. (ET) for the purpose of discussing next steps for its digital equity project.

DATES: February 18, 2021, Thursday, at 12:00 p.m. (ET):

- *To join by web conference: https://bit.ly/3ombRrt.*
- To join by phone only, dial 1–800–360–9505; Access code: 199 929 4603.

FOR FURTHER INFORMATION CONTACT: Barbara de La Viez at *bdelaviez@usccr.gov* or by phone at (202) 539–8246.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the Webex link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. 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 call-in number found through registering at the web link provided for this meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Barbara de La Viez at *bdelaviez@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (202) 539–8246. Records and documents discussed during the meeting will be available for public viewing as they become available at *www.facadatabase.gov.* Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Regional Programs Unit at the above phone number or email address.

Agenda: Thursday, February 18, 2021 at 12:00 p.m. (ET)

I. Welcome and Roll Call
II. Project Planning: Digital Equity in Maine
III. Public Comment
IV. Next Steps
V. Adjournment

Dated: January 26, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–01987 Filed 1–29–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Oregon Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a teleconference meeting of the Oregon Advisory Committee (Committee) to the Commission will be held from 12:00 p.m. to 1:30 p.m. (Pacific Time) Friday, March 26, 2021. The purpose of the meeting will be to discuss the first draft of their report on pretrial detention, release, and bail practices.

DATES: The meeting will be held on Friday, March 26, 2021 from 12:00 p.m. to 1:30 p.m. PT.

Public Call Information:

Dial: 800–367–2403
Conference ID: 3131363

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer (DFO) at *afortes@usccr.gov* or by phone at (202) 681–0857.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800–367–2403, conference ID number: 3131363. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and 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. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012 or email Ana Victoria Fortes at *afortes@usccr.gov.*

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at *https://www.facadatabase.gov/FACA/apex/FACAPublicCommittee?id=a10t0000001gzlwAAA.*

Please click on the ''Committee Meetings'' tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the

meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Review Report Draft
III. Public Comment
IV. Discuss Next Steps
V. Adjournment

Dated: January 26, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–02031 Filed 1–29–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nevada Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of web hearing.

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 (FACA) that the Nevada Advisory Committee (Committee) to the Commission will hold a web hearing from 12:00 p.m. to 2:30 p.m. (PST) on Wednesday, March 3, 2021. The purpose of the hearing is to hear testimony examining equity in education through distance learning during the COVID–19 pandemic, especially among students in K–16 schools with disabilities and students of color. This is a first in a series of web hearings focused on this topic. Meeting materials and presentations will be available before and after the event at *http://bit.ly/NVSAC2021.*

DATES: Wednesday, March 3, 2021 from 12:00 p.m. to 2:30 p.m. (PST)

*Public Call-In Information (*audio only): Dial: (800) 360–9505, Access code: 199 761 5903.

Web Access Information (visual only): The online portion of the meeting may be accessed through the following link Webex: *http://bit.ly/NVSAC3321.*

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer (DFO) at *afortes@usccr.gov* or by phone at (202) 681–0857.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800–360–9505, Access code: 199 761 5903. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and 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. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012 or email Ana Victoria Fortes at *afortes@usccr.gov.*

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzlJAAQ.*

Please click on the ''Committee Meetings'' tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Opening Remarks (12:00–12:15 p.m.)
II. Speaker Presentations (12:15–1:15 p.m.)
III. Q & A (1:15–2:10 p.m.)
IV. Public Comment (2:10–2:25 p.m.)
V. Closing Remarks (2:25–2:30 p.m.)

Dated: January 26, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–02025 Filed 1–29–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nevada Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a teleconference meeting of the Nevada Advisory Committee (Committee) to the Commission will be held from 1:00 p.m. to 2:30 p.m. (Pacific Time) Wednesday, February 17, 2021. The purpose of the meeting will be to continue planning for web hearing focused on distance learning and equity in education.

DATES: The meeting will be held on Wednesday, February 17, 2021 from 1:00 p.m. to 2:30 p.m. PT

Public Call Information:

Dial: 1–800–353–6461
Conference ID: 4251062

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or by phone at (202) 681–0857.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 1–800–353–6461, conference ID number: 4251062. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and 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. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012 or email Ana Victoria Fortes at *afortes@usccr.gov.*

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://www.facadatabase.gov/FACA/FACAPublicViewC Committee Details?id=a10t0000001gzlJAAQ.*

Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the

work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Planning Discussion for Web Hearings
III. Public Comment
IV. Adjournment

Dated: January 26, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–02030 Filed 1–29–21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nevada Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of web hearing.

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 (FACA) that the Nevada Advisory Committee (Committee) to the Commission will hold a web hearing from 12:00 p.m. to 2:30 p.m. (PST) on Wednesday, March 31, 2021. The purpose of the hearing is to hear testimony examining equity in education through distance learning during the COVID–19 pandemic, especially among students in K–16 schools with disabilities and students of color. This the second in a series of web hearings focused on this topic. Meeting materials and presentations will be available before and after the event at *http://bit.ly/NVSAC2021.*

DATES: Wednesday, March 31, 2021 from 12:00 p.m. to 2:30 p.m. (PST).

ADDRESSES:

Public Call-In Information (audio only): Dial: (800) 360–9505, Access code: 199 068 5392

Web Access Information (visual only): The online portion of the meeting may be accessed through the following link Webex: *http://bit.ly/NVSAC33121*

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer (DFO) at *afortes@usccr.gov* or by phone at (202) 681–0857.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800–360–9505, Access code: 199 068 5392. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and 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. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012 or email Ana Victoria Fortes at *afortes@usccr.gov.*

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzlJAAQ.*

Please click on the ''Committee Meetings'' tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Opening Remarks (12:00–12:15 p.m.)
II. Speaker Presentations (12:15–1:15 p.m.)
III. Q & A (1:15–2:10 p.m.)
IV. Public Comment (2:10–2:25 p.m.)
V. Closing Remarks (2:25–2:30 p.m.)

Dated: January 26, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–02026 Filed 1–29–21; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Household Pulse Survey

On October 31, 2020, the Department of Commerce received clearance from the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 to conduct the Household Pulse Survey (OMB No. 0607–1013, Exp. 10/31/23). The Household Pulse Survey was designed to meet a need for timely information associated with household experiences during the Covid-19 pandemic.

The Department is committed to ensuring that the data collected by the Household Pulse Survey continue to meet information needs as they may evolve over the course of the pandemic. This notice serves to inform of the Department's intent to request clearance from OMB to make some revisions to the Household Pulse Survey questionnaire. To ensure public burden is not increased, the revisions would reflect the removal of questions for which utility has declined over time, and the addition of topics based on public comment previously received and in consult with other Federal agencies. New questions would relate to disability, child health access, telehealth and childcare. In addition, given the time-critical circumstances, questions on intention to receive the Covid-19 vaccine were added via a request approved by OMB on December 30, 2020 to coincide with the availability of vaccines; questions previously approved by OMB relating to the economic stimulus payments were also released into production once payments began to be issued.

It is the Department's intention to commence data collection using the revised instrument on or about March 1, 2021. The Department invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously sought on the Household Pulse Survey via the **Federal Register** on May 19, 2020 and again on June 3, 2020. This notice allows for an additional 30 days for public comments on the proposed revisions.

Agency: U.S. Census Bureau.

Title: Household Pulse Survey.
OMB Control Number: 0607–1013.
Form Number(s): None.
Type of Request: Request for a Revision of a Currently Approved Collection.
Number of Respondents: 3,150,000.
Average Hours per Response: 20 minutes.
Burden Hours: 1,039,500.
Needs and Uses: Data produced by the Household Pulse Survey are designed to inform on a range of topics related to households' experiences during the Covid-19 pandemic. Topics to date have included employment, facility to telework, travel patterns, income loss, spending patterns, food and housing security, access to benefits, mental health and access to care, and educational disruption (K–12 and post-secondary). The requested revision, if approved by OMB, will remove selected items from the questions for which utility has declined and add questions based on information needs expressed via public comment and in consult with other Federal agencies. The overall burden to the public will remain unchanged. The new items relate to disability, child health access, telehealth and childcare; additionally, questions on individuals' intention to receive the Covid-19 vaccine were added with OMB's approval on December 30, 2020, and questions previously approved regarding economic stimulus payments were launched into production once payments began to be issued.

The Household Pulse Survey was initially launched in April, 2020 as an experimental project (see *https://www.census.gov/data/experimental-data-products.html*) under emergency clearance from the Office of Management and Budget (OMB) initially granted April 19, 2020; regular clearance was subsequently sought and approved by OMB on October 30, 2020 (OMB No. 0607–1013; Exp. 10/30/2023).
Affected Public: Households.
Frequency: Households will be selected once to participate in a 20-minute survey.
Respondent's Obligation: Voluntary.
Legal Authority: Title 13, United States Code, Sections 8(b), 182 and 196.

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 0607–1013.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–02076 Filed 1–29–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Issam Hamade, Beirut, Galerie Semaan, Behind Karout Mall, Kalaa Building 3rd Floor, Beirut, Lebanon; Order Denying Export Privileges

On April 27, 2020, in the U.S. District Court for the District of Minnesota, Issam Hamade (''Hamade''), was convicted of violating 18 U.S.C. 371. Specifically, Hamade was convicted of conspiring to export parts and technology from the United States to Lebanon, and specifically to Hizballah, for among other purposes, inclusion in unmanned aerial vehicles, without obtaining the required export licenses under the Export Administration Regulations or under the International Traffic in Arms Regulations. Hamade was sentenced to time served and a $100 special assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 371, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Hamade's conviction for violating 18 U.S.C. 371, and has provided notice and opportunity for Hamade to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Hamade.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Hamade's export privileges under the Regulations for a period of 10 years from the date of Hamade's conviction. I have also decided to revoke any BIS-issued licenses in which Hamade had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered:*

First, from the date of this Order until April 27, 2030, Issam Hamade, with a last known address of Beirut, Galerie Semaan, Behind Karout Mall, Kalaa Building 3rd Floor, Beirut, Lebanon, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Hamade's conviction post-dates ECRA's enactment on August 13, 2018.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR Parts 730–774 (2020). The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. 4601–4623 (Supp. III 2015) (''EAA''), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which was extended by successive Presidential Notices, continued the Regulations in full force and effect under the International Emergency Economic Powers Act, 50 U.S.C. 1701, *et seq.* (2012) (''IEEPA''). Section 1768 of ECRA, 50 U.S.C. 4826, provides in pertinent part that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. *See* note 1 above.

[3] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 *FR* 73411, November 18, 2020).

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Hamade by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Hamade may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Hamade and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until April 27, 2030.

Issued this 25 day of January, 2021.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2021–02068 Filed 1–29–21; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

First Responder Network Authority

Combined Board and Board Committees Meeting

AGENCY: First Responder Network Authority (FirstNet Authority), National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce.

ACTION: Announcement of meeting.

SUMMARY: The FirstNet Authority Board will convene an open public meeting of the Board and Board Committees.

DATES: February 10, 2021; 11:00 a.m. to 1:00 p.m. Eastern Standard Time (EST); WebEx.

ADDRESSES: The public meeting will be conducted via WebEx. Members of the public may listen to the meeting and view the slide presentation by visiting the URL: *https://stream2.sparkstreetdigital.com/20210210-firstnet.html?id=20210210-firstnet.* WebEx information can also be found on the FirstNet Authority website (*FirstNet.gov*).

FOR FURTHER INFORMATION CONTACT:

General Information: Janell Smith, (202) 257–5929, *Janell.Smith@FirstNet.gov.*

Media Inquiries: Ryan Oremland, (571) 665–6186, *Ryan.Oremland@FirstNet.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Middle Class Tax Relief and Job Creation Act of 2012 (codified at 47 U.S.C. 1401 *et seq.*) (Act) established the FirstNet Authority as an independent authority within NTIA. The Act directs the FirstNet Authority to ensure the building, deployment, and operation of a nationwide Interoperable Public Safety Broadband Network. The FirstNet Authority Board is responsible for making strategic decisions regarding the FirstNet Authority's operations.

Matters to be Considered: The FirstNet Authority will post a detailed agenda for the Combined Board and Board Committees Meeting on *FirstNet.gov* prior to the meeting. The agenda topics are subject to change. Please note that the subjects discussed by the Board and Board Committees may involve commercial or financial information that is privileged or confidential, or other legal matters affecting the FirstNet Authority. As such, the Board may, by majority vote, close the meeting only for the time necessary to preserve the confidentiality of such information, pursuant to 47 U.S.C. 1424(e)(2).

Other Information: The Combined Board and Board Committees Meeting is accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Janell Smith at (202) 257–5929 or email: *Janell.Smith@FirstNet.gov* at least five (5) business days (February 3) before the meeting.

Records: The FirstNet Authority maintains records of all Board proceedings. Minutes of the Combined Board and Board Committees Meeting will be available on *FirstNet.gov.*

Dated: January 25, 2021.

Janell Smith,

Board Secretary, First Responder Network Authority.

[FR Doc. 2021–01999 Filed 1–29–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–03–2021]

Foreign-Trade Zone (FTZ) 38—Charleston, South Carolina; Notification of Proposed Production Activity; BMW Manufacturing Company, LLC (Passenger Motor Vehicles); Spartanburg, South Carolina

BMW Manufacturing Company, LLC (BMW MC) submitted a notification of proposed production activity to the FTZ Board for its facility in Spartanburg, South Carolina. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on January 21, 2021.

BMW MC already has authority to produce gasoline and diesel-powered motor vehicles, motor vehicle bodies, stamped body parts, and lithium ion batteries within Subzone 38A. The current request would add a foreign-status component to the scope of

authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status component described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt BMW MC from customs duty payments on the foreign-status component used in export production. On its domestic sales, for the foreign-status component noted below, BMW MC would be able to choose the duty rate during customs entry procedures that applies to passenger motor vehicles (duty rate 2.5%). BMW MC would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The component sourced from abroad is electronic toll collection systems (duty-free). The request indicates that electronic toll collection systems are subject to Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is March 15, 2021.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov.*

Dated: January 26, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–02040 Filed 1–29–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–52–2020]

Foreign-Trade Zone (FTZ) 38—Spartanburg County, South Carolina; Application for Production Authority; Teijin Carbon Fibers, Inc.; Extension of Rebuttal Comment Period

The FTZ Board (the Board) is currently reviewing an application for production authority within FTZ 38 on behalf of Teijin Carbon Fibers, Inc. (TCF) in Greenwood, South Carolina, submitted by the South Carolina State Ports Authority. On December 17, 2020, the Board published a notice inviting public comment on TCF's submission dated November 10, 2020 (see 85 FR 81875, December 17, 2020). In that notice, the Board allowed for submission of comments until January 19, 2021, and for submission of rebuttal comments until February 1, 2021. In response to a request from TCF, the Board is now extending the current period for submission of rebuttal comments until February 16, 2021. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.*

For further information, contact Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: January 27, 2021.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2021–02086 Filed 1–29–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Irma Lizette Trevizo, Inmate Number: 20474–480, FCI Victorville Medium II, P.O. Box 3850, Adelanto, CA 92301; Order Denying Export Privileges

On April 30, 2019, in the U.S. District Court for the Western District of Texas, Irma Lizette Trevizo (''Trevizo''), was convicted of violating 18 U.S.C. 371. Specifically, Trevizo was convicted of knowingly and willfully conspiring to smuggle firearms and ammunition from the United States to Mexico. Trevizo was sentenced to 24 months in prison, supervised release for two years and a $100 special assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 371, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Trevizo's conviction for violating 18 U.S.C. 371, and has provided notice and opportunity for Trevizo to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Trevizo.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Trevizo's export privileges under the Regulations for a period of 10 years from the date of Trevizo's conviction. I have also decided to revoke any BIS-issued licenses in which Trevizo had an interest at the time of her conviction.[3]

Accordingly, it is hereby *ordered:*

First, from the date of this Order until April 30, 2029, Irma Lizette Trevizo, with a last known address of Inmate Number: 20474–480, FCI Victorville Medium II, P.O. Box 3850, Adelanto, CA 92301, and when acting for or on her behalf, her successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering,

[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended, is codified at 50 U.S.C. 4801–4852. Trevizo's conviction post-dates ECRA's enactment on August 13, 2018.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR Parts 730–774 (2020). The Regulations originally issued under the Export Administration Act of 1979, as amended, 50 U.S.C. 4601–4623 (Supp. III 2015) (''EAA''), which lapsed on August 21, 2001. The President, through Executive Order 13,222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which was extended by successive Presidential Notices, continued the Regulations in full force and effect under the International Emergency Economic Powers Act, 50 U.S.C. 1701, *et seq.* (2012) (''IEEPA''). Section 1768 of ECRA, 50 U.S.C. 4826, provides in pertinent part that all rules and regulations that were made or issued under the EAA, including as continued in effect pursuant to IEEPA, and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. *See* note 1 above.

[3] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 *FR* 73411, November 18, 2020).

storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of ECRA (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Trevizo by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Trevizo may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Trevizo and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until April 30, 2029.

Issued this 25th day of January, 2021.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2021–02067 Filed 1–29–21; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

International Trade Administration

Rescheduling of Meeting of the United States Travel and Tourism Advisory Board

AGENCY: United States Travel and Tourism Advisory Board, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of new date/time for public meeting, previously scheduled for February 10, 2021, 3:00 p.m.–4:00 p.m. EST.

SUMMARY: The International Trade Administration is announcing a new date/time for the United States Travel and Tourism Advisory Board (Board or TTAB) meeting; the meeting is now scheduled for February 26, 2021. Please note that this meeting was originally scheduled for Wednesday, February 10, 2021, notice of which was published in the **Federal Register** on January 21, 2021. The Board advises the Secretary of Commerce (Secretary) on matters relating to the U.S. travel and tourism industry. The purpose of the meeting is for Board members to discuss and potentially adopt a letter to the Secretary recommending priorities in travel and tourism that should be addressed to support the recovery and growth of the sector and restore foreign travel to the United States. The final agenda will be posted on the Department of Commerce website for the Board at *https://www.trade.gov/ttab-meetings* at least one week in advance of the meeting.

DATES: Friday, February 26, 2021, 3:00 p.m.–4:00 p.m. EST. The deadline for members of the public to register, including requests to make comments during the meeting and for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5:00 p.m. EST on Friday, February 19, 2021.

ADDRESSES: The meeting will be held virtually. The access information will be provided by email to registrants.

Requests to register (including to speak or for auxiliary aids) and any written comments should be submitted by email to *TTAB@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Jennifer Aguinaga, the United States Travel and Tourism Advisory Board, National Travel and Tourism Office, U.S. Department of Commerce; telephone: 202–482–2404; email: *TTAB@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Board advises the Secretary of Commerce on matters relating to the U.S. travel and tourism industry.

Public Participation: The meeting will be open to the public and will be accessible to people with disabilities. Any member of the public requesting to join the meeting is asked to register in advance by the deadline identified under the **DATES** caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted but may not be possible to fill. There will be fifteen (15) minutes allotted for oral comments from members of the public joining the meeting. To accommodate as many speakers as possible, the time for public comments may be limited to three (3) minutes per person. Members of the public wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name and address of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks by 5:00 p.m. EST on Friday, February 19, 2021, for inclusion in the meeting records and for circulation to the members of the Board.

In addition, any member of the public may submit pertinent written comments concerning the Board's affairs at any time before or after the meeting. Comments may be submitted to Jennifer Aguinaga at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5:00 p.m. EST on Friday, February 19, 2021, to ensure transmission to the Board prior to the

meeting. Comments received after that date and time will be distributed to the members but may not be considered during the meeting. Copies of Board meeting minutes will be available within 90 days of the meeting.

Jennifer Aguinaga,

Designated Federal Officer, United States Travel and Tourism Advisory Board.

[FR Doc. 2021–01990 Filed 1–29–21; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–837]

Glycine From Thailand: Rescission of Antidumping Duty Administrative Review; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on glycine from Thailand for the period August 5, 2019, through September 30, 2020, based on the timely withdrawal of the request for review.

DATES: Applicable February 1, 2021.

FOR FURTHER INFORMATION CONTACT: Brian Smith or Alexis Cherry, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–1766 or (202) 482–0607, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 1, 2020, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on glycine from Thailand for the period August 5, 2019, through September 30, 2020.[1] On November 2, 2020, the petitioner[2] filed a timely request for review with respect to one company, Newtrend Food Ingredient (Thailand) Co., Ltd. (Newtrend).[3] Commerce received no other requests for an administrative review of the antidumping duty order. Based on the petitioner's request, on December 8, 2020, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), Commerce published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on glycine from Thailand covering Newtrend during the period August 5, 2019, through September 30, 2020.[4] On January 12, 2021, the petitioner withdrew its request for an administrative review with respect to Newtrend.[5]

Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the date of publication of the notice of initiation of the requested review. As noted above, the petitioner timely withdrew its review request by the 90-day deadline, and no other party requested an administrative review of the antidumping duty order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding the administrative review of the antidumping duty order on glycine from Thailand for the period August 5, 2019, through September 30, 2020, in its entirety.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of glycine from Thailand at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period August 5, 2019, through September 30, 2020, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this rescission notice in the **Federal Register**.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as a 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). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: January 27, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–02083 Filed 1–29–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

Background

Every five years, pursuant to the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) and the International Trade Commission automatically initiate and conduct reviews to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for March 2021

Pursuant to section 751(c) of the Act, the following Sunset Reviews are scheduled for initiation in March 2021 and will appear in that month's *Notice*

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 85 FR 61926 (October 1, 2020).

[2] The petitioner is GEO Specialty Chemicals, Inc.

[3] *See* Petitioner's Letter, ''Glycine from Thailand (A–549–837): Request for Administrative Review,'' dated November 2, 2020.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 78990 (December 8, 2020) (*Initiation Notice*).

[5] *See* Petitioner's Letter, ''Glycine from Thailand (A–549–837): Withdrawal of Request for Administrative Review,'' dated January 12, 2021.

of Initiation of Five-Year Sunset Reviews (Sunset Review).

	Department contact
Antidumping Duty Proceedings	
Pressure Sensitive Plastic Tape from Italy A–475–059 (5th Review)	Mary Kolberg, (202) 482–1785.
Countervailing Duty Proceedings	
No Sunset Review of countervailing duty orders is scheduled for initiation in March 2021.	
Suspended Investigations	
No Sunset Review of suspended investigations is scheduled for initiation in March 2021.	

Commerce's procedures for the conduct of Sunset Review are set forth in 19 CFR 351.218. The *Notice of Initiation of Five-Year (Sunset) Review* provides further information regarding what is required of all parties to participate in Sunset Review.

Pursuant to 19 CFR 351.103(c), Commerce will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact Commerce in writing within 10 days of the publication of the Notice of Initiation.

Please note that if Commerce receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue.

Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation. Note that Commerce has modified certain of its requirements for serving documents containing business proprietary information, until further notice.[1]

This notice is not required by statute but is published as a service to the international trading community.

Dated: January 14, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–02077 Filed 1–29–21; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–831]

Seamless Refined Copper Pipe and Tube From the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Negative Determination of Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that imports of seamless refined copper pipe and tube (copper pipe and tube) from the Socialist Republic of Vietnam (Vietnam) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is October 1, 2019, through March 31, 2020. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable February 1, 2021.

FOR FURTHER INFORMATION CONTACT: Ariela Garvett, 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) 482–3609.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this LTFV investigation on August 4, 2020.[1] On November 18, 2020, Commerce postponed the preliminary determination of this investigation and the revised deadline is now January 26, 2021.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The products covered by this investigation are copper pipe and tube from Vietnam. For a full description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] Commerce received no comments from interested parties regarding the scope of this investigation. Accordingly, Commerce has not modified the scope language as it appeared in the *Initiation Notice.*

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance

[1] *See Seamless Refined Copper Pipe and Tube from the Socialist Republic of Vietnam: Initiation of Less-Than-Fair-Value Investigation,* 85 FR 47181 (August 4, 2020) (*Initiation Notice*).

[2] *See Seamless Refined Copper Pipe and Tube from the Socialist Republic of Vietnam: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation,* 85 FR 73459 (November 18, 2020).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Seamless Refined Copper Pipe and Tube from the Socialist Republic of Vietnam,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

with section 772(a) of the Act. Because Vietnam is a non-market economy within the meaning of section 771(18) of the Act, Commerce has calculated normal value (NV) in accordance with section 773(c) of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

Preliminary Negative Determination of Critical Circumstances

In accordance with sections 733(e)(1)(A)(i) and (ii) of the Act, and 19 CFR 351.206, Commerce preliminary finds that critical circumstances do not exist for Hailiang (Vietnam) Copper Manufacturing Company Limited/ Hongkong Hailiang Metal Trading Limited, for the non-individually investigated companies qualifying for a separate rate, and for the Vietnam-wide entity. For a full description of the methodology and results of Commerce's critical circumstances analysis, *see* the Preliminary Decision Memorandum.

Combination Rates

In the *Initiation Notice,*[6] Commerce explained that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation.[7]

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist for the POI:

Producer	Exporter	Estimated weighted-average dumping margin (percent)
Hailiang (Vietnam) Copper Manufacturing Company Limited/ Hongkong Hailiang Metal Trading Limited (aka Hong Kong Hailiang Metal Trading Limited).	Hailiang (Vietnam) Copper Manufacturing Company Limited/ Hongkong Hailiang Metal Trading Limited (aka Hong Kong Hailiang Metal Trading Limited).	8.05
Jintian Copper Industrial (Vietnam) Company Limited. (aka Jintian Copper Industrial (Vietnam) Co., Ltd).	Jintian Copper Industrial (Vietnam) Company Limited. (aka Jintian Copper Industrial (Vietnam) Co., Ltd).	8.05
Toan Phat Copper Tube Joint Stock Company	Toan Phat Copper Tube Joint Stock Company	8.05
Vietnam-wide Entity		8.05

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the weighted average amount by which NV exceeds U.S. price, as indicated in the table above as follows: (1) For the producer/exporter combinations listed in the table above, the cash deposit rate is equal to the estimated weighted-average dumping margin listed for that combination in the table; (2) for all combinations of Vietnam producers/ exporters of the merchandise under consideration that have not established eligibility for their own separate rate, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the Vietnam-wide entity; and (3) for all third-country exporters of merchandise under consideration not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the Vietnam producer/exporter combination (or the Vietnam-wide entity) that supplied that third-country exporter. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination. Normally, Commerce verifies information using standard procedures, including an on-site examination of original accounting, financial, and sales documentation. However, due to current travel restrictions in response to the global COVID–19 pandemic, Commerce is unable to conduct on-site verification in this investigation. Accordingly, we intend to verify the information relied upon in making the final determination through alternative means in lieu of an on-site verification.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. A timeline for the submission of case briefs and written comments on non-scope issues will be announced at a later date. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline for case briefs.[8] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[9] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a

[6] *See Initiation Notice.*

[7] *See* Policy Bulletin No. 05.1, ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries,'' (April 5, 2005) (Policy Bulletin 05.1), available on Commerce's website at *http://enforcement.trade.gov/policy/bull05-1.pdf.*

[8] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[9] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date and time of the hearing two days before the scheduled date of the hearing.

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports materially injure, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: January 26, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The products covered by this investigation are all seamless circular refined copper pipes and tubes, including redraw hollows, greater than or equal to 6 inches (152.4 mm) in actual length and measuring less than 12.130 inches (308.102 mm) in actual outside diameter (OD), regardless of wall thickness, bore (*e.g.,* smooth, enhanced with inner grooves or ridges), manufacturing process (*e.g.,* hot finished, cold-drawn, annealed), outer surface (*e.g.,* plain or enhanced with grooves, ridges, fins, or gills), end finish (*e.g.,* plain end, swaged end, flared end, expanded end, crimped end, threaded), coating (*e.g.,* plastic, paint), insulation, attachments (*e.g.,* plain, capped, plugged, with compression or other fitting), or physical configuration (*e.g.,* straight, coiled, bent, wound on spools).

The scope of this investigation covers, but is not limited to, seamless refined copper pipe and tube produced or comparable to the American Society for Testing and Materials (ASTM) ASTM–B42, ASTM–B68, ASTM–B75, ASTM–B88, ASTM–B88M, ASTM–B188, ASTM–B251, ASTM–B251M, ASTM–B280, ASTM–B302, ASTM–B306, ASTM–B359, ASTM–B743, ASTM–B819, and ASTM–B903 specifications and meeting the physical parameters described therein.

Also included within the scope of this investigation are all sets of covered products, including ''line sets'' of seamless refined copper tubes (with or without fittings or insulation) suitable for connecting an outdoor air conditioner or heat pump to an indoor evaporator unit. The phrase ''all sets of covered products'' denotes any combination of items put up for sale that is comprised of merchandise subject to the scope.

''Refined copper'' is defined as: (1) Metal containing at least 99.85 percent by actual weight of copper; or (2) metal containing at least 97.5 percent by actual weight of copper, provided that the content by actual weight of any other element does not exceed the following limits:

Element	Limiting content percent by weight
Ag—Silver	0.25
As—Arsenic	0.5
Cd—Cadmium	1.3
Cr—Chromium	1.4
Mg—Magnesium	0.8
Pb—Lead	1.5
S—Sulfur	0.7
Sn—Tin	0.8
Te—Tellurium	0.8
Zn—Zinc	1.0
Zr—Zirconium	0.3
Other elements (each)	0.3

Excluded from the scope of this investigation are all seamless circular hollows of refined copper less than 12 inches in actual length whose actual OD exceeds its actual length.

The products subject to this investigation are currently classifiable under subheadings 7411.10.1030 and 7411.10.1090 of the Harmonized Tariff Schedule of the United States (HTSUS). Products subject to the investigation may also enter under HTSUS subheadings 7407.10.1500, 7419.99.5050, 8415.90.8065, and 8415.90.8085. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2021–02082 Filed 1–29–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–818]

Certain Pasta From Italy: Notice of Partial Rescission of Antidumping Duty Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding, in part, the antidumping duty administrative review of the antidumping duty order on certain pasta from Italy for the period July 1, 2019, through June 30, 2020.

DATES: Applicable February 1, 2021.

FOR FURTHER INFORMATION CONTACT: Jonathan Hall-Eastman or John Hoffner, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1468 or (202) 482–3315, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2020, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on certain pasta from Italy.[1] Pursuant to requests from interested parties, and in accordance with section 751(a) of the Tariff Act of 1930, amended (the Act), Commerce published in the **Federal Register** the notice of initiation of an antidumping duty administrative review with respect to the following companies covering the period July 1, 2019, through June 30, 2020: Agritalia S.r.l. (Agritalia); Armonie D'Italia srl (Armonie D'Italia); F. Divella S.p.A. (F. Divella); La Molisana S.p.A. (La Molisana); Liguori Pastificio dal 1820 S.p.A. (Pasta Liguori); Pasta Castiglioni; Pasta Zara S.p.A. (Pasta Zara); Pastificio C.A.M.S. Srl (Pastificio C.A.M.S.); Pastificio Della Forma S.r.l (Pastificio Della Forma); Pastificio Fratelli De Luca S.r.l. (Fratelli De Luca); and Rummo S.p.A. (Rummo).[2]

On December 2, 2020, Rummo timely withdrew its request to review Rummo and its subsidiary Pasta Castiglioni.[3] No

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 85 FR 39531 (July 1, 2020).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 54983 (September 3, 2020) (*Initiation Notice*).

[3] *See* Rummo's Letter, ''Antidumping Duty Review of Certain Pasta from Italy: The Rummo Group Withdrawal of Request for Review,'' dated December 2, 2020.

other party requested an administrative review of these parties.

Partial Rescission of the 2019–2020 Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. The aforementioned withdrawal request was timely submitted and no other interested party requested an administrative review of Rummo and Pasta Castiglioni. Therefore, in accordance with 19 CFR 351.213(d)(1), and consistent with our practice,[4] we are rescinding this review of the antidumping duty order on certain pasta from Italy, in part, with respect to Rummo and Pasta Castiglioni.

The review will continue with respect to the following companies: Agritalia, Armonie D'Italia, F. Divella, Ghigi/Zara,[5] La Molisana, Pasta Liguori, Pastificio C.A.M.S., Pastificio Della Forma, and Fratelli De Luca.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded, Rummo and Pasta Castiglioni, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period July 1, 2019, through June 30, 2020, in accordance with 19 CFR 351.212(c)(1)(i).

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this rescission notice in the **Federal Register**.

[4] *See, e.g., Certain Lined Paper Products from India: Notice of Partial Rescission of Antidumping Duty Administrative Review and Extension of Time Limit for the Preliminary Results of Antidumping Duty Administrative Review,* 74 FR 21781 (May 11, 2009); *see also Carbon Steel Butt-Weld Pipe Fittings from Thailand: Rescission of Antidumping Duty Administrative Review,* 74 FR 7218 (February 13, 2009).

[5] Though Commerce initiated a review of Pasta Zara, because we have collapsed Ghigi 1870 S.p.A. (Ghigi) and Pasta Zara (collectively Ghigi/Zara) since the 2015–2016 administrative review, both Ghigi and Pasta Zara continue to be subject to the review. *See Certain Pasta from Italy: Final Results of Antidumping Duty Administrative Review; 2017–2018,* 85 FR 2714 (January 16, 2020); *see also Certain Pasta from Italy: Final Results of Antidumping Duty Administrative Review; 2016–2017,* 83 FR 63627 (December 11, 2018); and *Certain Pasta from Italy: Final Results of Antidumping Duty Administrative Review; 2015–2016,* 82 FR 57428 (December 5, 2017).

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: January 26, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–02039 Filed 1–29–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–820]

Silicon Metal From Malaysia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that silicon metal from Malaysia is being, or is likely to be, sold in the United States at less than fair value. The period of investigation is April 1, 2019, through March 31, 2020. Interested parties are invited to comment on this preliminary determination.

DATES: Effective February 1, 2021.

FOR FURTHER INFORMATION CONTACT: Genevieve Coen, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3251.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on July 27, 2020.[1] On November 20, 2020, Commerce postponed the preliminary determination of this investigation and the revised deadline is now January 26, 2021.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is silicon metal from Malaysia. For a complete description of the scope of this investigation, *see* Appendix I.

[1] *See Silicon Metal from Bosnia and Herzegovina, Iceland, and Malaysia: Initiation of Less-Than-Fair-Value Investigations,* 85 FR 45177 (July 27, 2020) (*Initiation Notice*).

[2] *See Silicon Metal from Malaysia: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation,* 85 FR 74319 (November 20, 2020).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Silicon Metal from Malaysia'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Scope Comments

In accordance with the preamble to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] No interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* Commerce is preliminarily not modifying the scope language as it appeared in the *Initiation Notice. See* the scope in Appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act. Commerce calculated an individual estimated weighted-average dumping margin for PMB Silicon Sdn. Bhd. (PMB Silicon), the only individually-examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for PMB Silicon is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
PMB Silicon Sdn. Bhd	7.21
All Others	7.21

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondent listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination. Commerce is currently unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. Accordingly, we intend to take additional steps in lieu of on-site verification. Commerce will notify interested parties of any additional documentation or information required.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. A timeline for the submission of case briefs and written comments will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.[6] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[7] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

[6] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[7] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On November 3, 2020, pursuant to 19 CFR 351.210(e), PMB Silicon requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[8] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: January 26, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The scope of this investigation covers all forms and sizes of silicon metal, including silicon metal powder. Silicon metal contains at least 85.00 percent but less than 99.99 percent silicon, and less than 4.00 percent iron, by actual weight. Semiconductor grade silicon (merchandise containing at least 99.99 percent silicon by actual weight and classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2804.61.0000) is excluded from the scope of this investigation.

Silicon metal is currently classifiable under subheadings 2804.69.1000 and 2804.69.5000 of the HTSUS. While the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2021–02080 Filed 1–29–21; 8:45 am]

BILLING CODE 3510–DS–P

[8] *See* PMB Silicon's Letter, ''Silicon Metal from Malaysia; Request to Extend Final Determination,'' dated November 3, 2020.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–357–822, A–301–804, A–729–804, A–421–814, A–517–806, A–583–868, A–489–842, A–520–809]

Prestressed Concrete Steel Wire Strand From Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, Taiwan, the Republic of Turkey, and the United Arab Emirates: Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing antidumping duty orders on prestressed concrete steel wire strand (PC strand) from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, Taiwan, the Republic of Turkey (Turkey), and the United Arab Emirates (UAE).

DATES: Applicable February 1, 2021.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta at (202) 482–2593 (Argentina), Hermes Pinilla at (202) 482–3477 (Colombia), David Crespo at (202) 482–3693 (Egypt), Bryan Hansen at (202) 482–3683 (the Netherlands), Drew Jackson at (202) 482–4406 (Saudi Arabia), Joy Zhang at (202) 482–1168 (Taiwan), David Goldberger at (202) 482–4136 (Turkey), and Charles Doss at (202) 482–4474 (UAE); AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 735(d) and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on December 11, 2020, Commerce published its affirmative final determinations in the less-than-fair-value (LTFV) investigations of PC strand from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, Taiwan, Turkey, and the UAE.[1] On January 25, 2021, the ITC notified Commerce of its final affirmative determinations that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act, by reason of the LTFV imports of PC strand from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, Taiwan, Turkey, and the UAE.[2]

Scope of the Orders

The merchandise covered by these orders is PC strand. For a complete description of the scope of the orders, *see* the appendix to this notice.

Antidumping Duty Orders

On January 25, 2021, in accordance with sections 735(b)(1)(A)(i) and 735(d) of the Act, the ITC notified Commerce of its final determinations that an industry in the United States is materially injured by reason of imports of PC strand from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, Taiwan, Turkey, and the UAE.[3] Therefore, Commerce is issuing these antidumping duty orders in accordance with sections 735(c)(2) and 736 of the Act. Because the ITC determined that imports of PC strand from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, Taiwan, Turkey, and the UAE are materially injuring a U.S. industry, unliquidated entries of such merchandise from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, Taiwan, Turkey, and the UAE, which are entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border

[1] *See Prestressed Concrete Steel Wire Strand from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, Taiwan, the Republic of Turkey, and the United Arab Emirates: Final Affirmative Determinations of Sales at Less Than Fair Value and Final Affirmative Critical Circumstances Determinations, in Part,* 85 FR 80001 (December 11, 2020) (*Final Determinations*).

[2] *See* ITC's Letter Re: Notification of ITC Final Determinations, dated January 25, 2021 (ITC Notification Letter).

[3] *See* ITC Notification Letter.

Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of PC strand from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, Taiwan, Turkey, and the UAE. Antidumping duties will be assessed on unliquidated entries of PC strand from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, Taiwan, Turkey, and the UAE entered, or withdrawn from warehouse, for consumption on or after September 30, 2020, the date of publication of the *Preliminary Determinations.*[4]

Continuation of Suspension of Liquidation

In accordance with section 736 of the Act, Commerce will instruct CBP to continue to suspend liquidation on all relevant entries of PC strand from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, Taiwan, Turkey, and the UAE which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's notice of final determination in the **Federal Register**. These instructions suspending liquidation will remain in effect until further notice.

We will also instruct CBP to require cash deposits for estimated antidumping duties equal to the amounts as indicated below. Accordingly, effective on the date of publication in the **Federal Register** of the ITC's final affirmative injury determinations, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the cash deposit rates listed below.[5] The relevant all-others rate applies to all producers or exporters not specifically listed, as appropriate.

Estimated Weighted-Average Dumping Margins

The dumping margins for each antidumping duty order are as follows:

Exporter/producer	Dumping margin (percent)	Cash deposit rate [6] (percent)
Argentina		
Acindar Industria (Argentina) de Sinal S.A	60.40	
All Others	60.40	
Colombia		
Knight S.A.S	86.09	
All Others	86.09	
Egypt		
United Wires Company Elsewedy	29.72	
All Others	29.72	
The Netherlands		
Nedri Spanstaal BV	30.86	
All Others	30.86	
Saudi Arabia		
National Metal Manufacturing & Casting Co	194.40	
All Others	194.40	
Taiwan		
Chia Ta World Co., Ltd	23.89	
All Others	23.89	
Turkey		
Celik Halat ve Tel Sanayi A.S	53.65	44.60
Güney Çelik Hasir ve Demir	53.65	44.60
All Others	53.65	44.60
United Arab Emirates		
GSS International Trading FZE	170.65	
Gulf Steel Strands FZE	170.65	

[4] *See Prestressed Concrete Steel Wire Strand from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, the Republic of Turkey, and the United Arab Emirates: Preliminary Affirmative Determinations of Sales at Less Than Fair Value and Preliminary Affirmative Critical Circumstances Determinations, in Part,* 85 FR 61722 (September 30, 2020); *see also Prestressed Concrete Steel Wire Strand From Taiwan: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Negative Preliminary Determination of Critical Circumstances,* 85 FR 61726 (September 30, 2020) (collectively, *Preliminary Determinations*).

[5] *See* section 736(a)(3) of the Act.

[6] The cash deposit rates for Celik Halat ve Tel Sanayi A.S., Güney Çelik Hasir ve Demir (Güney Çelik), and the companies covered by the ''All Others'' rate are equal to the petition rate (53.65 percent) adjusted for the lowest rate of export subsidies found for any company in the most recently-completed segment in the companion countervailing duty proceeding, *i.e,* Güney Çelik's total export subsidies rate of 9.05 percent. *See Prestressed Concrete Steel Wire Strand from the Republic of Turkey: Final Affirmative Countervailing Duty Determination and Final Negative Critical Circumstances Determination,* 85 FR 80005 (December 11, 2020), and accompanying Issues and Decision Memorandum at 12–16; and *Prestressed Concrete Steel Wire from the Republic of Turkey: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, in Part,* 85 FR 59287 (September 21, 2020), and accompanying Preliminary Decision Memorandum at 18–20, 25–27, and 31–33.

Exporter/producer	Dumping margin (percent)	Cash deposit rate [6] (percent)
All Others	170.65	

Critical Circumstances

With regard to the ITC's negative critical circumstances determination on imports of PC strand from Colombia, Egypt, the Netherlands, and Turkey, we will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated antidumping duties with respect to entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after July 2, 2020 (*i.e.,* 90 days prior to the date of the publication of the *Preliminary Determinations*), but before September 30, 2020 (*i.e.,* the date of publication of the *Preliminary Determinations*).

Provisional Measures

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except that Commerce may extend the four-month period to no more than six months at the request of exporters representing a significant proportion of exports of the subject merchandise. Commerce's *Preliminary Determinations* were published on September 30, 2020.[7] Commerce's *Final Determinations* were not extended and were published on December 11, 2020.[8] As such, the four-month period beginning on the date of publication of the *Preliminary Determinations* ended on January 27, 2021.

Therefore, in accordance with section 733(d) of the Act, Commerce will instruct CBP to terminate the suspension of liquidation, and to liquidate, without regard to antidumping duties, unliquidated entries of PC strand from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, Taiwan, Turkey, and the UAE entered or withdrawn from warehouse for consumption after January 27, 2021, the date on which the provisional measures expired, through the day preceding the date of publication of the ITC's final affirmative injury determinations in the **Federal Register**. Suspension of liquidation will resume on the date of publication of the ITC's final affirmative injury determinations in the **Federal Register**.

[7] *See Preliminary Determinations.*

[8] *See Final Determinations.*

Notification to Interested Parties

This notice constitutes the antidumping duty orders with respect to PC strand from Argentina, Colombia, Egypt, the Netherlands, Saudi Arabia, Taiwan, Turkey, and the UAE pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

These orders are published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: January 26, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Orders

The merchandise covered by these orders is prestressed concrete steel wire strand (PC strand), produced from wire of non-stainless, non-galvanized steel, which is suitable for use in prestressed concrete (both pretensioned and post-tensioned) applications. The product definition encompasses covered and uncovered strand and all types, grades, and diameters of PC strand. PC strand is normally sold in the United States in sizes ranging from 0.25 inches to 0.70 inches in diameter. PC strand made from galvanized wire is only excluded from the scope if the zinc and/or zinc oxide coating meets or exceeds the 0.40 oz./ft2 standard set forth in ASTM–A–475.

The PC strand subject to these orders is currently classifiable under subheadings 7312.10.3010 and 7312.10.3012 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

[FR Doc. 2021–02081 Filed 1–29–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Amendment for Certain Upcoming 2021 Trade Missions

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Department of Commerce, International Trade Administration, is announcing amended dates and deadlines for submitting applications for several upcoming trade missions that were previously announced and published in the **Federal Register**.

SUPPLEMENTARY INFORMATION:

Amendments to Revise Trade Mission Dates, and Deadline for Submitting Applications.

- Cybersecurity Business Development Mission to Peru, Chile, and Uruguay, with an optional stop in Argentina, scheduled for March 1–5, and 8, 2021, postponed to October 18–22, and 25, 2021.
- Cybersecurity Business Development Mission to India, scheduled for April 19–23, 2021, postponed to November 8–12, 2021.
- Trade Mission to the Caribbean Region in conjunction with the Trade Americas—Business Opportunities in the Caribbean Region Conference, scheduled from November 15–20, 2020, postponed to October 24–29, 2021.
- Education Trade Mission to India, scheduled for August 2–7, 2021, postponed to September 12–17, 2022.
- Asia EDGE (Enhancing Development and Growth through Energy) Business Development Mission to Indonesia and Vietnam, scheduled for March 17–26, 2021, postponed to September 16–24, 2021.

Background

Cybersecurity Business Development Mission to Peru, Chile, and Uruguay, With an Optional Stop in Argentina

The United States Department of Commerce, International Trade Administration, is amending the Notice published at 85 FR 45172 (July 27, 2020), regarding the dates of ITA's planned Cybersecurity Business Development Mission to Peru, Chile, and Uruguay, with an optional stop in Argentina, which have been modified from March 1–5, and 8, 2021, to October 18–22, and 25, 2021. The Department has been closely monitoring COVID–19 developments and believes postponing the mission is the best decision for the health, safety, and welfare of the participants. The new deadline for applications has been extended to Friday, July 9, 2021. Applications may be accepted after that date if space remains and scheduling constraints permit. Interested U.S. companies and

trade associations/organizations that have not already submitted an application are encouraged to do so. The schedule is updated as follows:

Proposed Timetable

* *Note:* The final schedule and potential site visits will depend on the availability of host government and business officials, specific goals of mission participants, and ground transportation.

Sunday, October 17, 2021	• Trade Mission Participants Arrive in Lima, Peru.
Monday, October 18, 2021	• Welcome and Country Briefing (Peru). • Presentations and/or cabinet/ministry meetings. • Networking Lunch. • One-on-One business matchmaking appointments. • Networking Reception at Ambassador's residence (TBC).
Tuesday, October 19, 2021	• Travel to Santiago, Chile. • Welcome and Country Briefing (Chile). • Presentations.
Wednesday, October 20, 2021	• One-on-One business matchmaking appointments. • Networking Lunch. • Cabinet/ministry meetings. • Networking Reception at Ambassador's residence (TBC).
Thursday, October 21, 2021	• (Morning) Travel to Montevideo, Uruguay. • (Afternoon)Welcome and briefing. • Presentations by Uruguayan government entities.
Friday, October 22, 2021	• (Morning) Business matchmaking. • Closing Ambassador's reception (TBC). • (Afternoon) Trade mission participants depart for optional Argentina stop or return home.
Saturday–Sunday, October 23–24, 2021	• Travel day or free time for Argentina optional stop participants.
Monday, October 25, 2021 (Optional)	• Welcome and Country Briefing (Argentina). • One-on-One business matchmaking appointments.

The U.S. Department of Commerce will review applications and make selection decisions on a rolling basis in accordance with the Notice published at 85 FR 12259 (March 10, 2020). The applicants selected will be notified as soon as possible.

Contacts

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Peru

Leon Skarshinski, Commercial Officer, U.S. Embassy—Lima, Peru, *Leon.Skarshinski@trade.gov*

Chile

Joshua Leibowitz, Commercial Officer, U.S. Embassy—Santiago, Chile, *Joshua.Leibowitz@trade.gov*

Uruguay

Matthew Poole, Senior Commercial Officer, U.S. Embassy—Montevideo, Uruguay, *Matthew.Poole@trade.gov*

Argentina

Karen Ballard, Commercial Officer, U.S. Embassy—Santiago, Chile, *Karen.Ballard@trade.gov*

Cybersecurity Business Development Mission to India

The United States Department of Commerce, International Trade Administration, is amending the Notice published at 85 FR 12259 (March 10, 2020), regarding the dates of ITA's planned Cybersecurity Business Development Mission to India, which have been modified from April 19–23, 2021, to November 8–12, 2021. The Department has been closely monitoring COVID–19 developments and believes postponing the mission is the best decision for the health, safety, and welfare of the participants. The new deadline for applications has been extended to August 5, 2021. Applications may be accepted after that date if space remains and scheduling constraints permit. Interested U.S. companies and trade associations/organizations that have not already submitted an application are encouraged to do so. The schedule is updated as follows:

Proposed Timetable

* *Note:* The final schedule and potential site visits will depend on the availability of host government and business officials, specific goals of mission participants, and ground transportation.

Sunday, November 7, 2021	• Trade Mission Participants Arrive in New Delhi.
Monday, November 8, 2021	• Welcome and Country Briefing. • One-on-One business matchmaking appointments. • Networking Lunch (No-Host). • One-on-One business matchmaking appointments. • Networking Reception at Deputy Chief of Mission residence (To Be Confirmed (TBC)).
Tuesday, November 9, 2021	• Breakfast roundtable with Indian industry groups and associations (TBC). • Cyber Security event to share best practices and promote participants. • Networking Lunch (No-Host). • Ministry and other Indian Government Briefings and Meetings. • Transportation from Hotel to Airport Included. • Travel to Mumbai.
Wednesday, November 10, 2021	• Welcome Briefing, Mumbai and Maharashtra State. • One-on-One business matchmaking appointments. • Networking Lunch (No-Host). • One-on-One business matchmaking appointments.

Thursday, November 11, 2021	• Networking Reception at Consul General residence (TBC). • Breakfast roundtable with Indian industry groups and associations (TBC). • Cyber Security event to share best practices and promote participants. • Networking Lunch (No-Host). • Indian Government Briefings and Meetings. • Travel to Airport (Not Included).
Friday, November 12, 2021	• OPTIONAL STOP—Bangalore or Hyderabad. • One-on-One business matchmaking appointments. • Networking Lunch (No-Host). • One-on-One business matchmaking appointments.

The U.S. Department of Commerce will review applications and make selection decisions on a rolling basis in accordance with the Notice published at 85 FR 12259 (March 10, 2020). The applicants selected will be notified as soon as possible.

Contacts

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Trade Mission to the Caribbean Region in Conjunction With the Trade Americas—Business Opportunities in the Caribbean Region Conference

The United States Department of Commerce, International Trade Administration, is amending the Notice published at 85 FR 29928 (May 19, 2020), regarding the dates of ITA's planned Trade Mission to the Caribbean Region in conjunction with the Trade Americas—Business Opportunities in the Caribbean Region Conference, which have been modified from November 15–20, 2020, to October 24–28, 2021. The Department has been closely monitoring COVID–19 developments and believes postponing the mission is the best decision for the health, safety and welfare of the participants. The new deadline for applications has been extended to May 28, 2021. Applications may be accepted after that date if space remains and scheduling constraints permit. Interested U.S. companies and trade associations/organizations that have not already submitted an application are encouraged to do so. The schedule is updated as follows:

Proposed Timetable

* *Note:* The final schedule and potential site visits will depend on the availability of host government and business officials, specific goals of mission participants, and ground transportation.

Saturday, October 23, 2021	• Travel Day/Arrival in Barbados. *Optional Local Tour/Activities.*
Sunday, October 24, 2021	• Barbados. Afternoon: Registration, Briefing and U.S. Embassy Officer Consultations. Evening: Networking Reception.
Monday, October 25, 2021	• Barbados. Morning: Registration and Trade Americas—U.S.-Caribbean Business Conference. Afternoon: U.S. Embassy Officer Consultations. Evening: Networking Reception.
Optional	
Tuesday, October 26, 2021	• Barbados/Eastern Caribbean Region Business-to-Business Meetings or Travel day.
Tuesday–Thursday, October 26–28, 2021	• Travel day or Business-to-Business Meetings in: Option (A) Dominican Republic. Option (B) Guyana. Option (C) Haiti. Option (D) Jamaica. Option (E) Suriname. Option (F) The Bahamas. Option (H) Trinidad & Tobago.

The U.S. Department of Commerce will review applications and make selection decisions on a rolling basis in accordance with the Notice published at 84 FR 68393 (December 16, 2019). The applicants selected will be notified as soon as possible.

Contacts

U.S. Trade Americas Team Contact Information

Delia Valdivia, Senior International Trade Specialist, U.S. Commercial Service—Los Angeles (West), CA, *delia.valdivia@trade.gov,* Tel: 310–597–8218

Diego Gattesco, Director, U.S. Commercial Service—Wheeling, WV, *diego.gattesco@trade.gov,* Tel: 304–243–5493

Education Trade Mission to India

The United States Department of Commerce, International Trade Administration, is amending the Notice published at 85 FR 56578 (September 14, 2020), regarding the dates of ITA's planned Education Trade Mission to India, which have been modified from August 2–7, 2021, to September 12–17, 2022. The Department has been closely monitoring COVID–19 developments and believes postponing the mission is the best decision for the health, safety, and welfare of the participants. The new deadline for applications has been extended to July 31, 2022. Applications may be accepted after that date if space remains and scheduling constraints permit. Interested U.S. companies and trade associations/organizations that have not already submitted an application are encouraged to do so. The schedule is updated as follows:

Proposed Timetable

* *Note:* The final schedule and potential site visits will depend on the availability of host government and business officials, specific goals of mission participants, and ground transportation.

New Delhi	
Monday, September 12, 2022	• Travel Day/Arrival in New Delhi. Optional Local Tour/Activities. • New Delhi: Briefing, One-on-One matchmaking meetings; lunch hosted by TBD; Evening: Icebreaker Reception.

Tuesday, September 13, 2022	• Half day site visit—or student fair, to be finalized; Late afternoon departure for Bengaluru.
Bengaluru	
Wednesday, September 14, 2022	• Travel Day/Arrival in Bengaluru. Optional Local Tour/Activities. • Bengaluru: Briefing, One-on-One matchmaking meetings; lunch hosted by TBD.
Thursday, September 15, 2022	• Half day site visit—or student fair, to be finalized; Late afternoon departure for Mumbai.
Mumbai	
Friday, September 16, 2022	• Travel Day/Arrival in Mumbai. *Optional Local Tour/Activities,* • Mumbai: Briefing, One-on-One matchmaking meetings; lunch hosted by TBD. Student fair.
Saturday, September 17, 2022	• Half day site visit—or partner event to be finalized; Evening Wheels-up.

The U.S. Department of Commerce will review applications and make selection decisions on a rolling basis in accordance with the Notice published at 85 FR 56578 (September 14, 2020). The applicants selected will be notified as soon as possible.

Contacts

U.S. Export Assistance Center

Gabriel Zelaya, Global Education Team Leader, U.S. Commercial Service—San Jose/Silicon Valley, U.S. Department of Commerce, *gabriela.zelaya@trade.gov,* Tel: 408–335–9202

India Contact Information

Brenda VanHorn, Principal Commercial Officer, U.S. Commercial Service—U.S. Consulate General, Mumbai, *Brenda.Vanhorn@trade.gov*

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Asia Edge (Enhancing Development and Growth Through Energy) Business Development Mission to Indonesia and Vietnam

The Department of Commerce, International Trade Administration (ITA), is amending the Notice published at 85 FR 54353 (September 1, 2020), regarding the dates of ITA's executive-led Asia EDGE Business Development Mission, which have been modified from March 17–26, 2021, to September 16–24, 2021. The Department has been closely monitoring COVID–19 developments and believes postponing the mission is necessary to ensure safety, health, and welfare of the participants. Mission stops will include Indonesia and Vietnam, with an optional stop in Thailand. The mission will highlight U.S. innovation and technology; spur U.S. industry, jobs, and competitiveness; promote U.S. exports of low-carbon energy resources and technologies; and encourage the development of sustainable, low-carbon energy policies in Southeast Asia.

The new deadline for applications has been extended to May 30, 2021. The Department of Commerce will accept additional applications for this mission and will select a total of 20 firms and/or trade associations, including both previously selected firms and new applicants in accordance with the Notice published at 85 FR 54353 (September 1, 2020). Once all slots have been filled, qualified applicants will be accepted on a waitlist basis. Firms and/or trade associations previously selected to participate in this mission will need to confirm their availability but need not reapply. The applicants selected will be notified as soon as possible.

The proposed schedule is updated as follows *:

* *Note:* The final schedule of meetings, events, and site visits will depend on the availability of host government and business officials, specific goals of mission participants, and flight availability and ground transportation options.

Wednesday, September 15, 2021	• Travel to BANGKOK.
Thursday, September 16, 2021	• *Optional Spin Off Program Commences.* • BANGKOK (Afternoon Sessions).
Friday, September 17, 2021	• BANGKOK (Full Day Sessions)
Saturday–Sunday, September 18–19, 2021	• Travel to JAKARTA.
Monday, September 20, 2021	• *Official Trade Mission Program Commences.* • JAKARTA (Full Day Sessions).
Tuesday, September 21, 2021	• JAKARTA (Morning Sessions). • Travel to HO CHI MINH CITY.
Wednesday, September 22, 2021	• HO CHI MINH CITY (Full Day Sessions).
Thursday, September 23, 2021	• Travel to HANOI. • HANOI (Evening Reception).
Friday, September 24, 2021	• HANOI (Full Day Sessions). • *Official Trade Mission Program Concludes.*

Contact Information

John Breidenstine, Regional Senior Commercial Officer, U.S. Embassy Bangkok (Thailand), U.S. Department of Commerce, Phone: 66–2–205–5090, Email: *john.breidenstine@trade.gov*

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Eric Hsu, Senior Commercial Officer, U.S. Embassy Hanoi (Vietnam), U.S. Department of Commerce, Phone: 84–24–3850–5070, Email: *eric.hsu@trade.gov*

David Nufrio, Deputy Director, Global Markets Asia, U.S. Department of Commerce, Phone: 1–202–482–5175, Email: *david.nufrio@trade.gov*

Paul Taylor, Commercial Officer, U.S. Embassy Jakarta (Indonesia), U.S. Department of Commerce, Phone: 62–815–1080–0475, Email: *paul.taylor@trade.gov*

Gemal Brangman,

Senior Advisor, Trade Missions, ITA Events Management Task Force.

[FR Doc. 2021–02022 Filed 1–29–21; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (Sunset) Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In accordance with the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) is automatically initiating the five-year reviews (Sunset Reviews) of the antidumping and countervailing duty (AD/CVD) order(s) and suspended investigation(s) listed below. The International Trade Commission (the ITC) is publishing concurrently with this notice its notice of *Institution of Five-Year Reviews* which covers the same order(s) and suspended investigation(s).

DATES: Applicable February 1, 2021.

FOR FURTHER INFORMATION CONTACT: Commerce official identified in the *Initiation of Review* section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230. For information from the ITC, contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

Commerce's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (Sunset) Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to Commerce's conduct of Sunset Reviews is set forth in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

Initiation of Review

In accordance with section 751(c) of the Act and 19 CFR 351.218(c), we are initiating the Sunset Reviews of the following antidumping and countervailing duty order(s) and suspended investigation(s):

DOC case No.	ITC case No.	Country	Product	Commerce contact
A–602–807	731–TA–1264	Australia	Uncoated Paper (1st Review)	Mary Kolberg, (202) 482–1785.
A–351–842	731–TA–2165	Brazil	Uncoated Paper (1st Review)	Mary Kolberg, (202) 482–1785.
A–570–888	731–TA–1047	China	Floor-Standing, Metal-Top Ironing Tables and Parts Thereof (3rd Review).	Jacqueline Arrowsmith, (202) 482–5255.
A–570–001	731–TA–125	China	Potassium Permanganate (5th Review)	Thomas Martin, (202) 482–3936.
A–570–956	731–TA–1168	China	Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe (2nd Review).	Thomas Martin, (202) 482–3936.
C–570–957	701–TA–469	China	Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe (2nd Review).	Mary Kolberg, (202) 482–1785.
A–570–022	731–TA–1266	China	Uncoated Paper (1st Review)	Mary Kolberg, (202) 482–1785.
C–570–023	701–TA–528	China	Uncoated Paper (1st Review)	Mary Kolberg, (202) 482–1785.
A–560–828	731–TA–1267	Indonesia	Uncoated Paper (1st Review)	Mary Kolberg, (202) 482–1785.
C–560–829	701–TA–529	Indonesia	Uncoated Paper (1st Review)	Mary Kolberg, (202) 482–1785.
A–471–807	731–TA–1268	Portugal	Uncoated Paper (1st Review)	Mary Kolberg, (202) 482–1785.

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the pertinent statute and Commerce's regulations, Commerce's schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on Commerce's website at the following address: *https://enforcement.trade.gov/sunset/.* All submissions in these Sunset Reviews must be filed in accordance with Commerce's regulations regarding format, translation, and service of documents. These rules, including electronic filing requirements via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), can be found at 19 CFR 351.303.

In accordance with section 782(b) of the Act, any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information. Parties must use the certification formats provided in 19 CFR 351.303(g). Commerce intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Letters of Appearance and Administrative Protective Orders

Pursuant to 19 CFR 351.103(d), Commerce will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d). To facilitate the timely preparation of the public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry of appearance within 10 days of the publication of the Notice of Initiation. Because deadlines in Sunset Reviews can be very short, we urge interested parties who want access to proprietary information under administrative protective order (APO) to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. Commerce's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business

proprietary information, until further notice.[1]

Information Required From Interested Parties

Domestic interested parties, as defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with Commerce's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, Commerce will automatically revoke the order without further review.[2]

If we receive an order-specific notice of intent to participate from a domestic interested party, Commerce's regulations provide that *all parties* wishing to participate in a Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that Commerce's information requirements are distinct from the ITC 's information requirements. Consult Commerce's regulations for information regarding Commerce's conduct of Sunset Reviews. Consult Commerce's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at Commerce.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: January 14, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–02078 Filed 1–29–21; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Temporary Rule Modifying AD/CVD Service Requirements Due to* COVID–19, 85 FR 41363 (July 10, 2020).

[2] *See* 19 CFR 351.218(d)(1)(iii).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–853]

Standard Steel Welded Wire Mesh From Mexico: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and, Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that standard steel welded wire mesh (wire mesh) from Mexico is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is April 1, 2019, through March 31, 2020. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable February 1, 2021.

FOR FURTHER INFORMATION CONTACT: Alice Maldonado or Melissa Kinter, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4682 or (202) 482–1413, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on July 27, 2020.[1] On November 18, 2020, Commerce postponed the preliminary determination of this investigation, and the revised deadline is now January 26, 2021.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The products covered by this investigation are wire mesh from Mexico. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage and rebuttal comments submitted on the record for this investigation, *see* the Preliminary Decision Memorandum.[6] Commerce has not modified the scope language as it appeared in the *Initiation Notice.*

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated constructed export prices in accordance with section 772(b) of the Act. Normal value is calculated in accordance with section 773 of the Act. Furthermore, pursuant to section 776(a) and (b) of the Act, Commerce has preliminarily relied upon facts otherwise available with adverse inferences for Deacero S.A.P.I. de C.V. (Deacero). For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that, in the preliminary determination, Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-

[1] *See Standard Steel Welded Wire Mesh from Mexico: Initiation of Less-Than-Fair-Value Investigation,* 85 FR 45167 (July 27, 2020) (*Initiation Notice*).

[2] *See Standard Steel Welded Wire Mesh from Mexico: Postponement of Preliminary Detremination in the Less-Than-Fair Value Investigation,* 85 FR 73459 (November 18, 2020).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Standard Steel Welded Wire Mesh from Mexico,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

[6] *See* Preliminary Decision Memorandum.

average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

In this investigation, Commerce preliminarily assigned a rate based entirely on adverse facts available (AFA) to Deacero. Therefore, the only rate that is not zero, *de minimis* or based entirely on adverse facts otherwise available is the rate calculated for Aceromex, S.A. de C.V. (Aceromex). Consequently, the rate calculated for Aceromex is also assigned as the rate for all-other producers and exporters.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset(s)) (percent) [7]
Aceromex, S.A. de C.V	23.67	22.65
Deacero S.A.P.I. de C.V	* 152.68	151.66
All Others	23.67	22.65

* AFA

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

Commerce normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. Accordingly, where Commerce preliminarily made an affirmative determination for countervailable export subsidies, Commerce has offset the estimated weighted-average dumping margin by the appropriate CVD rate. Any such adjusted cash deposit rate may be found in the Preliminary Determination section above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to begin collecting estimated antidumping duty cash deposits unadjusted for countervailed export subsidies at the time that the provisional CVD measures expire. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination. Normally, Commerce verifies information using standard procedures, including an on-site examination of original accounting, financial, and sales documentation. However, due to current travel restrictions in response to the global COVID–19 pandemic, Commerce is unable to conduct on-site verification in this investigation. Accordingly, we intend to verify the information relied upon in making the final determination through alternative means in lieu of an on-site verification.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. A timeline for the submission of case briefs and written comments will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.[8] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[9] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a

[7] In the companion countervailing duty (CVD) investigation, Commerce calculated a 1.02 percent export subsidy rate for Aceromex and for all other producers and exporters under the program ''Eighth Rule Permit Program.'' *See Standard Steel Welded Wire Mesh from Mexico: Preliminary Affirmative Countervailing Duty Determination,* 85 FR 78124 (December 3, 2020), and accompanying Preliminary Decision Memorandum at 14–18. Because we determined the LTFV all-others rate based on Aceromex's estimated weighted-average dumping margin, the export subsidy offset for all other producers and exporters is the lesser of the export subsidy rate for Aceromex and the export subsidy rate for all other producers and exporters in the CVD preliminary determination (*i.e.,* 1.02 percent). The cash deposit rate for Deacero is equal to the petition rate (152.68 percent) adjusted for the lowest rate of export subsidies found for any company in the most recently-completed segment in the companion countervailing duty proceeding (*i.e.,* 1.02 percent related to the Eighth Rule Permit Program).

[8] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[9] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006 (March 26, 2020) (Temporary Rule); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On January 13, 2021, and January 21, 2021 pursuant to 19 CFR 351.210(e), Insteel Industries Inc., Mid South Wire Company, National Wire LLC, Oklahoma Steel & Wire Co., and Wire Mesh Corp. (the petitioners) and Aceromex requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[10] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: January 26, 2020.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The merchandise covered by this investigation is uncoated standard welded steel reinforcement wire mesh (wire mesh) produced from smooth or deformed wire. Subject wire mesh is produced in square and rectangular grids of uniformly spaced steel wires that are welded at all intersections. Sizes are specified by combining the spacing of the wires in inches or millimeters and the wire cross-sectional area in hundredths of square inch or millimeters squared. Subject wire mesh may be packaged and sold in rolls or in sheets.

Subject wire mesh is currently produced to ASTM specification A1064/A1064M, which covers carbon-steel wire and welded wire reinforcement, smooth and deformed, for concrete in the following seven styles:

1. 6 X 6 W1.4/W1.4 or D1.4/D1.4
2. 6 X 6 W2.1/W2.1 or D2.1/D2.1
3. 6 X 6 W2.9/W2.9 or D2.9/D2.9
4. 6 X 6 W4/W4 or D4/D4
5. 6 X 12 W4/W4 or D4/D4
6. 4 X 4 W2.9/W2.9 or D2.9/D2.9
7. 4 X 4 W4/W4 or D4/D4

The first number in the style denotes the nominal spacing between the longitudinal wires and the second number denotes the nominal spacing between the transverse wires. In the first style listed above, for example, ''6 X 6'' denotes a grid size of six inches by six inches. ''W'' denotes the use of smooth wire, and ''D'' denotes the use of deformed wire in making the mesh. The number following the W or D denotes the nominal cross-sectional area of the transverse and longitudinal wires in hundredths of a square inch (*i.e.,* W1.4 or D1.4 is .014 square inches).

Smooth wire is wire that has a uniform cross-sectional diameter throughout the length of the wire.

Deformed wire is wire with indentations or raised transverse ribs, which results in wire that does not have a uniform cross-sectional diameter throughout the length of the wire.

Rolls of subject wire mesh are produced in the following styles and nominal width and length combinations:

Style: 6 X 6 W1.4/W1.4 or D1.4/D1.4 (*i.e.,* 10 gauge)
Roll Sizes:
5′ X 50′
5′ X 150′
6′ X 150′
5′ X 200′
7′ X 200′
7.5′ X 200′
Style: 6 X 6 W2.1/W2.1 or D2.1/D2.1 (*i.e.,* 8 gauge)
Roll Sizes:
5′ X 150′
Style: 6 X 6 W2.9/W2.9 or D2.9/D2.9 (*i.e.,* 6 gauge)
Roll Sizes:
5′ X 150′
7′ X 200′

All rolled wire mesh is included in scope regardless of length.

Sheets of subject wire mesh are produced in the following styles and nominal width and length combinations:

Style: 6 X 6 W1.4/W1.4 or D1.4/D1.4 (*i.e.,* 10 gauge)
Sheet Size:
3′6″ X 7′
4′ X 7′
4′ X 7′6″
5′ X 10′
7′ X 20′
7′6″ X 20′
8′ X 12′6″
8′ X 15′
8′ X 20′
Style: 6 X 6 W2.1/W2.1 or D2.1/D2.1 (*i.e.,* 8 gauge)
Sheet Size: 5′ X 10′
7′ X 20′
7′6″ X 20′
8′ X 12′6″
8′ X 15′
8′ X 20′
Style: 6 X 6 W2.9/W2.9 or D2.9/D2.9 (*i.e.,* 6 gauge)
Sheet Size:
3′6″ X 20′
5′ X 10′
7′ X 20′
7′6″ X 20′
8′ X 12′6″
8′ X 15′
8′ X 20′
Style: 6 X 12 W4/W4 or D4/D4 (*i.e.,* 4 gauge)
Sheet Size: 8′ X 20′
Style: 4 X 4 W2.9/W2.9 or D2.9/D2.9 (*i.e.,* 6 gauge)
Sheet Size:
5′ X 10′
7′ X 20′
7′6″ X 20′
8′ X 12′6″
8′ X 12′8″
8′ X 15′

[10] *See* Petitioners' Letter, ''Standard Steel Welded Wire Mesh from Mexico—Petitioners' Request for Postponement of Final Antidumping Determination,'' dated January 13, 2021; *see also* Aceromex's Letter, ''Standard Steel Welded Wire Mesh from Mexico: Aceromex's Request to Extend the Due Date for the Final Determination,'' dated January 21, 2021.

8′ X 20′
Style: 4 X 4 W4/W4 or D4/D4 (*i.e.,* 4 gauge)
Sheet Size:
5′ X 10′
8′ X 12′6″
8′ X 12′8″
8′ X 15′
8′ X 20′

Any product imported, sold, or invoiced in one of these size combinations is within the scope.

ASTM specification A1064/A1064M provides for permissible variations in wire gauges, the spacing between transverse and longitudinal wires, and the length and width combinations. To the extent a roll or sheet of welded wire mesh falls within these permissible variations, it is within this scope.

ASTM specification A1064/A1064M also defines permissible oversteeling, which is the use of a heavier gauge wire with a larger cross-sectional area than nominally specified. It also permits a wire diameter tolerance of ± 0.003 inches for products up to W5/D5 and ± 0.004 for sizes over W5/D5. A producer may oversteel by increasing smooth or deformed wire diameter up to two whole number size increments on Table 1 of A1064. Subject wire mesh has the following actual wire diameter ranges, which account for both oversteeling and diameter tolerance:

W/D No.	Maximum oversteeling No.	Diameter range (inch)
1.4 (*i.e.,* 10 gauge)	3.4	0.093 to 0.211.
2.1 (*i.e.,* 8 gauge)	4.1	0.161 to 0.231.
2.9 (*i.e.,* 6 gauge)	4.9	0.189 to 0.253.
4.0 (*i.e.,* 4 gauge)	6.0	0.223 to 0.280.

To the extent a roll or sheet of welded wire mesh falls within the permissible variations provided above, it is within this scope.

In addition to the tolerances permitted in ASTM specification A1064/A1064M, wire mesh within this scope includes combinations where:

1. A width and/or length combination varies by ± one grid size in any direction, *i.e.,* ± 6 inches in length or width where the wire mesh's grid size is ''6 X 6''; and/or

2. The center-to-center spacing between individual wires may vary by up to one quarter of an inch from the nominal grid size specified.

Length is measured from the ends of any wire and width is measured between the center-line of end longitudinal wires.

Additionally, although the subject wire mesh typically meets ASTM A1064/A1064M, the failure to include certifications, test reports or other documentation establishing that the product meets this specification does not remove the product from the scope. Wire mesh made to comparable foreign specifications (*e.g.,* DIN, JIS, etc.) or proprietary specifications is included in the scope.

Excluded from the scope is wire mesh that is galvanized (*i.e.,* coated with zinc) or coated with an epoxy coating. In order to be excluded as galvanized, the excluded welded wire mesh must have a zinc coating thickness meeting the requirements of ASTM specification A641/A641M. Epoxy coating is a mix of epoxy resin and hardener that can be applied to the surface of steel wire.

Merchandise subject to this investigation are classified under Harmonized Tariff Schedule of the United States (HTSUS) categories 7314.20.0000 and 7314.39.0000. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2021–02079 Filed 1–29–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Sea Grant Program Application Requirements for Grants, for Sea Grant Fellowships, Including the Dean John A. Knauss Marine Policy Fellowships, and for Designation as a Sea Grant College or Sea Grant Institution

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 October 28, 2020, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic & Atmospheric Administration, Commerce.

Title: Sea Grant Program Application Requirements for Grants, for Sea Grant Fellowships, including the Dean John A. Knauss Marine Policy Fellowships, and for Designation as a Sea Grant College or Sea Grant Institution.

OMB Control Number: 0648–0362.

Form Number(s): NOAA Forms 90–1; 90–2; 90–4.

Type of Request: Regular submission. Revision and extension of a current information collection.

Number of Respondents: 114.

Average Hours per Response: Form 90–1—30 minutes; Form 90–2 (Excel)—20 minutes, (Webform)—15 minutes; Form 90–4—15 minutes; Application for Designation as a Sea Grant College or Regional Consortia—20 hours; Application for Sea Grant Fellowship—2 hours.

Total Annual Burden Hours: 783.

Needs and Uses: This request is for the extension, with minor proposed revisions, of a currently approved information collection. The objectives of the National Sea Grant College Program, as stated in the Sea Grant legislation (33 U.S.C. 1121 § *et seq.*) are to increase the understanding, assessments, development, utilization, and conservation of the Nation's ocean, coastal, and Great Lakes resources. It accomplishes these objectives by

conducting research, education, and outreach programs. Grant monies are available for funding activities that help obtain the objectives of the Sea Grant Program. Both single and multi-project grants are awarded, with the latter representing approximately 80 percent of the total grant program. In addition to other standard grant application requirements, three forms are required with the grants. The Sea Grant Control Form (NOAA Form 90–1) is used to identify the organizations and personnel who would be involved in the grant and briefly summarize the proposed activities under the grant. The Project Record Form (NOAA Form 90–2), which collects summary data on projects, helps the National Sea Grant Office (NSGO) evaluate the proposals during its funding decisions. The Sea Grant Budget Form (NOAA Form 90–4) provides information similar to, but more detailed than, standardized budget forms SF–424A or SF–424C, and allows the NSGO to determine whether or not the breakdown cost of multi-project grant awards is reasonable. Collectively, the data supplied in these documents form the basis for many of NSGO's responses to the Administration, the Congress, other agencies, and to the public about the scope of Sea Grant activities.

The National Sea Grant College Program Act (33 U.S.C. 1126) also provides for the designation of a public or private institution of higher education, institute, laboratory, or State or local agency as a Sea Grant college or Sea Grant institute. Applications are required for designation of Sea Grant Colleges and Sea Grant Institutes, although no forms are required. The data the collection provides helps the National Sea Grant Office determine the suitability of the applicant for meeting the standards and conditions for being a Sea Grant College as set forth in 33 U.S.C. 1126 and 15 CFR 918.5.

The NSGO proposes two revisions to this information collection. The NOAA Form 90–2 is currently collected using an Excel spreadsheet (100% of use cases). The NSGO intends to migrate the Excel spreadsheet to an online webform that is hosted on Sea Grant's Planning, Implementation and Evaluation Resource (PIER) database. The online webform would provide an additional and alternative method of information collection, but not eliminate the option for an Excel-based collection. During implementation (testing Q2/3–FY21; rollout Q4–FY21), the webform will likely require cosmetic modifications on the form structure, but no additional data fields will be added. Such modifications will be driven by software requirements and improvements to information management and the user interface. This modification would enable synchronization of existing PIER data, so that time of user entry and data quality control is minimized. Additionally, two new information fields will be added that are required to better resolve two existing data fields, while one field will be eliminated. Such revisions will be reflected on both the Excel-based forms and the webform.

Affected Public: Academic and not-for-profit institutions; individuals or households; business or other for-profit organizations; State, Local, or Tribal government.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: Sea Grant legislation, 33 U.S.C. 1121–1131.

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 0648–0362.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–02085 Filed 1–29–21; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA735]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Training Activities in the Gulf of Alaska Temporary Maritime Activities Area

Correction

In notice document 2020–28694, appearing on pages 1483 through 1484 in the issue of Friday, January 8, 2021 make the following correction.

On page 1483, in the second column, in the **DATES** section, on the second and third lines, ''January 29, 2021'' should read ''February 8, 2021''.

[FR Doc. C1–2020–28694 Filed 1–29–21; 8:45 am]

BILLING CODE 1300–01–D

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Privacy Act of 1974; Matching Program

AGENCY: Corporation for National and Community Service.

ACTION: Notice of a Modified Matching Program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988, OMB Final Guidance Interpreting the Provisions of the Computer Matching and Privacy Protection Act of 1988, and OMB Circular No. A–130, ''Management of Federal Information Resources,'' the Corporation for National and Community Service (operating as AmeriCorps) is issuing a public notice of the computer matching program with the Social Security Administration (SSA).

DATES: AmeriCorps will file a report of the subject computer matching agreement with the Office of Management and Budget and Congress. The matching program will begin April 1, 2021 or 40 days after the date of AmeriCorps' submissions to OMB and Congress, whichever is later. The matching program will continue for 18 months after the effective date and may be extended for an additional 12 months thereafter, if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by email to: *tking@cns.gov.*

FOR FURTHER INFORMATION: Terence King, Acting Senior Agency Official for Privacy, 202–815–4246, or by email at *tking@cns.gov.*

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), regulates the use of computer matching agreements by Federal agencies when records in a system of records are matched with other Federal, state, or local government records. Among other things, it requires Federal agencies involved in computer matching agreements to publish a notice in the **Federal Register** regarding the establishment of the matching program.

This agreement will be in effect for a period of 18 months, with a provision

for a one-time extension for a period not to exceed 12 months. In order to renew this agreement, both AmeriCorps and SSA must certify to their respective Data Integrity Boards that: (1) The matching program will be conducted without change; and (2) the matching program has been conducted in compliance with the original agreement.

AmeriCorps will provide SSA with a data file including each applicant's and potential education award recipient's social security number, first and last names, and date of birth. SSA will conduct a match on the identifying information. If the match does not return a result verifying the individual's citizenship status, AmeriCorps will contact the individual or the grant recipient program that selected the individual to verify the results in accordance with the requirements of 5 U.S.C. 552a(p) and applicable OMB guidelines. The affected individual will have an opportunity to contest the accuracy of the information provided by SSA. The applicant will have at least 30 days from the date of the notice to provide clear and convincing evidence of the accuracy of the social security number, proof of U.S. citizenship, or both.

Applicants will be informed at the time of application that information provided on the application is subject to verification through a computer matching program. The application package will contain a privacy certification notice that the applicant must sign authorizing AmeriCorps to verify the information provided.

For transferees of education awards, at the time an award is transferred, AmeriCorps will provide individual notice that the SSN is subject to verification through a computer matching program. AmeriCorps will send a privacy notice to the transferee, and in the case of a minor, to the parent or legal guardian. The transferee, parent, or legal guardian must sign the privacy certification authorizing AmeriCorps to verify the information provided.

AmeriCorps will furnish a copy of this notice to both Houses of Congress and the Office of Management and Budget.

Participating Agencies: Participants in this computer matching program are the Social Security Administration (source agency) and the Corporation for National and Community Service (recipient agency).

Authority for Conducting the Matching Program: This agreement is executed in compliance with the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988 (5 U.S.C. 552a), and the regulations and guidance promulgated under the Act.

SSA's legal authority to enter into this agreement is section 1106 of the Social Security Act (42 U.S.C. 1306) and the regulations promulgated pursuant to that section (20 CFR part 401). The authority for SSA's disclosure of record information is 5 U.S.C. 552a (b)(3).

Section 146(a)(3) of the NCSA (42 U.S.C. 12602(a)) sets forth the eligibility requirements for an individual to receive an Education Award from the National Service Trust upon successful completion of a term of service in an approved national service position. Section 1711 of the Serve America Act (Pub. L. 111–13) directs AmeriCorps to enter into a data matching agreement to verify statements made by an individual declaring that such individual is in compliance with section 146(a)(3) of the NCSA by comparing information provided by the individual with information relevant to such a declaration in the possession of another Federal agency. In accordance with the study AmeriCorps completed pursuant to section 1711 of the Serve America Act, AmeriCorps determined that a data matching program with SSA is the most effective means to verify an individual's statement that he or she is in compliance with section 146(a)(3) of the NCSA.

Purpose(s): The computer match between AmeriCorps and SSA will enable AmeriCorps to verify the social security numbers of individuals applying to serve in approved national service positions and those designated to receive national service education awards under the National and Community Service Act of 1990 (NCSA) and verify statements made by those individuals regarding their citizenship status.

Categories of Individuals: Each individual who is eligible to receive an education award or applies to serve in an approved national service position, including positions in AmeriCorps State and National, AmeriCorps VISTA, AmeriCorps NCCC, and Serve America Fellows, must, at the time of acceptance of an education award or application to serve, certify that the individual meets the citizenship eligibility criteria to serve in the position, *i.e.,* is a citizen, national, or lawful permanent resident of the United States.

Categories of Records: The Master Files of Social Security Number Holders and SSN Applications SSA/OTSO 60–0058, last published in full on December 29, 2010 (75 FR 82121), as amended on July 5, 2013 (78 FR 40542) and February 13, 2014 (79 FR 8780) maintains records about each individual who has applied for and obtained an SSN. SSA uses information from this system to assign SSNs.

System(s) of Records: The information AmeriCorps provides from the AmeriCorps Member Individual Account; Corporation-8 system of records, published in full on March 5, 1999 (64 FR 10879–10893), as amended on August 1, 2000, (65 FR 46890–46905) and July 25, 2002 (67 FR 48616–48617) will be matched against this system of records and verification results will be disclosed under the applicable routine use.

Dated: January 27, 2021.

Ndiogou Cisse,

Chief Information Officer.

[FR Doc. 2021–02071 Filed 1–29–21; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Record of Decision for the Environmental Impact Statement United States Air Force F–35A Operational Beddown Air Force Reserve Command

AGENCY: Department of the Air Force, Department of the Navy, Department of Defense.

ACTION: Notice of availability of record of decision.

SUMMARY: On December 22, 2020, the United States Air Force (USAF) signed the Record of Decision (ROD) for the Environmental Impact Statement: United States Air Force F–35A Operational Beddown Air Force Reserve Command. The Department of the Navy (Navy) previously signed the same ROD on October 29, 2020.

ADDRESSES: Mr. Hamid Kamalpour, AFCEC/CZN, 2261 Hughes Avenue, Suite 155, JBSA-Lackland Air Force Base, Texas 78236–9853, (210) 925–2738; *HQAFRC.F-35.EIS@us.af.mil.* The complete text of the ROD is available on the project website at *https://www.afrc-f35a-beddown.com/,* along with the Final EIS and supporting documents.

SUPPLEMENTARY INFORMATION: The USAF has decided to beddown its 7th Operational squadron (Ops 7) of up to 24 F–35A Primary Aerospace Vehicles Authorized (PAA) with 2 Backup Aircraft Inventory (BAI) in one squadron under the Air Force Reserve Command at Naval Air Station Joint Reserve Base Fort Worth, Texas. The Navy concurs in the Air Force's decision.

The USAF and Navy decision documented in the ROD was based on

matters discussed in the Final Environmental Impact Statement, inputs from the public and regulatory agencies, and other relevant factors. The USAF is the lead agency with the Navy as a cooperating agency. The Final Environmental Impact Statement was made available to the public on August 21, 2020 through a Notice of Availability in the **Federal Register** (Volume 85, Number 163, Page 51693) with a waiting period that ended on September 21, 2020.

Authority: This Notice of Availability is published pursuant to the regulations (40 CFR part 1506.6) implementing the provisions of the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) and the Air Force's Environmental Impact Analysis Process (32 CFR parts 989.21(b) and 989.24(b)(7)).

Adriane S. Paris,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2021–01991 Filed 1–29–21; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity Meeting

AGENCY: National Advisory Committee on Institutional Quality and Integrity (NACIQI), Office of Postsecondary Education, U.S. Department of Education.

ACTION: Announcement of an open meeting.

SUMMARY: This notice sets forth the agenda, time, and instructions to access or participate in the March 3–5, 2021 meeting of the National Advisory Committee on Institutional Quality and Integrity (NACIQI) and provides information to members of the public regarding the meeting, including requesting to make oral comments. The notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act (FACA) and section 114(d)(1)(B) of the Higher Education Act (HEA) of 1965, as amended.

DATES: The NACIQI meeting will be held on March 3–5, 2021, from 9:00 a.m. to 5:00 p.m. each day.

ADDRESSES: The NACIQI meeting will be held virtually. See the **SUPPLEMENTARY INFORMATION** for information on how to register.

FOR FURTHER INFORMATION CONTACT: George Alan Smith, Executive Director/Designated Federal Official, NACIQI, U.S. Department of Education, 400 Maryland Avenue SW, Room 271–03, Washington, DC 20202, telephone: (202) 453–7757, or email: *George.Alan.Smith@ed.gov.*

SUPPLEMENTARY INFORMATION: Please note that a notice setting forth the agenda, time, and instructions to access or participate in a meeting of the NACIQI on February 24–25, 2021 was posted for public inspection by the **Federal Register** on January 27, 2021. At the Department's request, that notice has been withdrawn, and this notice provides information about the NACIQI meeting, which has been rescheduled to March 3–5, 2021.

Web links: You may register for the meeting on your computer with each day's designated entry link, after which you will receive an email containing personalized dial-in details, access code, and meeting web link.

Wednesday, March 3, 2021

You must pre-register at *https://ems8.intellor.com?do=register&t=1&p=836514* to receive a join link, dial-in number, access code, and unique Attendee ID for the event.

Thursday, March 4, 2021

You must pre-register at *https://ems8.intellor.com?do=register&t=1&p=836280* to receive a join link, dial-in number, access code, and unique Attendee ID for the event.

Friday, March 5, 2021

You must pre-register at *https://ems8.intellor.com?do=register&t=1&p=836281* to receive a join link, dial-in number, access code, and unique Attendee ID for the event.

NACIQI's Statutory Authority and Function: NACIQI is established under section 114 of the HEA. NACIQI advises the Secretary of Education with respect to:

- The establishment and enforcement of the standards of accrediting agencies or associations under subpart 2, part H, Title IV of the HEA, as amended.
- The recognition of specific accrediting agencies or associations.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV of the HEA and part C, subchapter I, chapter 34, Title 42, together with recommendations for improvement in such process.
- The relationship between (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions.
- Any other advisory function relating to accreditation and institutional eligibility that the Secretary of Education may prescribe by regulation.

Meeting Agenda: Agenda items for the March 3–5, 2021, meeting are listed below.

Application for Renewal of Recognition

1. Association of Institutions of Jewish Studies. Scope of Recognition: The accreditation of postsecondary institutions of Jewish Studies within the United States exclusively offering educational programs leading to a certificate, associate degree, baccalaureate degree or their equivalent credential in Jewish Studies or Classical Torah Studies.

2. American Speech-Language-Hearing Association, Council on Academic Accreditation in Audiology and Speech-Language Pathology. Scope of Recognition: The accreditation and preaccreditation (Accreditation Candidate) throughout the United States of education programs in audiology and speech-language pathology leading to the first professional or clinical degree at the master's or doctoral level, and the accreditation of these programs offered via distance education.

3. American Board of Funeral Service Education, Committee on Accreditation. Scope of Recognition: The accreditation of institutions and programs within the United States awarding diplomas, associate degrees and bachelor's degrees in funeral service or mortuary science, including the accreditation of distance learning courses and programs offered by these programs and institutions.

4. Council on Naturopathic Medical Education. Scope of Recognition: The accreditation and preaccreditation throughout the United States of graduate-level, four-year naturopathic medical education programs leading to the Doctor of Naturopathic Medicine (NMD) or Doctor of Naturopathy (ND).

5. Commission on Massage Therapy Accreditation. Scope of Recognition: The accreditation of institutions and programs in the United States that award postsecondary certificates, postsecondary diplomas, academic Associate degrees and occupational Associate degrees, in the practice of massage therapy, bodywork, and aesthetics/esthetics and skin care.

6. Montessori Accreditation Council for Teacher Education. Scope of Recognition: The accreditation of Montessori teacher education institutions and programs throughout the United States, including those offered via distance education.

7. Midwifery Education Accreditation Council. Scope of Recognition: The accreditation and pre-accreditation throughout the United States of direct-entry midwifery educational institutions and programs conferring degrees and certificates, including the accreditation of such programs offered via distance education.

8. National Accrediting Commission of Career Arts and Sciences Inc., Scope of Recognition: The accreditation throughout the United States of postsecondary schools and departments of cosmetology arts and sciences and massage therapy.

Compliance Report Under 34 CFR 602.31(c)

Accrediting Council for Independent Colleges and Schools (ACICS)

Pursuant to the November 21, 2018 Decision of the Secretary, Docket No. 16–44–0 (available at *https://surveys.ope.ed.gov/erecognition/PublicDocuments* under NACIQI meeting date: 6/23/2016 for ACICS), ACICS submitted a compliance report on December 19, 2019 on issues identified in the Decision related to the agency's compliance with criteria in 34 CFR 602.15(a)(2) and (6). The Department staff's review has identified continued noncompliance with 34 CFR 602.15(a)(2). The ACICS compliance report was originally scheduled for the July 2020 NACIQI meeting, but the Department published a notice in the **Federal Register** on June 25, 2020 (85 FR 38132; Document Number 2020–13286), announcing that it was rescheduled for the February 2021 NACIQI meeting.

Inquiries Under 34 CFR 602.33

1. ACICS

a. 34 CFR 602.33 review in response to ACICS monitoring report. Pursuant to the November 21, 2018 Decision of the Secretary, Docket No. 16–44–0 (available at *https://surveys.ope.ed.gov/erecognition/PublicDocuments* under NACIQI meeting date: 06/23/2016 for ACICS), ACICS submitted a monitoring report on issues identified in the Decision related to the agency's compliance with the Criteria in 34 CFR 602.15(a)(1), 602.16(a)(1)(i) and (vii), and 602.19(b). In its review of the monitoring report, the Department staff noted that one or more deficiencies may exist in the agency's compliance with the Secretary's Criteria for Recognition or the agency's effective application of those Criteria, and therefore processed the monitoring report in accordance with the review procedures set forth in 34 CFR 602.33. The review has identified noncompliance with the Criteria in 34 CFR 602.15(a)(1) and 602.19(b).

b. *34 CFR 602.33 review initiated by inquiry letter dated June 19, 2019 (letter available at https://www.ed.gov/accreditation/acics).* The initiation of the review was based on information from media coverage of ACICS's presentation to the Council for Higher Education Accreditation concerning its financial situation and its review of two institutions, Virginia International University and San Diego University for Integrative Studies. The review has identified noncompliance with the Criteria in 34 CFR 602.15(a)(1), 602.16(c), and 602.17(c) and (e). It should be noted that the new accreditation regulations effective July 1, 2020 changed § 602.16(c) to § 602.16(d). There are no substantive changes to these two paragraphs of § 602.16, just a change in the paragraph lettering.

c. *34 CFR 602.33 review initiated by inquiry letter dated February 24, 2020 (letter available at https://www.ed.gov/accreditation/acics).* The initiation of the review was based on information from media coverage alleging that ACICS accredited Reagan National University, an institution not actually in operation. The review has identified noncompliance with the Criteria in 34 CFR 602.15(a)(1) and (2), 602.17(c), 602.18(c), and 602.19(b). It should be noted that the new regulations effective July 1, 2020 changed § 602.18(c) to § 602.18(b)(3). There are no relevant substantive changes to these two paragraphs of § 602.18, just a change in the paragraph lettering.

Subcommittee on Student Success

The subcommittee will provide an interim report on its work that focuses on § 602.16, Accreditation and preaccreditation standards, paragraph (a)(1)(i).

Submission of requests to make an oral comment regarding a specific accrediting agency under review, or to make an oral comment or written statement regarding other issues within the scope of NACIQI's authority: Opportunity to submit a written statement regarding a specific accrediting agency under review was solicited by previous **Federal Register** notices published on March 4, 2020 (85 FR 12778; Document Number 2020–04410), May 5, 2020 (85 FR 32031; Document Number 2020–11372), June 9, 2020 (85 FR 35295; Document Number 2020–12351), and November 5, 2020 (85 FR 70594: Document Number 2020–24595). The period for submission of such statements is now closed. Additional written comments regarding a specific agency or state approval agency under review will not be accepted at this time. However, members of the public may submit written statements regarding other issues within the scope of NACIQI's authority for consideration by NACIQI in the manner described below. Oral comments may not exceed three minutes.

Oral comments about an agency's recognition when a compliance report has been required by the senior Department official or the Secretary must relate to the criteria for recognition cited in the senior Department official's letter that requested the report, or in the Secretary's appeal decision, if any. Oral comments about an agency seeking expansion of scope must be directed to the agency's ability to serve as a recognized accrediting agency with respect to the kinds of institutions or programs requested to be added. Oral comments about the renewal of an agency's recognition must relate to its compliance with the Criteria for the Recognition of Accrediting Agencies, which are available at *http://www.ed.gov/admins/finaid/accred/index.html.* Written statements and oral comments concerning NACIQI's work outside of a specific accrediting agency under review must be limited to the scope of NACIQI's authority as outlined under section 114 of the HEA.

To request to make a third-party oral comment of three minutes or less during the March 3–5, 2021 meeting, please follow either Method One or Method Two. To submit a written statement to NACIQI concerning its work outside a specific accrediting agency under review, please follow Method One.

Method One: Submit a request by email to the *ThirdPartyComments@ed.gov* mailbox. Please do not send material directly to NACIQI members. Written statements to NACIQI concerning its work outside a specific accrediting agency under review and requests to make oral comment must be received by February 17, 2021 and include the subject line ''Oral Comment Request: (agency name),'' ''Oral Comment Request: (subject)'' or ''Written Statement: (subject).'' The email must include the name(s), title, organization/affiliation, mailing address, email address, telephone number, of the person(s) submitting a written statement or requesting to speak, and a brief summary (not to exceed one page) of the principal points to be made during the oral presentation, if applicable. All individuals submitting an advance request in accordance with

this notice will be afforded an opportunity to speak.

Method Two: Register on the day the meeting begins, March 3, 2021, from 7:45 a.m.–8:45 a.m., to make an oral comment during NACIQI's deliberations, using the designated link for Wednesday, March 3, 2021 listed earlier in this notice. The requestor must provide the subject on which he or she wishes to comment, in addition to his or her name, title, organization/affiliation, mailing address, email address, and telephone number. A total of up to fifteen minutes for each agenda item will be allotted for oral commenters who register on March 3, 2021 by 8:45 a.m. Individuals will be selected on a first-come, first-served basis. If selected, each commenter may not exceed three minutes.

Access to Records of the Meeting: The Department will post the official report of the meeting on the NACIQI website within 90 days after the meeting. In addition, pursuant to the FACA, the public may request to inspect records of the meeting at 400 Maryland Avenue SW, Washington, DC, by emailing *aslrecordsmanager@ed.gov* or by calling (202) 453–7415 to schedule an appointment. Senior Department official's (as defined in 34 CFR 602.3) decisions pursuant to 34 CFR 602.36 associated with all NACIQI Meetings can be found at the following website: *https://surveys.ope.ed.gov/erecognition/PublicDocuments.*

Reasonable Accommodations: The meeting dial-in information and weblink are accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site. You also may access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: 20 U.S.C. 1011c.

Tiwanda Burse,

Deputy Assistant Secretary for Management & Planning, Office of Postsecondary Education.

[FR Doc. 2021–02106 Filed 1–29–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP21–399–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 1.25.21 Negotiated Rates—Equinor Natural Gas LLC R–7120–13 to be effective 2/1/2021.

Filed Date: 1/25/21.

Accession Number: 20210125–5050.

Comments Due: 5 p.m. ET 2/8/21.

Docket Numbers: RP21–400–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 1.25.21 Negotiated Rates—Equinor Natural Gas LLC R–7120–14 to be effective 2/1/2021.

Filed Date: 1/25/21.

Accession Number: 20210125–5051.

Comments Due: 5 p.m. ET 2/8/21.

Docket Numbers: RP21–401–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate—Yankee Gas 510802 Release eff 1–26–2021 to be effective 1/26/2021.

Filed Date: 1/25/21.

Accession Number: 20210125–5118.

Comments Due: 5 p.m. ET 2/8/21.

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 date(s). 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: January 26, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02096 Filed 1–29–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2879–012]

Green Mountain Power Corporation; Notice of Waiver Period for Water Quality Certification Application

On January 25, 2021, the Vermont Department of Environmental Conservation (Vermont DEC) notified the Federal Energy Regulatory Commission (Commission) that Green Mountain Power Corporation submitted an application for a Clean Water Act section 401(a)(1) water quality certification to Vermont DEC on January 22, 2021, in conjunction with the above captioned project. Pursuant to 40 CFR 121.6, we hereby notify the Vermont DEC of the following:

Date of Receipt of the Certification Request: January 22, 2021.

Reasonable Period of Time to Act on the Certification Request: One year.

Date Waiver Occurs for Failure to Act: January 22, 2022.

If Vermont DEC fails or refuses to act on the water quality certification request by the above waiver date, then the agency's certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: January 26, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–02061 Filed 1–29–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–28–000]

Northern Natural Gas Company; Notice of Application and Establishing Intervention Deadline

Take notice that on January 13, 2021, Northern Natural Gas Company (Northern), 1111 South 103rd Street Omaha, NE 68124–1000, filed an application under section 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization to: (1) Establish a buffer zone around the storage facility; (2) designate five geological formations as gas-containing vertical buffer zones; and (3) to recognize the inclusion of the Lower Eau Claire formation into the geologically continuous Mt. Simon A zone of the Mt. Simon gas storage reservoir, all at the Redfield storage facility located in Dallas County, Iowa. Northern seeks authorization for the establishment of a buffer zone approximately one-half mile around the mapped gas extent consisting of approximately 4,847 acres. Northern also seeks authority to establish five geological formations that are currently non-storage formations as buffer formations: The Prairie Du Chien formation; the Franconia formation; the Decorah-Platteville formation; the Fort Atkinson formation; and the Gower 2 formation. The proposed changes will not change the certificated physical parameters, including the certificated storage capacity, of the Field. No new aboveground facilities will be required for the authorities sought herein, all as more fully set forth in the request which is on file with the Commission and open to 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 the proposed project should be directed to Michael T. Loeffler, Certificates and External Affairs, Northern Natural Gas Company, P.O. Box 3330, Omaha, NE 68103–0330, by phone at (402) 398–7103, or by email at *mike.loeffler@nngco.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 two ways to become involved in the Commission's review of this project: You can file comments on the project, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on [February 16, 2021].

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please submit your comments on or before [February 16, 2021].

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number CP21–28–000 in your submission.

(1) 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;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. 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; first select ''General'' and then select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address below.[2] Your written comments must reference the Project docket number (CP21–28–000).

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

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.

The Commission considers all comments received about the project in determining the appropriate action to be taken. 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. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[3] 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

[1] 18 CFR (Code of Federal Regulations) 157.9.

[2] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[3] 18 CFR 385.102(d).

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 [February 16, 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 the 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.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP21–28–000 in your submission.

(1) You may file your motion to intervene 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 ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf.;* or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below.[6] Your motion to intervene must reference the Project docket number CP21–28–000.

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Motions to intervene must be served on the applicant either by mail or email at: P.O. Box 3330, Omaha, NE 68103–0330 or *mike.loeffler@nngco.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. Service can be via email with a link to the document.

All timely, unopposed [7] motions to intervene are automatically granted by operation of Rule 214(c)(1).[8] 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.[9] 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 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.*

Intervention Deadline: 5:00 p.m. Eastern Time on [February 16, 2021].

Dated: January 26, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02098 Filed 1–29–21; 8:45 am]

BILLING CODE 6717–01–P

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[7] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[8] 18 CFR 385.214(c)(1).

[9] 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–26–000]

Notice of Request for Extension of Time; Eastern Gas Transmission and Storage, Inc.

Take notice that on January 21, 2021, Eastern Gas Transmission and Storage, Inc.[1] (Eastern GTS) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until August 22, 2021, to abandon, reconfigure, and relocate storage wells and related pipelines within its jurisdictional Bridgeport Storage Field in Harrison County, West Virginia (Project),[2] as deemed authorized, effective February 22, 2020. Under the applicable regulations, the Project was to be completed and made available for service by February 22, 2021, *i.e.,* within one year of authorization.[3]

Eastern GTS states that, primarily due to delays related to the COVID–19 pandemic, as well as weather related delays, Eastern GTS will be unable to complete all construction activities necessary to complete the Project within the authorized one-year timeframe. Accordingly, Eastern GTS requests a six-month extension of time, until August 22, 2021, to complete construction of the Project.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on Columbia's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10).[4]

As a matter of practice, the Commission itself generally acts on

[1] As of November 1, 2020, Berkshire Hathaway Energy Company acquired certain companies of Dominion Energy, including Dominion Energy Transmission, Inc. and has changed its name to Eastern Gas Transmission and Storage, Inc.

[2] Prior Notice of Blanket Certificate Activity, Docket No. CP20–26–000 (filed December 16, 2019).

[3] Pursuant to Section 157.205 of the Commission's regulations, 18 CFR 157.205, a prior notice application is deemed to be authorized the day after the intervention period lapses if no protests are filed.

[4] Only motions to intervene from entities that were party to the underlying proceeding will be accepted. *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 39 (2020).

requests for extensions of time to complete construction for Natural Gas Act facilities when such requests are contested before order issuance. For those extension requests that are contested,[5] the Commission will aim to issue an order acting on the request within 45 days.[6] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[7] The Commission will not consider arguments that re-litigate the issuance of the Certificate Order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act.[8] At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.[9] The OEP Director, or his or her designee, will act on those extension requests that are uncontested.

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 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.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFile'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission. 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 Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on February 11, 2021.

Dated: January 26, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02097 Filed 1–29–21; 8:45 am]

BILLING CODE 6717–01–P

[5] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2020).

[6] *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 40 (2020).

[7] *Id.* P 40.

[8] Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

[9] *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 40 (2020).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 539–015]

Lock 7 Hydro Partners, LLC; Notice Soliciting Scoping Comments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 539–015.

c. *Date Filed:* April 30, 2020.

d. *Applicant:* Lock 7 Hydro Partners, LLC (Lock 7 Hydro).

e. *Name of Project:* Mother Ann Lee Hydroelectric Station Water Power Project (Mother Ann Lee Project).

f. *Location:* The project is located on the Kentucky River in Mercer, Jessamine, and Garrard Counties, Kentucky. The project does not occupy federal land.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* David Brown Kinloch, Lock 7 Hydro, 414 S Wenzel St., Louisville, Kentucky 40204; (502) 589–0975 or *kyhydropower@gmail.com.*

i. *FERC Contact:* Joshua Dub at (202) 502–8138 or *joshua.dub@ferc.gov.*

j. *Deadline for filing scoping comments:* February 25, 2021.

The Commission strongly encourages electronic filing. Please file scoping 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. All filings must clearly identify the project name and docket number on the first page: Mother Ann Lee Project (P–539–015).

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. The application is not ready for environmental analysis at this time.

l. The Mother Ann Lee Project consists of the following existing facilities: (1) A reservoir with a surface area of 777 acres and a storage capacity of 5,828 acre-feet at elevation 513.12 NGVD 29 (National Geodetic Vertical Datum of 1929); (2) a 250-foot-long, 15.3-foot-high, timber crib dam with a concrete cap and an abandoned 62-foot-long lock structure on the east side; (3) a 120-foot-long, 100-foot-wide forebay; (4) a 24-foot-tall, 84-foot-wide trashrack; (5) a 93-foot-long, 25-foot-wide, 16-foot-high powerhouse integral with the dam containing three generating units with a total installed capacity of 2,210 kilowatts; (6) a 30-foot-long, 15.3-foot-high concrete spillway section from the powerhouse to the west shore; (7) an 85-foot-long substation; and (8) a 34.5 kilovolt, 4,540-foot-long transmission line. The project is estimated to generate an average of 9,200 megawatt-hours annually.

m. 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 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 FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

n. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. *Scoping Process:* Commission staff will prepare either an environmental assessment (EA) or an Environmental Impact Statement (EIS) that describes and evaluates the probable effects, if any, of the licensee's proposed action and alternatives. The EA or EIS will consider environmental impacts and reasonable alternatives to the proposed action. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission prepares an EA or an EIS. Due to restrictions on mass gatherings related to COVID–19, we do not intend to conduct a public scoping meeting and site visit in this case. Instead, we are soliciting written comments and suggestions on the preliminary list of issues and alternatives to be addressed in the NEPA document, as described in scoping document 1 (SD1), issued January 26, 2021.

Copies of the SD1 outlining the subject areas to be addressed in the NEPA document were distributed to the parties on the Commission's mailing list and the applicant's distribution list. Copies of SD1 may be viewed on the web at *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. For assistance, call 1–866–208–3676 or for TTY, (202) 502–8659.

Dated: January 26, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–02062 Filed 1–29–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–26–000]

Eastern Gas Transmission and Storage, Inc.; Notice of Request for Extension of Time

Take notice that on January 21, 2021, Eastern Gas Transmission and Storage, Inc.[1] (Eastern GTS) requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time, until August 22, 2021, to abandon, reconfigure, and relocate storage wells and related pipelines within its jurisdictional Bridgeport Storage Field in Harrison County, West Virginia (Project),[2] as deemed authorized, effective February 22, 2020. Under the applicable regulations, the Project was to be completed and made available for service by February 22, 2021, *i.e.,* within one year of authorization.[3]

Eastern GTS states that, primarily due to delays related to the COVID–19 pandemic, as well as weather related delays, Eastern GTS will be unable to complete all construction activities necessary to complete the Project within the authorized one-year timeframe. Accordingly, Eastern GTS requests a six-month extension of time, until August 22, 2021, to complete construction of the Project.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on Columbia's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10).[4]

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for Natural Gas Act facilities when such requests are contested before order issuance. For those extension requests that are contested,[5] the Commission will aim to issue an order acting on the request within 45 days.[6] The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.[7] The Commission will not consider arguments that re-litigate the issuance of the Certificate Order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act.[8] At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.[9] The OEP Director, or his or her designee, will act on those extension requests that are uncontested.

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 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.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFile'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission. To mail

[1] As of November 1, 2020, Berkshire Hathaway Energy Company acquired certain companies of Dominion Energy, including Dominion Energy Transmission, Inc. and has changed its name to Eastern Gas Transmission and Storage, Inc.

[2] Prior Notice of Blanket Certificate Activity, Docket No. CP20–26–000 (filed December 16, 2019).

[3] Pursuant to Section 157.205 of the Commission's regulations, 18 CFR 157.205, a prior notice application is deemed to be authorized the day after the intervention period lapses if no protests are filed.

[4] Only motions to intervene from entities that were party to the underlying proceeding will be accepted. *Algonquin Gas Transmission, LLC,* 170 FERC ¶ 61,144, at P 39 (2020).

[5] Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2020).

[6] *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 40 (2020).

[7] *Id.* P 40.

[8] Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with NEPA.

[9] *Algonquin Gas Transmission, LLC,* 170 FERC 61,144, at P 40 (2020).

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 Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on February 11, 2021.

Dated: January 26, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–02060 Filed 1–29–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC21–47–000.

Applicants: R–WS Antelope Valley Gen-Tie, LLC, Portal Ridge Solar A, LLC, OMERS Administration Corporation.

Description: Application for Authorization Under Section 203 of the Federal Power Act of R–WS Antelope Valley Gen-Tie, LLC, *et al.*

Filed Date: 1/25/21.

Accession Number: 20210125–5231.

Comments Due: 5 p.m. ET 2/16/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2633–039.

Applicants: Birchwood Power Partners, L.P.

Description: Notice of Change in Status of Birchwood Power Partners, L.P.

Filed Date: 1/22/21.

Accession Number: 20210122–5128.

Comments Due: 5 p.m. ET 2/12/21.

Docket Numbers: ER10–2924–015.

Applicants: Kleen Energy Systems, LLC.

Description: Notice of Non-Material Change in Status of Kleen Energy Systems, LLC.

Filed Date: 1/26/21.

Accession Number: 20210126–5111.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: ER19–2757–003.

Applicants: California Independent System Operator Corporation.

Description: Compliance filing: 2021–01–26 Petition for Limited Tariff Waiver—Postpone Eff. Date to June 2021 to be effective N/A.

Filed Date: 1/26/21.

Accession Number: 20210126–5104.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: ER21–639–000.

Applicants: Wapello Solar LLC.

Description: Supplement to December 14, 2020 Wapello Solar LLC tariff filing.

Filed Date: 1/21/21.

Accession Number: 20210121–5316.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER21–940–000.

Applicants: Hardin Solar Energy LLC.

Description: Baseline eTariff Filing: Shared Facilities Agreement to be effective 1/26/2021.

Filed Date: 1/25/21.

Accession Number: 20210125–5214.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: ER21–941–000.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: Compliance filing: ISO–NE and NEPOOL; Revisions to Schedule 24 to Comply with Order No. 676–I to be effective 12/31/9998.

Filed Date: 1/26/21.

Accession Number: 20210126–5034.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: ER21–942–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: Amended GIA Windpower Partner 1993, LLC Renwind Project SA No. 375 to be effective 1/27/2021.

Filed Date: 1/26/21.

Accession Number: 20210126–5061.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: ER21–943–000.

Applicants: ISO New England Inc.

Description: § 205(d) Rate Filing: ISO–NE; Revisions to Obligations of Energy Efficiency Resources Under PFP to be effective 4/1/2021.

Filed Date: 1/26/21.

Accession Number: 20210126–5084.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: ER21–944–000.

Applicants: Southwestern Electric Power Company.

Description: § 205(d) Rate Filing: Bentonville PSA to be effective 3/28/2021.

Filed Date: 1/26/21.

Accession Number: 20210126–5132.

Comments Due: 5 p.m. ET 2/16/21.

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: January 26, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–02094 Filed 1–29–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2897–052, 2931–044, 2932–051, 2941–047, 2942–054, and 2984–123]

Sappi North America, Inc., Presumpscot Hydro LLC; Notice of Application for Transfer of License and Lease of Project Lands Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Transfer of License and Lease of Project Lands.

b. *Project Nos.:* 2897–052, 2931–044, 2932–051, 2941–047, 2942–054, and 2984–123.

c. *Date Filed:* October 20, 2020.

d. *Applicants:* Sappi North America, Inc. (Transferor). Presumpscot Hydro LLC (Transferee).

e. *Name of Projects:* Saccarappa, Gambo, Mallison Falls, Little Falls, Dundee, and Eel Weir.

f. *Location:* The Saccarappa, Gambo, Mallison Falls, Little Falls, Dundee projects are located on the Presumpscot River, in the Towns of Gorham and Windham and the City of Westbrook in Cumberland County, Maine. The Eel Weir Project is located on Sebago Lake near the cities of Standish and Windham in Cumberland County, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contacts:*

For Transferor: Ms. Briana O'Regan, Sappi North America, Inc., 179 John Roberts Road, South Portland, ME 04106, phone: (207) 854–7070, Email: *briana.oregan@sappi.com.*

For Transferor and Transferee: Mr. Matthew D. Manahan, Counsel for Transferor and Transferee, Pierce Atwood LLP, 254 Commercial St., Portland, ME 04101, phone: (207) 791–1189, Email: *mmanahan@pierceatwood.com.*

i. *FERC Contact:* Mrs. Anumzziatta Purchiaroni, (202) 502–6191 or *Anumzziatta.purchiaroni@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* Within 30 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy 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–2897–052, P–2931–044, P–2932–051, P–2941–047, P–2942–054, and P–2984–123. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a resource agency, it must also serve a copy of the document on that resource agency.

k. *Description of Transfer and Lease of Project Lands Request:* The applicants request that the Commission approve the transfer of the following projects from Sappi North America, Inc. (Sappi or Transferor) to Presumpscot Hydro LLC (Presumpscot or Transferee): Saccarappa Project No. 2897, Gambo Project No. 2931, Mallison Falls Project No. 2932, Little Falls Project No. 2941, Dundee Project No. 2942, and Eel Weir Project No. 2984–123. The applicants propose the transfer because of an internal corporate reorganization that resulted in the formation of the Sappi subsidiary, Presumpscot. As part of the proposed transfers, the Transferor would retain ownership of the transmission line properties between the Dundee Project and Transferor's Westbrook Mill. In addition, the Transferor would retain ownership of the transmission line properties between the Mallison Falls Project and Transferors' Westbrook Mill (which transmission line connects the Gambo, Little Falls, and Mallison Falls projects to the mill). The applicants request Commission approval to lease the transmission line property to the Transferee. Furthermore, the Transferor requests approval to lease to the Transferee certain lands associated with the Saccarappa Project, including property associated with required fish passage facilities. By an Order issued on April 4, 2019, the Commission approved a surrender of the Saccarappa Project license and related license amendments for the Mallison Falls, Little Falls, Gambo, and Dundee Projects. The license surrender would become effective upon removal of the Saccarappa Dam and other project works, installation of fish passage facilities, and the completion of other requirements. The completed fish passage facilities would become part of the Mallison Falls Project. The applicants also request Commission approval to convey in fee the proposed leased lands occupied by the fish passage facilities to the Transferee once the surrender becomes effective.

l. *Locations of the Applications:* 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 website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. Agencies may obtain copies of the application directly from the applicants. 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, (866) 208–3676 or TTY, (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: January 26, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–02059 Filed 1–29–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of

the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—CE21–004: Research Grants for Preventing Violence and Violence Related Injury.

Date: May 25–26, 2021.

Time: 8:30 a.m.–5:00 p.m., EDT.

Place: Videoconference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Mikel Walters, Ph.D., Scientific Review Officer, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway NE, Mailstop F–63, Atlanta, Georgia 30341, Telephone (404) 639–0913, *MWalters@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–02051 Filed 1–29–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—CE21–005, The CDC National Centers of Excellence in Youth Violence Prevention (YVPCs): Rigorous Evaluation of Prevention Strategies to Prevent and Reduce Community Rates of Youth Violence.

Date: June 22–24, 2021.

Time: 8:30 a.m.–5:00 p.m., EDT.

Place: Web Conference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Mikel Walters, Ph.D., Scientific Review Officer, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway NE, Mailstop F–63, Atlanta, Georgia 30341, Telephone (404) 639–0913, *MWalters@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–02054 Filed 1–29–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 86 FR 6336–6340, dated January 20, 2021) is amended to reflect the Order of Succession for the Centers for Disease Control and Prevention.

Section C–C, Order of Succession, is hereby amended as follows:

Delete in its entirety Section C–C, Order of Succession, and insert the following:

During the absence or disability of the Director, Centers for Disease Control and Prevention (CDC), or in the event of a vacancy in that office, the first official listed below who is available shall act as Director, except that during a planned period of absence, the Director may specify a different order of succession:

1. Principal Deputy Director
2. Chief Medical Officer
3. Deputy Director for Public Health Service and Implementation Science
4. Deputy Director for Infectious Diseases
5. Deputy Director for Public Health Science and Surveillance
6. Deputy Director for Non-Infectious Diseases
7. Director, National Institute for Occupational Safety and Health

Sherri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–02093 Filed 1–29–21; 8:45 am]

BILLING CODE 4160–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Disease, Disability, and Injury Prevention and

Control Special Emphasis Panel (SEP)—TS21–001, Identify and Evaluate Potential Risk Factors for Amyotrophic Lateral Sclerosis (ALS).

Date: June 10, 2021.

Time: 10:00 a.m.–5:00 p.m., EDT.

Place: Web Conference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Mikel Walters, Ph.D., Scientific Review Officer, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway NE, Mailstop F–63, Atlanta, Georgia 30341, Telephone (404) 639–0913, *MWalters@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–02053 Filed 1–29–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—CE21–003, Grants to Support New Investigators in Conducting Research Related to Preventing Interpersonal Violence Impacting Children and Youth.

Date: May 11–12, 2021.

Time: 8:30 a.m.–5:00 p.m., EDT.

Place: Web Conference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Mikel Walters, Ph.D., Scientific Review Officer, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway NE, Mailstop F–63, Atlanta, Georgia 30341, Telephone (404) 639–0913, *MWalters@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–02050 Filed 1–29–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel; (SEP)—CE21–001: Rigorous Evaluation of Policies for their Impacts on the Primary Prevention of Multiple Forms of Violence.

Date: June 8–9, 2021.

Time: 8:30 a.m.–5:00 p.m., EDT.

Place: Videoconference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Mikel Walters, Ph.D., Scientific Review Officer, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway NE, Mailstop F–63, Atlanta, Georgia 30341, Telephone (404) 639–0913, *MWalters@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2021–02052 Filed 1–29–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Availability of Program Application Instructions for Adult Protective Services Funding

Title: Coronavirus Response and Relief Supplemental Appropriations Act of 2021: Grants to Enhance Adult Protective Services to Respond to COVID–19.

Announcement Type: Initial.

Statutory Authority: The statutory authority for grants under this program announcement is contained in the Elder Justice Act Section 2042(b) of Title XX of the Social Security Act [Pub. L. 74–271] [As Amended Through Pub. L. 115–123, Enacted February 9, 2018] as referenced in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021.

Catalog of Federal Domestic Assistance (CFDA) Number: 93.747.

DATES: The deadline date for the submission of the Coronavirus Response and Relief Supplemental Appropriations Act of 2021: Grants to Enhance Adult Protective Services to Respond to COVID–19 Letter of Assurance is 11:59PM EST March 3, 2021.

I. Funding Opportunity Description

The Administration for Community Living (ACL) is establishing the Coronavirus Response and Relief Supplemental Appropriations Act of 2021: Grants to Enhance Adult Protective Services to Respond to COVID–19 funding opportunity to implement Section 2042(b) of Subtitle B of Title XX of the Social Security Act, otherwise known as the Elder Justice Act (EJA) as authorized and funded through the Coronavirus Response and Relief Supplemental Appropriations Act, 2021. In accordance with these statutes, the purpose of this opportunity is to enhance and improve adult protective services provided by States and local units of government in response to the COVID–19 pandemic.

Funds awarded under this opportunity will provide Adult Protective Services programs (APS) in the States and territories with resources related to their response during the Coronavirus Public Health Emergency. This funding is intended to enhance, improve, and expand the ability of APS to investigate allegations of abuse, neglect, and exploitation in the context of COVID–19. Examples of activities consistent with the purposes of the authorizing legislation include:

- Improving and supporting remote work, such as the purchase of communications and technology hardware, software, or infrastructure;
- Costs associated with establishing new, or improving existing processes for responding to alleged scams and frauds, especially related to COVID–19 vaccine or cure scams;
- Costs associated with community outreach;
- Costs associated with providing goods and services to APS clients related to COVID–19;
- Acquiring personal protection equipment and supplies;
- Paying for extended hours/overtime for staff, hiring temporary staff, and associated personnel costs;
- Training costs related to COVID–19;
- Funds for travel related to or required by COVID–19.
- Costs associated with assisting APS clients secure the least restrictive option for emergency or alternative housing, and with obtaining, providing, or coordinating with care transitions as appropriate.

Awards authorized under the EJA Section 2042(b) shall be provided to the agency or unit of State government having the legal responsibility for providing adult protective services within the State. This funding must supplement and not supplant existing funding for adult protective services provided by States and local units of government. Additionally, award recipients will be required to submit semi-annual federal financial reports and annual program reports related to the activities performed. To be eligible to receive this grant, the agency or unit of State government having the legal responsibility for providing adult protective services must submit a Letter of Assurance to ACL containing all of the assurances required, and an initial outline of a plan to spend the funds (see below ''Section III. Eligibility Criteria and Other Requirements'' and ''Section IV. Submission Information'').

II. Award Information

1. Funding Instrument Type

These awards will be made in the form of formula grants to the agencies and units of State government with the legal responsibility to provide adult protective services.

2. Anticipated Total Funding per Budget Period

Under this program announcement, ACL intends to make grant awards to each State and territory, and the District of Columbia. Awards made under this announcement have an estimated start date of April 1, 2021 and an estimated end date of September 30, 2022, for an 18-month budget and performance period.

The total available funding for this opportunity is $93,880,000. Funding will be distributed through the formula identified in Section 2042(b) of the Elder Justice Act. The amounts allocated are based upon the proportion of elders living in each state and territory, as defined in statute, and will be distributed based on the formula. There are no cost-sharing nor match requirements. Below are the projected award amounts:

State/territory	Projected amount
Alabama	$1,367,545
Alaska	704,100
Arizona	2,034,877
Arkansas	831,205
California	9,476,701
Colorado	1,390,039
Connecticut	1,022,558
Delaware	704,100
Dist. of Columbia	140,809
Florida	6,896,415
Georgia	2,490,713
Hawaii	704,100
Idaho	704,100
Illinois	3,324,229
Indiana	1,765,688
Iowa	884,872
Kansas	768,741
Kentucky	1,216,527
Louisiana	1,211,268
Maine	704,100
Maryland	1,571,936
Massachusetts	1,893,433
Michigan	2,868,691
Minnesota	1,501,422
Mississippi	788,509
Missouri	1,712,169
Montana	704,100
Nebraska	704,100
Nevada	795,772
New Hampshire	704,100
New Jersey	2,401,390
New Mexico	704,100
New York	5,306,382
North Carolina	2,813,974
North Dakota	704,100
Ohio	3,319,395
Oklahoma	1,022,727
Oregon	1,212,402
Pennsylvania	3,839,908
Rhode Island	704,100
South Carolina	1,490,158
South Dakota	704,100
Tennessee	1,842,330
Texas	6,174,152
Utah	704,100
Vermont	704,100
Virginia	2,205,652
Washington	1,962,724
West Virginia	704,100
Wisconsin	1,655,767
Wyoming	704,100
American Samoa	93,880
Guam	93,880
Northern Marianas	93,880
Puerto Rico	1,037,800
Virgin Islands	93,880

III. Eligibility Criteria and Other Requirements

1. Eligible Entities

The eligible entity for these awards is the agency or unit of State government legally responsible for providing adult protective services in each state and territory (EJA Section 2042(b)).

2. Other Requirements

A. Letter of Assurance

A *Letter of Assurance* is required to be submitted by the eligible entity in order to receive an award. The Letter of Assurance must include the following:

1. Assurance that the award recipient is the agency or unit of State government legally responsible for providing adult protective services in each state and territory.

2. Assurance that funds will supplement and not supplant existing APS funding.

3. Assurance that funds will be spent in ways consistent with the Elder Justice Act Section 2042(b); the Coronavirus Response and Relief Supplemental Appropriations Act, 2021; and guidance provided by ACL, including the

examples of activities consistent with the purposes of the authorizing legislation:

- Improving and supporting remote work, such as the purchase of communications and technology hardware, software, or infrastructure;
- Costs associated with establishing new or improving existing processes for responding to alleged scams and frauds, especially related to COVID–19 vaccine or cure scams;
- Costs associated with community outreach;
- Costs associated with providing goods and services to APS clients related to COVID–19;
- Acquiring personal protection equipment and supplies;
- Paying for extended hours/over-time for staff, hiring temporary staff, and associated personnel costs;
- Training costs related to COVID–19;
- Funds for travel related to or required by COVID–19.

4. Assurance to provide semi-annual federal financial reports and annual program reports related to the activities performed.

B. Initial Spend Plan

An *Initial Spend Plan* must be submitted along with the Letter of Assurance. The Initial Spend Plan should outline how the state/territory intends to spend their allotment in response to the needs and challenges to their APS program brought about by COVID–19. The plan should be consistent with the purpose of the authorizing legislation and examples outlined above. The Initial Spend Plan submitted in response to this opportunity is considered a preliminary framework for how the state/territory will plan to spend these funds. The Initial Spend Plan should have the following format: 2–5 pages in length, double-spaced, with 12pt font and 1″ margins, with a layout of 8.5″ x 11″ paper.

C. DUNS Number

All grant applicants must obtain and keep current a D–U–N–S number from Dun and Bradstreet. It is a nine-digit identification number, which provides unique identifiers of single business entities. The D–U–N–S number can be obtained from: *https://iupdate.dnb.com/iUpdate/viewiUpdateHome.htm.*

D. Intergovernmental Review

Executive Order 12372, Intergovernmental Review of Federal Programs, is not applicable to these grant applications.

IV. Submission Information

1. Letter of Assurance and Initial Spend Plan

To receive funding, eligible entities must provide a *Letter of Assurance* and an *Initial Spend Plan* containing all the information outlined in Section III A. & B. above.

Letters of Assurance and the Initial Spend Plan should be addressed to: Alison Barkoff, Acting Administrator and Assistant Secretary for Aging, Administration for Community Living, 330 C Street SW, Washington, DC 20201.

Letters of Assurance and the Initial Spend Plan should be submitted electronically via email to the ACL Regional Administrator for each state. The following table identifies the ACL regions for each state and contact information for each Regional Administrator.

	Covered states	ACL regional administrator
Region I	CT, MA, ME, NH, RI, VT	Jennifer Throwe, Email: *jennifer.throwe@acl.hhs.gov,* Phone: 617–565–1158.
Region II	NY, NJ, PR, VI	Kathleen Otte, Email: *kathleen.otte@acl.hhs.gov,* Phone: 212–264–2976.
Region III	DC, DE, MD, PA, VA, WV	Rhonda Schwartz, Email: *rhonda.schwartz@acl.hhs.gov,* Phone: 267–831–2329.
Region IV	AL, FL, GA, KY, MS, NC, SC, TN	Costas Miskis, Email: *Constantinos.Miskis@acl.hhs.gov,* Phone: 404–562–7600.
Region V	IL, IN, MI, MN, OH, WI	Amy Wiatr-Rodriguez, Email: *Amy.Wiatr-Rodriguez@acl.hhs.gov,* Phone: 312–938–9858.
Region VI	AR, LA, OK, NM, TX	Derek Lee, Email: *derek.lee@acl.hhs.gov,* Phone: 214–767–1865.
Region VII	IA, KS, MO, NE	Lacey Boven, Email: *lacey.boven@acl.hhs.gov,* Phone: 816–702–4180.
Region VIII	CO, MT, UT, WY, ND, SD	Percy Devine, Email: *percy.devine@acl.hhs.gov,* Phone: 303–844–2951.
Region IX	CA, NV, AZ, HI, GU, CNMI, AS	Fay Gordon, Email: *Fay.Gordon@acl.hhs.gov,* Phone: 415–437–8780.
Region X	AK, ID, OR, WA	Louise Ryan, Email: *Louise.Ryan@acl.hhs.gov,* Phone: (206) 615–2299.

2. Submission Dates and Times

To receive consideration, Letters of Assurance and the Initial Spend Plan must be submitted by 11:59 p.m. Eastern Time on EST March 3, 2021. Letters of Assurance and the Initial Spend Plan should be submitted electronically via email and have an electronic time stamp indicating the date/time submitted.

VII. Agency Contacts

1. Programmatic Issues

Direct programmatic inquiries to: Stephanie Whittier Eliason, Email: *stephanie.whittiereliason@acl.hhs.gov*, Phone: 202.795.7467.

2. Submission Issues

Direct inquiries regarding submission of the Letters of Assurance to the appropriate ACL Regional Administrator found in the table in ''Section IV. Submission Information.''

Dated: January 27, 2021.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2021–02091 Filed 1–29–21; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Availability of Program Application Instructions for Long-Term Care Ombudsman Program Funds

Title: Coronavirus Response and Relief Supplemental Appropriations Act of 2021: Grants to Enhance Capacity of Long-Term Care Ombudsman Programs to Respond to Complaints of Abuse and Neglect of Residents in Long-Term Care Facilities During the COVID–19 Public Health Emergency.

Announcement Type: Initial.

Statutory Authority: The statutory authority for grants under this program announcement is contained in Section

712 of the Older Americans Act of 1965 [Pub. L. 89–73] [As Amended Through Pub. L. 116–131, Enacted March 25, 2020]; and Subtitle B of Title XX of the Social Security Act, otherwise known as the Elder Justice Act [Pub. L. 74–271] [As Amended Through Pub. L. 115–123, Enacted February 9, 2018] as referenced in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021.

Catalog of Federal Domestic Assistance (CFDA) Number: 93.747.

DATES: The deadline date for State Agencies on Aging to submit their Letter of Assurance for Long-Term Care Ombudsman Programs is 11:59 p.m. EST March 3, 2021.

I. Funding Opportunity Description

The purpose of this funding opportunity is to strengthen the capacity of State Long-Term Care Ombudsman programs to respond during the COVID public health emergency and resolve resident complaints about abuse and neglect. This funding opportunity is appropriated through the Coronavirus Response and Relief Supplemental Appropriations Act of 2021and authorized by the Elder Justice Act, 42 U.S.C. Section 2043(a)(1)(A).

ACL seeks plans from State Agencies on Aging, developed in coordination with the State Long-Term Care Ombudsman, that describe how the Long-Term Care Ombudsman (LTCO) programs will use funds to enhance their capacity during and related to the COVID public health emergency to respond to and resolve complaints about abuse and neglect. This enhancement of capacity can include activities described below. Plans for use of these grant funds may go above and beyond those regular activities planned in response to other funding.

To be eligible to receive this grant, State Agencies on Aging must submit a Letter of Assurance to ACL containing all of the assurances required, *(see Section III of this FRN, Eligibility Criteria and Other Requirements).*

The Letter of Assurance will be considered an Amendment to the State Plan on Aging and must describe the State LTCO plans for use of these supplemental funds. Examples of activities consistent with the purposes of the authorizing legislation include the following:

a. Enhance Ombudsman program complaint investigations during the COVID public health emergency to address complaints related to abuse, neglect and poor care;

b. Resume in-person visitation at such time as visitation is permitted, such as when the COVID vaccine is accessible to residents, facility staff, and individuals working for the LTCO program;

c. Conduct education and outreach on abuse and neglect identification and prevention during the COVID public health emergency to residents, their families and facility staff;

d. Enable travel for representatives of the LTCO Office to ensure all residents have access to a LTCO representative;

e. Continue purchase of needed Personal Protective Equipment;

f. Continue purchase of technology as needed;

g. Enable participation in state-level ''strike teams'' to address complaints related to care and neglect;

h. Provide information and assistance on transitions from long-term care facilities to community-based, home care settings, consistent with section 712(a)(3) of the Older Americans Act.

II. Award Information

1. Funding Instrument Type

These grants are discretionary, supplemental grants, authorized by Section 2043(a)(1)A) of the Elder Justice Act and appropriated through the Coronavirus Response and Relief Supplemental Appropriations Act of 2021. The State Agency on Aging will assure that the State LTCO uses these supplemental funds consistent with the purposes authorized by appropriations contained in Section 2043(a)(1)A) of the Elder Justice Act and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021.

2. Anticipated Total Priority Area Funding

The total available funding for this opportunity is $4,000,000. ACL intends to make available, under this program announcement, grant awards to State Agencies on Aging for their Long-Term Care Ombudsman Programs. The period of performance for these grants during which grant activities must occur is estimated to commence on April 1, 2021 and is projected to end on September 20, 2022.

Each State Agency on Aging is eligible to apply for and receive the amount of funding in the table below:

State/territory	Available amount
Alabama	$60,199
Alaska	20,000
Arizona	90,163
Arkansas	36,589
California	417,159
Colorado	61,189
Connecticut	45,013
Delaware	20,000
Dist. of Columbia	20,000
Florida	303,577
Georgia	109,640
Hawaii	20,000
Idaho	20,534
Illinois	146,331
Indiana	77,725
Iowa	38,952
Kansas	33,840
Kentucky	53,551
Louisiana	53,319
Maine	20,093
Maryland	69,196
Massachusetts	83,348
Michigan	126,278
Minnesota	66,092
Mississippi	34,710
Missouri	75,369
Montana	20,000
Nebraska	22,162
Nevada	35,030
New Hampshire	20,000
New Jersey	105,708
New Mexico	25,885
New York	233,584
North Carolina	123,870
North Dakota	20,000
Ohio	146,118
Oklahoma	45,020
Oregon	53,369
Pennsylvania	169,031
Rhode Island	20,000
South Carolina	65,596
South Dakota	20,000
Tennessee	81,099
Texas	271,783
Utah	26,288
Vermont	20,000
Virginia	97,092
Washington	86,398
West Virginia	25,531
Wisconsin	72,886
Wyoming	20,000
American Samoa	2,500
Guam	10,000
Northern Marianas	2,500
Puerto Rico	45,683
Virgin Islands	10,000

III. Eligibility Criteria and Other Requirements

1. The eligible entities for this award are State Agencies on Aging Long-Term Care Ombudsman Programs

2. Cost Sharing or Matching is not required.

3. State Agencies on Aging must provide a Letter of Assurance that will be considered an Amendment to the State Plan on Aging no later than March 3, 2021. The Letter of Assurance must contain the following:

a. A description of specific project strategies that may include from among the following:

i. Enhancing Ombudsman program complaint investigations during the COVID public health emergency to address complaints related to abuse, neglect and poor care;

ii. Resuming in-person visitation at such time as visitation is permitted,

such as when the COVID vaccine is accessible to residents, facility staff, and individuals working for the LTCO program;

iii. Conducting education and outreach on abuse and neglect identification and prevention during the COVID public health emergency to residents, their families and facility staff;

iv. Enabling travel for representatives of the LTCO Office to ensure all residents have access to an LTCO;

v. Purchase of needed Personal Protective Equipment;

vi. Purchase of technology; and

vii. Enabling participation in state-level ''strike teams'' to address complaints related to care and neglect.

b. Assurance that these funds will supplement, and not supplant, existing funding for the State LTCO program; and

c. Assurance that State Agencies on Aging will timely submit to ACL semi-annual federal financial reports and annual program reports related to the activities performed.

4. DUNS Number

All grant applicants must obtain and keep current a D–U–N–S number from Dun and Bradstreet. It is a nine-digit identification number, which provides unique identifiers of single business entities. The D–U–N–S number can be obtained from: *https://iupdate.dnb.com/iUpdate/viewiUpdateHome.htm.*

5. Intergovernmental Review

Executive Order 12372, Intergovernmental Review of Federal Programs, is not applicable to these grant applications.

IV. Submission Information

1. Letters of Assurance should be addressed to: Alison Barkoff, Acting Administrator and Assistant Secretary for Aging, Administration for Community Living, 330 C Street SW, Washington, DC 20201.

Letters of Assurance should be submitted electronically via email to the ACL Regional Administrator for each state listed in the Agency Contacts below.

2. Submission Dates and Times:

To receive consideration, Letters of Assurance must be submitted by 11:59 p.m. Eastern Time on March 3, 2021. Letters of Assurance should be submitted electronically via email and have an electronic time stamp indicating the date/time submitted.

VII. Agency Contacts

Direct inquiries regarding programmatic issues to Regional Administrators:

	Covered states	ACL regional administrator
Region I	CT, MA, ME, NH, RI, VT	Jennifer Throwe, Email: *jennifer.throwe@acl.hhs.gov,* Phone: 617–565–1158.
Region II	NY, NJ, PR, VI	Kathleen Otte, Email: *kathleen.otte@acl.hhs.gov,* Phone: 212–264–2976.
Region III	DC, DE, MD, PA, VA, WV	Rhonda Schwartz, Email: *rhonda.schwartz@acl.hhs.gov,* Phone: 267–831–2329.
Region IV	AL, FL, GA, KY, MS, NC, SC, TN	Costas Miskis, Email: *Constantinos.Miskis@acl.hhs.gov,* Phone: 404–562–7600.
Region V	IL, IN, MI, MN, OH, WI	Amy Wiatr-Rodriguez, Email: *Amy.Wiatr-Rodriguez@acl.hhs.gov,* Phone: 312–938–9858.
Region VI	AR, LA, OK, NM, TX	Derek Lee, Email: *derek.lee@acl.hhs.gov,* Phone: 214–767–1865.
Region VII	IA, KS, MO, NE	Lacey Boven, Email: *lacey.boven@acl.hhs.gov,* Phone: 816–702–4180.
Region VIII	CO, MT, UT, WY, ND, SD	Percy Devine, Email: *percy.devine@acl.hhs.gov,* Phone: 303–844–2951.
Region IX	CA, NV, AZ, HI, GU, CNMI, AS	Fay Gordon, Email: *Fay.Gordon@acl.hhs.gov,* Phone: 415–437–8780.
Region X	AK, ID, OR, WA	Louise Ryan, Email: *Louise.Ryan@acl.hhs.gov,* Phone: (206) 615–2299.

Dated: January 27, 2021.

Alison Barkoff,

Acting Administrator and Assistant Secretary for Aging.

[FR Doc. 2021–02092 Filed 1–29–21; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Tenth Meeting of the National Clinical Care Commission

AGENCY: Office on Women's Health, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The National Clinical Care Commission (the Commission) will conduct its tenth meeting virtually on February 17, 2021. The Commission is charged to evaluate and make recommendations to the U.S. Department of Health and Human Services (HHS) Secretary and Congress regarding improvements to the coordination and leveraging of federal programs related to diabetes and its complications.

DATES: The meeting will take place on February 17, 2021, from 1 p.m. to approximately 5:30 p.m. Eastern Standard time (EST).

ADDRESSES: The meeting will be held online via webinar. To register to attend the meeting, please visit the registration website at: *https://kauffmaninc.adobeconnect.com/nccc_feb_2021/event/event_info.html.*

FOR FURTHER INFORMATION CONTACT:

Clydette Powell, M.D., MPH, FAAP, Acting Designated Federal Officer, National Clinical Care Commission, U.S. Department of Health and Human Services Office on Women's Health, 200 Independence Ave. SW, 7th Floor, Washington, DC 20201, Phone: (240) 453–8239, Email: *OHQ@hhs.gov.*

SUPPLEMENTARY INFORMATION: The National Clinical Care Commission Act (Pub. L. 115–80) requires the HHS Secretary to establish the National Clinical Care Commission. The Commission consists of representatives of specific federal agencies and non-federal individuals who represent diverse disciplines and views. The Commission will evaluate and make recommendations to the HHS Secretary and Congress regarding improvements to the coordination and leveraging of federal programs related to diabetes and its complications.

The tenth meeting will be held virtually, will consist of updates from the Commission's three subcommittees, and include another round of potential ''action plans,'' or recommendations, from each subcommittee. The final meeting agenda will be available prior to the meeting at: *https://health.gov/our-work/health-care-quality/national-clinical-care-commission/meetings.*

Public Participation at Meeting: The Commission invites public comment on

issues related to the Commission's charge. There will be an opportunity for limited oral comments (each no more than 3 minutes in length) at this virtual meeting. Virtual attendees who plan to provide oral comments at the Commission meeting during a designated time must register prior to the meeting at: *https://kauffmaninc.adobeconnect.com/nccc_feb_2021/event/event_info.html.*

Written comments are welcome throughout the entire development process of the Commission's work and may be emailed to *OHQ@hhs.gov.* Written comments should not exceed three pages in length.

Individuals who need special assistance, such as sign language interpretation or other reasonable accommodations, should indicate the special accommodation when registering online or by notifying Jennifer Gillissen at *jennifer.gillissen@kauffmaninc.com* by February 8, 2021.

Authority: The National Clinical Care Commission is authorized by the National Clinical Care Commission Act (Pub. L. 115–80). The Commission is governed by provisions of the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C., App.) which sets forth standards for the formation and use of federal advisory committees.

Dated: January 25, 2021.

Dorothy A. Fink,

Deputy Assistant Secretary for Women's Health, Office of the Assistant Secretary for Health.

[FR Doc. 2021–02037 Filed 1–29–21; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Extension of Designation of Scarce Materials or Threatened Materials Subject to COVID–19 Hoarding Prevention Measures; Extension of Effective Date With Modifications

AGENCY: Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) provides notice of the extension of the designation issued on July 30, 2020 designating health and medical resources necessary to respond to the spread of the virus associated with Coronavirus Disease 2019 (COVID–19) that are scarce or the supply of which would be threatened by excessive accumulation by people or entities not needing the excess supplies. This notice extends the designation and updates the list of scarce or threatened materials to include certain classes and sizes of hypodermic needles and syringes.

DATES: This action took effect February 1, 2021 and terminates on June 30, 2021.

FOR FURTHER INFORMATION CONTACT: Paige Ezernack: 202–260–0365; *PaigeEzernack@hhs.gov.*

SUPPLEMENTARY INFORMATION: On March 23, 2020, and in response to the spread of the virus associated with COVID–19, President Trump signed Executive Order 13910 (Executive Order) to prevent hoarding of health and medical resources necessary to respond to the spread of COVID–19 within the United States. As provided in the Executive Order, it is the policy of the United States that health and medical resources needed to respond to the spread of COVID–19, such as personal protective equipment and sanitizing and disinfecting products, are appropriately distributed. This policy furthers the goal of protecting the Nation's healthcare systems from undue strain.

Through the Executive Order, the President delegated, to the Secretary of Health and Human Services (the Secretary), his authority under section 102 of the Defense Production Act of 1950, 50 U.S.C. 4512, as amended (the Act), to prevent hoarding of health and medical resources necessary to respond to the spread of COVID–19 within the United States, and his authority to implement the Act in subsection III of chapter 55 of title 50, United States Code (50 U.S.C. 4554, 4555, 4556, and 4560). Under this delegation and the Act, the Secretary may designate such resources as scarce materials or materials the supply of which would be threatened by such accumulation (threatened materials). The Secretary may also prescribe conditions with respect to accumulation of such materials in excess of the reasonable demands of business, personal, or home consumption. The Act prohibits any person or entity from accumulating designated materials (1) in excess of the reasonable demands of business, personal, or home consumption, or (2) for the purpose of resale at prices in excess of prevailing market prices.

The March 25 Designation Notice issued by HHS designates scarce materials or threatened materials that are subject to the hoarding prevention measures authorized under the Executive Order and the Act. *See* 85 FR 17592. (Mar. 30, 2020). Under 50 U.S.C. 4552(13), the term ''materials'' includes: ''(A) any raw materials (including minerals, metals, and advanced processed materials), commodities, articles, components (including critical components), products, and items of supply; and (B) any technical information or services ancillary to the use of any such materials, commodities, articles, components, products, or items.'' For purposes of the March 25 Designation Notice, the term ''scarce materials or threatened materials'' means health or medical resources, or any of their essential components, determined by the Secretary to be needed to respond to the spread of COVID–19 and which are, or are likely to be, in short supply or the supply of which would be threatened by hoarding. 85 FR at 17592. Designated scarce materials or threatened materials are subject to periodic review by the Secretary.

The designation is not a ''regulation'' under the Administrative Procedure Act (APA). See 50 U.S.C. 4559 (providing an exemption from the APA). To the extent that it is, the Secretary finds that, in light of the current pandemic, urgent and compelling circumstances make compliance with public comment requirements impracticable. See *Id.*

The March 25 Designation Notice was scheduled to terminate 120 days from the date of publication, unless superseded by a subsequent notice. Given the ongoing pandemic, the Secretary finds good cause to extend the March 25 Designation Notice, as modified by the June 30, 2020 and July 30, 2020 notices, through June 30, 2021. The Secretary also finds good cause to include the following modifications and additions to the list of scarce or threatened materials:

1. In FR Doc. 2020–06641 of March 30, 2020 (85 FR 17592), add the following text:

(i) On page 17593, first column, (7) Sterilization services, add ''or are authorized by FDA under section 564 of the FD&C Act for purposes of decontamination''

(ii) On page 17593, first column, (11) Face masks, remove ''PPE''

(iii) On page 17593, first column, (12) Surgical masks, remove ''PPE''

2. Add ''Syringes and hypodermic needles (whether distributed separately or attached together) generally used in the United States for vaccinations that are either:

(i) Piston syringes in 1 ml or 3 ml sizes that allow for the controlled and precise flow of liquid as described by 21 CFR 880.5860, that are compliant with ISO 7886–1:2017 and use only Current Good Manufacturing Practices (CGMP) processes; or

(ii) Hypodermic single lumen needles between 1″; and 1.5″ and 22 to 25 gauge between 1″ and 1.5″ and 22 to 25 gauge

that have engineered sharps injury protections as described in the Needlestick Safety and Prevention Act, Public Law 106–430, 114 Stat. 1901 (Nov. 6, 2000) and Occupational Safety and Health Administration (OSHA) standard 29 CFR 1910.1030, Bloodborne Pathogens.''

A copy of the Notice of the March 25 Designation, including the above modifications and those included in the June 30, 2020 and July 30, 2020 notices is provided below and also can be found on HHS's website.

Notice of Designation of Scarce Materials or Threatened Materials

Health or medical resources, or any of their essential components, determined by the Secretary of HHS to be needed to respond to the spread of COVID–19 and which are, or are likely to be, in short supply (scarce materials) or the supply of which would be threatened by hoarding (threatened materials). Designated scarce materials or threatened materials are subject to periodic review by the Secretary.

The following materials are designated pursuant to section 102 of the Defense Production Act (50 U.S.C. 4512) and Executive Order 13190 of March 23, 2020 (Preventing Hoarding of Health and Medical Resources to Respond to the Spread of COVID–19) as scarce materials or threatened materials:

1. N–95 Filtering Facepiece Respirators, including devices that are disposable half-face-piece non-powered air-purifying particulate respirators intended for use to cover the nose and mouth of the wearer to help reduce wearer exposure to pathogenic biological airborne particulates

2. Other Filtering Facepiece Respirators (*e.g.,* those designated as N99, N100, R95, R99, R100, or P95, P99, P100), including single-use, disposable half-mask respiratory protective devices that cover the user's airway (nose and mouth) and offer protection from particulate materials at or greater than an N95 filtration efficiency level per 42 CFR 84.181.

3. Elastomeric, air-purifying respirators and appropriate particulate filters/cartridges

4. Powered Air Purifying Respirators (PAPR)

5. Portable Ventilators, including portable devices intended to mechanically control or assist patient breathing by delivering a predetermined percentage of oxygen in the breathing gas

6. Sterilization services for any device as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) and sterilizers as defined in 21 CFR 880.6860, 880.6870, and 880.6880, including devices that already have FDA marketing authorization and those that do not have FDA marketing authorization but are intended for the same uses, or are authorized by FDA under section 564 of the FD&C Act for purposes of decontamination

7. Disinfecting devices intended to kill pathogens and other kinds of microorganisms by chemical means or physical means, including those defined in 21 CFR 876.1500, 880.6992, and 892.1570 and other sanitizing and disinfecting products suitable for use in a clinical setting

8. Medical gowns or apparel, *e.g.,* surgical gowns or isolation gowns

9. Personal protective equipment (PPE) coveralls, *e.g.,* Tyvek Suits

10. Face masks, including any masks that cover the user's nose and mouth and may or may not meet fluid barrier or filtration efficiency levels

11. Surgical masks, including masks that covers the user's nose and mouth and provides a physical barrier to fluids and particulate materials

12. PPE face shields, including those defined at 21 CFR 878.4040 and those intended for the same purpose

13. PPE gloves or surgical gloves, including those defined at 21 CFR 880.6250 (exam gloves) and 878.4460 (surgical gloves) and such gloves intended for the same purposes

14. Ventilators, anesthesia gas machines modified for use as ventilators, and positive pressure breathing devices modified for use as ventilators (collectively referred to as ''ventilators''), ventilator tubing connectors, and ventilator accessories as those terms are described in FDA's March 2020 Enforcement Policy for Ventilators and Accessories and Other Respiratory Devices During the Coronavirus Disease 2019 (COVID–19) Public Health Emergency located at *https://www.fda.gov/media/136318/* download.

15. Laboratory reagents and materials used for isolation of viral genetic material and testing, such as transport media, collection swabs, test kits and reagents specific to those kits, and consumables such as plastic pipette tips and plastic tubes

16. Drug products currently recommended by the NIH COVID–19 Treatment Guidelines Panel, including (as of July 30, 2020) remdesivir and dexamethasone

17. Alcohol-based (over 60 percent) hand sanitizer and rubs.

18. Syringes and hypodermic needles (whether distributed separately or attached together) generally used in the United States for vaccinations that are either:

(i) Piston syringes in 1 ml or 3 ml sizes that allow for the controlled and precise flow of liquid as described by 21 CFR 880.5860, that are compliant with ISO 7886–1:2017 and use only Current Good Manufacturing Practices (CGMP) processes; or

(ii) Hypodermic single lumen needles between 1″ and 1.5″ and 22 to 25 gauge between 1″ and 1.5″ and 22 to 25 gauge that have engineered sharps injury protections as described in the Needlestick Safety and Prevention Act, Public Law 106–430, 114 Stat. 1901 (Nov. 6, 2000) and OSHA standard 29 CFR 1910.1030, Bloodborne Pathogens.''

Authority: The authority for this Notice is Executive Order 13910 and section 102 of the Defense Production Act of 1950, 50 U.S.C. 4512, as amended.

Norris Cochran,

Acting Secretary, Department of Health and Human Services.

[FR Doc. 2021–02102 Filed 1–29–21; 8:45 am]

BILLING CODE 4150–37–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Annual Update of the HHS Poverty Guidelines

AGENCY: Department of Health and Human Services.

ACTION: Notice.

SUMMARY: This notice provides an update of the Department of Health and Human Services (HHS) poverty guidelines to account for last calendar year's increase in prices as measured by the Consumer Price Index.

DATES: *Applicable:* January 13, 2021 unless an office administering a program using the guidelines specifies a different effective date for that particular program.

ADDRESSES: Office of the Assistant Secretary for Planning and Evaluation, Room 404E, Humphrey Building, Department of Health and Human Services, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: For information about how the guidelines are used or how income is defined in a particular program, contact the Federal, state, or local office that is responsible for that program. For information about poverty figures for immigration forms, the Hill-Burton Uncompensated Services Program, and the number of people in poverty, use the specific telephone numbers and addresses given below.

For general questions about the poverty guidelines themselves, contact Kendall Swenson, Office of the Assistant Secretary for Planning and Evaluation, Room 404E.3, Humphrey Building, Department of Health and Human Services, Washington, DC 20201—telephone: (202) 795–7309—or visit *http://aspe.hhs.gov/poverty/.*

For information about the percentage multiple of the poverty guidelines to be used on immigration forms such as USCIS Form I–864, Affidavit of Support, contact U.S. Citizenship and Immigration Services at 1–800–375–5283. You also may visit *https://www.uscis.gov/i-864.*

For information about the Hill-Burton Uncompensated Services Program (free or reduced-fee health care services at certain hospitals and other facilities for persons meeting eligibility criteria involving the poverty guidelines), contact the Health Resources and Services Administration Information Center at 1–800–638–0742. You also may visit *https://www.hrsa.gov/get-health-care/affordable/hill-burton/index.html.*

For information about the number of people in poverty, visit the Poverty section of the Census Bureau's website at *https://www.census.gov/topics/income-poverty/poverty.html* or contact the Census Bureau's Customer Service Center at 1–800–923–8282 (toll-free) or visit *https://ask.census.gov* for further information.

SUPPLEMENTARY INFORMATION:

Background

Section 673(2) of the Omnibus Budget Reconciliation Act (OBRA) of 1981 (42 U.S.C. 9902(2)) requires the Secretary of the Department of Health and Human Services to update the poverty guidelines at least annually, adjusting them on the basis of the Consumer Price Index for All Urban Consumers (CPI–U). The poverty guidelines are used as an eligibility criterion by Medicaid and a number of other Federal programs. The *poverty guidelines* issued here are a simplified version of the *poverty thresholds* that the Census Bureau uses to prepare its estimates of the number of individuals and families in poverty.

As required by law, this update is accomplished by increasing the latest published Census Bureau poverty thresholds by the relevant percentage change in the Consumer Price Index for All Urban Consumers (CPI–U). The guidelines in this 2021 notice reflect the 1.2 percent price increase between calendar years 2019 and 2020. After this inflation adjustment, the guidelines are rounded and adjusted to standardize the differences between family sizes. In rare circumstances, the rounding and standardizing adjustments in the formula result in small decreases in the poverty guidelines for some household sizes even when the inflation factor is not negative. In cases where the year-to-year change in inflation is not negative and the rounding and standardizing adjustments in the formula result in reductions to the guidelines from the previous year for some household sizes, the guidelines for the affected household sizes are fixed at the prior year's guidelines. As in prior years, these 2021 guidelines are roughly equal to the poverty thresholds for calendar year 2020 which the Census Bureau expects to publish in final form in September 2021.

The poverty guidelines continue to be derived from the Census Bureau's current official poverty thresholds; they are not derived from the Census Bureau's Supplemental Poverty Measure (SPM).

The following guideline figures represent annual income.

2021 Poverty Guidelines for the 48 Contiguous States and the District of Columbia

Persons in family/household	Poverty guideline
1	$12,880
2	17,420
3	21,960
4	26,500
5	31,040
6	35,580
7	40,120
8	44,660

For families/households with more than 8 persons, add $4,540 for each additional person.

2021 Poverty Guidelines for Alaska

Persons in family/household	Poverty guideline
1	$16,090
2	21,770
3	27,450
4	33,130
5	38,810
6	44,490
7	50,170
8	55,850

For families/households with more than 8 persons, add $5,680 for each additional person.

2021 Poverty Guidelines for Hawaii

Persons in family/household	Poverty guideline
1	$14,820
2	20,040
3	25,260
4	30,480
5	35,700
6	40,920
7	46,140
8	51,360

For families/households with more than 8 persons, add $5,220 for each additional person.

Separate poverty guideline figures for Alaska and Hawaii reflect Office of Economic Opportunity administrative practice beginning in the 1966–1970 period. (Note that the Census Bureau poverty thresholds—the version of the poverty measure used for statistical purposes—have never had separate figures for Alaska and Hawaii.) The poverty guidelines are not defined for Puerto Rico or other outlying jurisdictions. In cases in which a Federal program using the poverty guidelines serves any of those jurisdictions, the Federal office that administers the program is generally responsible for deciding whether to use the contiguous-states-and-DC guidelines for those jurisdictions or to follow some other procedure.

Due to confusing legislative language dating back to 1972, the poverty guidelines sometimes have been mistakenly referred to as the ''OMB'' (Office of Management and Budget) poverty guidelines or poverty line. In fact, OMB has never issued the guidelines; the guidelines are issued each year by the Department of Health and Human Services. The poverty guidelines may be formally referenced as ''the poverty guidelines updated periodically in the **Federal Register** by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).''

Some federal programs use a percentage multiple of the guidelines (for example, 125 percent or 185 percent of the guidelines), as noted in relevant authorizing legislation or program regulations. Non-Federal organizations that use the poverty guidelines under their own authority in non-Federally-funded activities also may choose to use a percentage multiple of the guidelines.

The poverty guidelines do not make a distinction between farm and non-farm families, or between aged and non-aged units. (Only the Census Bureau poverty thresholds have separate figures for aged

and non-aged one-person and two-person units.)

This notice does not provide definitions of such terms as ''income'' or ''family'' as there is considerable variation of these terms among programs that use the poverty guidelines. The legislation or regulations governing each program define these terms and determine how the program applies the poverty guidelines. In cases where legislation or regulations do not establish these definitions, the entity that administers or funds the program is responsible to define such terms as ''income'' and ''family.'' Therefore questions such as net or gross income, counted or excluded income, or household size should be directed to the entity that administers or funds the program.

Norris Cochran,

Acting Secretary, Department of Health and Human Services.

[FR Doc. 2021–01969 Filed 1–29–21; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–31404; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before January 16, 2021, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by February 16, 2021.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before January 16, 2021. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State or Tribal Historic Preservation Officers:

DISTRICT OF COLUMBIA

District of Columbia

Annie's Paramount Steakhouse, 1519 and 1609–1611 17th St. NW, Washington, SG100006178

GEORGIA

Fulton County

Sperry & Hutchinson Company Warehouse, 2181 Sylvan Rd., East Point, SG100006164

IOWA

Henry County

Schantz, Christian K. and Margaret (Rich), House and Carpentry Shop, 116 West 2nd St., Wayland, SG100006173

Scott County

WOC Broadcasting Center, 805 Brady St., Davenport, SG100006171

MISSISSIPPI

Hinds County

Falk, Meyer and Genevieve, House, 2037 Eastbourne Pl., Jackson, SG100006163

Lafayette County

Abbeville Colored School, West side of Cty. Rd, 115, Abbeville vicinity, SG100006175

MISSOURI

Cole County

J.B. Bruns Shoe Co. Building, 627 West McCarty St., Jefferson City, SG100006167

St. Louis Independent City

Goodwill Building, 4140 Forest Park Ave., St. Louis, SG100006165

OHIO

Allen County

J.M. Sealts Company Warehouse Building, The 330 North Central Ave., Lima, SG100006179

PENNSYLVANIA

Allegheny County

Riverview Park, Roughly bounded by Woods Run Ave., Mairdale Ave., Perrysville Ave., and Kilbuck St., Pittsburgh, SG100006181

VERMONT

Bennington County

Norton, Julius and Sophia, House, 300 Pleasant St., Bennington, SG100006180

VIRGINIA

Lunenburg County

Woodburn, 673 Meherrin River Rd., Chase City vicinity, SG100006177

Williamsburg Independent City

College Terrace Historic District, 600 and 700 blks. of College Ter. and Richmond Rd., Williamsburg, SG100006176

Additional documentation has been received for the following resources:

IOWA

Clayton County

McGregor Commercial Historic District (Additional Documentation), (Iowa's Main Street Commercial Architecture MPS), A and 1st Sts. between Main and intersection of A and 1st Sts., McGregor, AD02001033

Keokuk County

Saints Peter and Paul Roman Catholic Church Historic District (Additional Documentation), 30748–30832 242nd St., Harper vicinity, AD86002277

A request for removal has been made for the following resource:

NEVADA

Elko County

Lamoille Organization Camp, Right Fork of Lamoille Creek, end of FS Rd. 122, Ruby Mountains Ranger District, Humboldt—Toiyabe NF, Lamoille vicinity, OT07000553

Authority: Section 60.13 of 36 CFR part 60.

Dated: January 21, 2021.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2021–02056 Filed 1–29–21; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–528–529 and 731–TA–1264–1268 (Review)]

Certain Uncoated Paper From Australia, Brazil, China, Indonesia, and Portugal; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the countervailing duty orders on certain

uncoated paper from China and Indonesia and the antidumping duty orders on certain uncoated paper from Australia, Brazil, China, Indonesia, and Portugal would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted February 1, 2021. To be assured of consideration, the deadline for responses is March 3, 2021. Comments on the adequacy of responses may be filed with the Commission by April 14, 2021.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On March 3, 2016, the Department of Commerce (''Commerce'') issued countervailing duty orders on certain uncoated paper from China and Indonesia (81 FR 11187) and antidumping duty orders on certain uncoated paper from Australia, Brazil, China, Indonesia, and Portugal (81 FR 11174). The Commission is conducting reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Countries* in these reviews are Australia, Brazil, China, Indonesia, and Portugal.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations, the Commission defined the *Domestic Like Product* consisting of certain uncoated paper that was coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined the *Domestic Industry* to include all U.S. producers of uncoated paper, including independent converters.

(5) The *Order Date* is the date that the antidumping and countervailing duty orders under review became effective. In these reviews, the *Order Date* is March 3, 2016.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will

sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is March 3, 2021. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is April 14, 2021. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 21–5–482, expiration date June 30, 2023. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information to be Provided in Response to This Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country;* or produce *Subject Merchandise* in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandi*se, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping and countervailing duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in § 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date.*

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2020, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating

income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* since the *Order Date,* and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: January 27, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–02087 Filed 1–29–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1047 (Third Review)]

Ironing Tables and Certain Parts Thereof From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the antidumping duty order on ironing tables and certain parts thereof from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted February 1, 2021. To be assured of consideration, the deadline for responses is March 3, 2021. Comments on the adequacy of responses may be filed with the Commission by April 14, 2021.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On August 6, 2004, the Department of Commerce (''Commerce'') issued an antidumping duty order on imports of ironing tables and certain parts thereof from China (69 FR 47868). Following the first five-year reviews by Commerce and the Commission, effective June 28, 2010, Commerce issued a continuation of the antidumping duty order on imports of ironing tables and certain parts thereof from China (75 FR 36629). Following the second five-year reviews by Commerce and the Commission, effective March 8, 2016, Commerce

issued a continuation of the antidumping duty order on imports of ironing tables and certain parts thereof from China (81 FR 12070). The Commission is now conducting a third review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination, its full first five-year review determination, and its expedited second five-year review determination, the Commission found one *Domestic Like Product* consisting of ironing tables and certain parts thereof, coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, its full first five-year review determination, and its expedited second five-year review determination, the Commission defined the *Domestic Industry* as all U.S. producers of the *Domestic Like Product.*

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is March 3, 2021. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is April 14, 2021. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document

Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 21–5–479, expiration date June 30, 2023. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information to be Provided in Response to This Notice of Institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandi*se, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2014.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2020, except as noted (report quantity data in number of tables and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in number of tables and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in number of tables and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2014, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: January 26, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–02032 Filed 1–29–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–469 and 731–TA–1168 (Second Review)]

Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From China; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the antidumping and countervailing duty orders on certain seamless carbon and alloy steel standard, line, and pressure pipe from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted February 1, 2021. To be assured of consideration, the deadline for responses is March 3, 2021. Comments on the adequacy of responses may be filed with the Commission by April 14, 2021.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.— On November 10, 2010, the Department of Commerce (''Commerce'') issued antidumping and countervailing duty orders on imports of certain seamless carbon and alloy steel standard, line, and pressure pipe from China (75 FR 69050–69054). Following the first five-year reviews by Commerce and the Commission, effective March 16, 2016, Commerce issued a continuation of the antidumping and countervailing duty orders on imports of certain seamless carbon and alloy steel standard, line, and pressure pipe from China (81 FR 14089). The Commission is now conducting second reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by Commerce.

(2) The *Subject Country* in these reviews is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations and its expedited first five-year review determinations, the Commission defined a single *Domestic Like Product* consisting of all certain seamless carbon and alloy steel standard, line, and pressure pipe less than or equal to 16 inches in outside diameter that is coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations and its expedited first five-year review determinations, the Commission defined a single *Domestic Industry* consisting of all domestic producers of certain seamless carbon and alloy steel standard, line, and pressure pipe less

than or equal to 16 inches in outside diameter.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is March 3, 2021. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is April 14, 2021. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 21–5–481, expiration date June 30, 2023. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information to be Provided in Response to This Notice of Institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandi*se, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose

members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping and countervailing duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2014.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2020, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2014, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree

with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: January 27, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–02088 Filed 1–29–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–125 (Fifth Review)]

Potassium Permanganate From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the antidumping duty order on potassium permanganate from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Instituted February 1, 2021. To be assured of consideration, the deadline for responses is March 3, 2021. Comments on the adequacy of responses may be filed with the Commission by April 14, 2021.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.— On January 31, 1984, the Department of Commerce (''Commerce'') issued an antidumping duty order on imports of potassium permanganate from China (49 FR 3897). Following first five-year reviews by Commerce and the Commission, effective November 24, 1999, Commerce issued a continuation of the antidumping duty order on imports of potassium permanganate from China (64 FR 66166). Following second five-year reviews by Commerce and the Commission, effective June 21, 2005, Commerce issued a continuation of the antidumping duty order on imports of potassium permanganate from China (70 FR 35630). Following the third five-year reviews by Commerce and the Commission, effective October 25, 2010, Commerce issued a continuation of the antidumping duty order on imports of potassium permanganate from China (75 FR 65448). Following the fourth five-year reviews by Commerce and the Commission, effective March 18, 2016, Commerce issued a continuation of the antidumping duty order on imports of potassium permanganate from China (81 FR 14835). The Commission is now conducting a fifth review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR part 201, subparts A and B, and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination, its full first five-year review determination, and its expedited second, third, and fourth five-year review determinations, the Commission defined a single *Domestic Like Product* as potassium permanganate, coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, its full first five-year review determination, and its expedited second, third, and fourth five-year review determinations, the Commission defined the *Domestic Industry* as all domestic producers of potassium permanganate.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was

pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Office of the General Counsel, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to § 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is March 3, 2021. Pursuant to § 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is April 14, 2021. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings. Also, in accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Please note the Secretary's Office will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 21–5–480, expiration date June 30, 2023. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Inability to provide requested information.—Pursuant to § 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to § 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information to be Provided in Response to This Notice of Institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in § 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2014.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the

following information on your firm's operations on that product during calendar year 2020, except as noted (report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2020 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2014, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.61 of the Commission's rules.

By order of the Commission.

Issued: January 26, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–02027 Filed 1–29–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0100]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Extension With Change of a Currently Approved Collection; Report of Multiple Sale or Other Disposition of Certain Rifles—ATF Form 3310.12

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice

ACTION: 30-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until March 3, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open

for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension with change of a currently approved collection.

(2) *The Title of the Form/Collection:* Report of Multiple Sale or Other Disposition of Certain Rifles.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 3310.12.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: Federal firearms licensees (FFLs) who are dealers and pawnbrokers in Arizona, California, New Mexico and Texas, must report multiple sale or other disposition of two or more rifles with the following characteristics: (a) Semi-automatic, (b) caliber greater than .22, and (c) the ability to accept a detachable magazine. These FFLs must complete the Report of Multiple Sale or Other Disposition of Certain Rifles—ATF Form 3310.12 regarding such sale or other disposition to an unlicensed person, whether it occurs one time or within five consecutive business days.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 1,000 respondents will utilize the form about twice annually, and it will take each respondent approximately 12 minutes to complete their responses.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 400 hours, which is equal to 1,000 (# of respondents) * 2 (# of responses per respondent) * .2 (12 minutes).

(7) *An Explanation of the Change in Estimates:* The adjustments associated with this collection include a decrease in the number of respondents and responses by 870 and 7,640 respectively. Consequently, both the public burden hours and public cost burden have also reduced by 1,492 and $20,067 respectively, since the last renewal in 2019.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: January 26, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–01989 Filed 1–29–21; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

Notice of Filing of Proposed Settlement Agreement Regarding Environmental Claims in Connection With the Pioneer Metals Finishing Superfund Site

On January 21, 2021 a Notice of Motion was filed in the Superior Court for the State of California for the County of San Francisco in the proceeding entitled *Insurance Commissioner of the State of California* vs. *Western Employers Insurance Company, et al.,* Case No. CPF–97–984281. The Motion will seek court approval of the Pioneer Metals Finishing Superfund Site Settlement Agreement between the Insurance Commissioner of the State of California (''Commissioner''), in his capacity as the liquidator of the Western Employers Insurance Company (''WEIC''), and the Environmental Protection Agency (''EPA''), acting by and through the United States Department of Justice (''DOJ'').

The Settlement Agreement would resolve a proof of claim by the EPA under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9607, against WEIC involving the insured Pioneer Metals Finishing Co., Inc. (''Pioneer Metals'') at the Pioneer Metals Finishing Superfund Site. EPA filed a proof of claim in the instant proceeding against WEIC arising from policies of insurance that WEIC companies had issued to Pioneer Metals based on liability for contamination at the Pioneer Metals Finishing Superfund Site.

Under the Settlement Agreement, WEIC will pay to the United States $1,200,000 million to the EPA. In consideration of this payment, upon approval of the Settlement Agreement, the EPA covenants not to file a civil action against the Insurance Commissioner, the California Department of Insurance, the California Conservation and Liquidation Office and WEIC with respect to all liabilities and obligations to Pioneer Metals or the EPA arising under CERCLA under the Policies issued by the WEIC to Pioneer Metals, whether such liabilities and obligations are known or unknown, reported or unreported, and whether currently existing or arising in the future. The Settlement Agreement is conditioned upon court approval. The Commissioner will appear at a hearing to present the motion seeking approval the Settlement Agreement on February 24, 2021 at 9:30 a.m. in Department 302 of the San Francisco County Superior Court located at 400 McAllister Street, San Francisco, California 94102.

The publication of this notice opens a period for public comment on the Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *Insurance Commissioner of the State of California* v. *Western Employers Insurance Company, et al.,* D.J. Ref. No. 90–11–3–10954/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Settlement Agreement may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* Alternatively, a paper copy of the Settlement Agreement will be provided upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $2.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–02023 Filed 1–29–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Extension of Public Comment Period

On December 17, 2020, the Department of Justice lodged a proposed consent decree with the United States District Court for the Northern District of Georgia in the lawsuit entitled *United States, the State of Utah, the State of Rhode Island and the Commonwealth of Massachusetts Executive Office of Workforce Development, Department of Labor Standards* v. *The Home Depot, U.S.A., Inc.,* Civil Action No. 1:20CV5112.

The United States, in conjunction with the State of Utah, the State of Rhode Island, and the Commonwealth of Massachusetts Executive Office of Workforce Development, Department of Labor Standards, filed this lawsuit under the Toxic Substances Control Act alleging violations of the Act's Renovation, Repair, and Painting (''RRP'') regulations, 40 CFR part 745, which address lead paint hazards at home renovations. The complaint alleges that Home Depot performed renovations through its retail stores at approximately 2000 homes covered by the RRP regulations without using EPA certified firms, among other allegations. The proposed consent decree requires Home Depot to institute a compliance program and pay a civil penalty of $20,750,000.

On December 23, 2020, the Department of Justice published notice of the lodging of the proposed consent decree. 85 FR 84,001. The notice started a 30-day period for the submission of comments on the proposed consent decree. The Department of Justice has received a request for an extension of the comment period. In consideration of the request, notice is hereby given that the Department of Justice has extended the comment period on the proposed consent decree by an additional 30 days, up to and including February 22, 2021. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, the State of Utah, the State of Rhode Island and the Commonwealth of Massachusetts Executive Office of Workforce Development, Department of Labor Standards* v. *The Home Depot, U.S.A., Inc.,* D.J. Ref. No. 90–5–1–1–11854. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $22.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Patricia McKenna,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–02057 Filed 1–29–21; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; 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: Kavli Institute for Theoretical Physics (KITP) Virtual Site Visit (1208).

Date and Time: April 5–6, 2021; 8:00 a.m. to 2:00 p.m. (PST); April 7, 2021; 8:00 a.m. to 1:00 p.m. (PST).

Place: University of California—Santa Barbara, KITP Kohn Hall Santa Barbara, CA 93106–4030.

Type of Meeting: Part-Open.

Contact Person: Edmundo Garcia-Solis, Program Director, Division of Physics, National Science Foundation, 2415 Eisenhower Avenue, Room 9219, Alexandria, VA 22314; Telephone: (703) 292–4432.

Purpose of Meeting: Virtual site visit to provide an evaluation of the progress of the projects at the host site for the Division of Physics at the National Science Foundation.

Agenda (All Times PST)

April 5, 2021

8:00 a.m.–8:30 a.m. Executive Session (Closed)
8:30 a.m.–1:30 p.m. Presentations
1:30 p.m.–2:00 p.m. Executive Session (Closed)

April 6, 2021

8:00 a.m.–8:30 a.m. Executive Session (Closed)
8:30 a.m.–1:30 p.m. Presentations
1:30 p.m.–2:00 p.m. Executive Session (Closed)

April 7, 2021

8:00 a.m.–9:00 a.m. Q & A
9:00 a.m.–12:00 p.m. Executive Session (Closed)
12:00 p.m.–1:00 p.m. Closeout presentation summary by panel

Reason for Closing: The work being reviewed during closed portions of the site visit include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the project. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: January 27, 2021.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2021–02069 Filed 1–29–21; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–266 and 50–301; NRC–2020–0277]

Notice of Intent To Conduct Scoping Process and Prepare Environmental Impact Statement; NextEra Energy Point Beach, LLC, Point Beach Nuclear Plant, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Intent to conduct scoping process and prepare environmental impact statement; public scoping meeting and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will conduct a scoping process to gather information necessary to prepare an environmental impact statement (EIS) to evaluate the environmental impacts for the subsequent license renewal of the operating licenses for Point Beach Nuclear Plant, Units 1 and 2 (Point Beach). The NRC is seeking public comment on this action and has scheduled a public scoping meeting that will take place as an online webinar.

DATES: The NRC will hold a public scoping meeting as an online webinar on February 17, 2021, from 2:00 p.m. to 4:00 p.m. Eastern Standard Time (EST). Submit comments on the scope of the EIS by March 3, 2021. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking Website:

- *Federal Rulemaking Website:* Go to *https://regulations.gov* and search for Docket ID NRC–2020–0277. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Phyllis Clark, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6447, email: *Phyllis.Clark@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0277 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://regulations.gov* and search for Docket ID NRC–2020–0277.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if it is available in ADAMS) is provided the first time that it is referenced.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking Website (*https://www.regulations.gov*). Please include Docket ID NRC–2020–0277 in the subject line of your comment submission in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

By letter dated November 16, 2020 (ADAMS Package Accession No. ML20329A292), NextEra Energy Point Beach, LLC (NextEra) submitted to the NRC an application for subsequent license renewal (SLR) of Renewed Facility Operating License Nos. DPR–24 and DPR–27 for Point Beach, Units 1 and 2, respectively, for an additional 20 years of operation. This submission initiated the NRC's proposed action of determining whether to grant the SLR application. The Point Beach units are pressurized water reactors designed by Westinghouse Electric Corporation and are located on the shore of Lake Michigan, in the Town of Two Creeks, Manitowoc County, Wisconsin, approximately 15 miles north-northeast of Manitowoc. The current renewed facility operating license for Unit 1 expires at midnight on October 5, 2030, and the current renewed facility operating license for Unit 2 expires at midnight on March 8, 2033. The SLR application was submitted pursuant to part 54 of title 10 of the *Code of Federal Regulations* (10 CFR) and seeks to extend the renewed facility operating license for Unit 1 to midnight on October 5, 2050, and the renewed facility operating license for Unit 2 to midnight on March 8, 2053. A notice of receipt and availability of the application was published in the **Federal Register** on December 29, 2020 (85 FR 85685). A notice of acceptance for docketing of the application and of opportunity to request a hearing was published in the **Federal Register** on January 22, 2021 (86 FR 6684) and is available on the Federal Rulemaking Website (*https://www.regulations.gov*) by searching for Docket ID NRC–2020–0277.

III. Request for Comment

This notice informs the public of the NRC's intention to conduct environmental scoping and prepare an EIS related to the SLR application for Point Beach, and to provide the public an opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29.

The regulations in 36 CFR 800.8, ''Coordination With the National Environmental Policy Act,'' allow agencies to use their National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*) (NEPA) process to

fulfill the requirements of Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 300101, *et seq.*) (NHPA). Therefore, pursuant to 36 CFR 800.8(c), the NRC intends to use its process and documentation required for the preparation of the EIS on the proposed action to comply with Section 106 of the NHPA in lieu of the procedures set forth at 36 CFR 800.3 through 800.6.

In accordance with 10 CFR 51.53(c) and 10 CFR 54.23, NextEra submitted an environmental report (ER) as part of the SLR application. The ER was prepared pursuant to 10 CFR part 51 and is publicly available at ADAMS Accession No. ML20329A248. The ER will also be available for viewing at *https://www.nrc.gov/reactors/operating/licensing/renewal/subsequent-license-renewal.html.* In addition, the SLR application, including the ER, is available for public review on the website of the Lester Public Library at *http://www.lesterlibrary.org/.*

The NRC intends to gather the information necessary to prepare a plant-specific supplement to NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants'' (ADAMS Package Accession No. ML13107A023) (GEIS), related to the SLR application for Point Beach. The NRC is required by 10 CFR 51.95 to prepare a plant-specific supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with NEPA and the NRC's regulations at 10 CFR part 51.

The supplement to the GEIS will evaluate the environmental impacts of subsequent license renewal for Point Beach, and reasonable alternatives thereto. Possible alternatives to the proposed action include the no action alternative and reasonable alternative energy sources.

As part of its environmental review, the NRC will first conduct a scoping process for the plant-specific supplement to the GEIS and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in this scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

a. Define the proposed action that is to be the subject of the supplement to the GEIS;

b. Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth;

c. Identify and eliminate from detailed study those issues that are peripheral or are not significant or that have been covered by prior environmental review;

d. Identify any environmental assessments and other ElSs that are being or will be prepared that are related to, but are not part of, the scope of the supplement to the GEIS under consideration;

e. Identify other environmental review and consultation requirements related to the proposed action;

f. Indicate the relationship between the timing of the preparation of the environmental analyses and the NRC's tentative planning and decision-making schedule;

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS to the NRC and any cooperating agencies; and

h. Describe how the supplement to the GEIS will be prepared, including any contractor assistance to be used.

The NRC invites the following entities to participate in scoping:

a. The applicant, NextEra;

b. Any Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved or that is authorized to develop and enforce relevant environmental standards;

c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards;

d. Any affected Indian Tribe;

e. Any person who requests or has requested an opportunity to participate in the scoping process; and

f. Any person who has petitioned or intends to petition for leave to intervene under 10 CFR 2.309.

IV. Public Scoping Meeting

In accordance with 10 CFR 51.26(b), the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to the proposed action and to determine the scope of issues to be addressed in the EIS.

The NRC is announcing that it will hold a public scoping meeting as an online webinar for the Point Beach subsequent license renewal supplement to the GEIS. The webinar will include a telephone line for members of the public to provide comments. A court reporter will transcribe all comments received during the webinar. To be considered, comments must be provided either at the transcribed public meeting or in writing, as discussed in the **ADDRESSES** section of this document. The public scoping webinar will be held on February 17, 2021, from 2:00 p.m. to 4:00 p.m. EST. Persons interested in attending this online webinar should monitor the NRC's Public Meeting Schedule website at *https://www.nrc.gov/pmns/mtg* for additional information, agendas for the meeting, and access information for the webinar. Please contact Ms. Phyllis Clark no later than February 10, 2021, if accommodations or special equipment is needed to attend or to provide comments, so that the NRC staff can determine whether the request can be accommodated.

The public scoping meeting will include: (1) An overview by the NRC staff of the environmental and safety review processes, the proposed scope of the supplement to the GEIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on environmental issues or the proposed scope of the Point Beach subsequent license renewal supplement to the GEIS.

Participation in the scoping process for the Point Beach subsequent license renewal supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

Dated: January 26, 2021.

For the Nuclear Regulatory Commission.

Robert B. Elliott,

Chief, Environmental Review License Renewal Branch, Division of Rulemaking, Environment, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2021–02001 Filed 1–29–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of February 1, 8, 15, 22, March 1, 8, 2021.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

MATTERS TO BE CONSIDERED:

Week of February 1, 2021

There are no meetings scheduled for the week of February 1, 2021.

Week of February 8, 2021—Tentative

Thursday, February 11, 2021

9:00 a.m. Discussion of NRC's Regulatory Framework for Dry Cask Storage and Transportation of Spent Nuclear Fuel and Related Research Activities (Public Meeting), (Contact: Damaris Marcano: 301–415–7328)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/.*

Week of February 15, 2021—Tentative

Thursday, February 18, 2021

10:00 a.m. Briefing on Equal Employment Opportunity, Affirmative Employment, and Small Business (Public Meeting), (Contact: Nadim Khan: 301–415–1119)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/.*

Week of February 22, 2021—Tentative

There are no meetings scheduled for the week of February 22, 2021.

Week of March 1, 2021—Tentative

There are no meetings scheduled for the week of March 1, 2021.

Week of March 8, 2021—Tentative

There are no meetings scheduled for the week of March 8, 2021.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Tyesha.Bush@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: January 28, 2021.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2021–02175 Filed 1–28–21; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL SERVICE

Board of Governors; Sunshine Act Meeting

DATES AND TIMES: Monday, February 8, 2021, at 10:00 a.m.; and Tuesday, February 9, 2021, at 9:00 a.m.

PLACE: Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza SW, in the Benjamin Franklin Room.

STATUS: Monday, February 8, 2021, at 10:00 a.m.—Closed; Tuesday, February 9, 2021, at 9:00 a.m.—Open.

MATTERS TO BE CONSIDERED:

Monday, February 8, 2021, at 10:00 a.m. (Closed)

1. Strategic Issues.
2. Financial and Operational Matters.
3. Compensation and Personnel Matters.
4. Administrative Items.

Tuesday, February 9, 2021, at 9:00 a.m. (Open)

1. Remarks of the Chairman of the Board of Governors.
2. Election of Chairman and Vice Chairman of the Board.
3. Remarks of the Chairman and Vice Chairman of the Board.
4. Remarks of the Postmaster General and CEO.
5. Approval of Minutes of Previous Meetings.
6. Committee Reports.
7. Quarterly Financial Report.
8. Quarterly Service Performance Report.
9. Approval of Tentative Agendas for May Meetings.

CONTACT PERSON FOR MORE INFORMATION: Michael J. Elston, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–1000. Telephone: (202) 268–4800.

Michael J. Elston,

Secretary.

[FR Doc. 2021–02150 Filed 1–28–21; 11:15 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90994; File No. SR–NASDAQ–2020–017]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Amend Nasdaq Rule 5704

January 26, 2021.

On July 23, 2020, The Nasdaq Stock Market LLC filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend certain listing requirements relating to maintaining a minimum number of beneficial holders and minimum number of shares outstanding. The proposed rule change was published for comment in the **Federal Register** on August 7, 2020.[3]

On September 10, 2020, pursuant to Section 19(b)(2) of the Exchange Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On November 5, 2020, the Commission instituted proceedings under Section 19(b)(2)(B) of the Exchange Act [6] to determine whether to approve or disapprove the proposed rule change.[7] The Commission has received comment letters on the proposed rule change.[8]

Section 19(b)(2) of the Exchange Act [9] provides that, after initiating disapproval proceedings, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 89464 (August 4, 2020), 85 FR 48012.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 89823, 85 FR 57895 (September 16, 2020).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 90355, 85 FR 71977 (November 12, 2020).

[8] Comments on the proposed rule change can be found on the Commission's website at: *https://www.sec.gov/comments/sr-nasdaq-2020-017/srnasdaq2020017.htm.*

[9] 15 U.S.C. 78s(b)(2).

Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change by not more than 60 days if the Commission determines that a longer period is appropriate and publishes reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on August 7, 2020. February 3, 2021 is 180 days from that date, and April 4, 2021 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Exchange Act,[10] designates April 4, 2021 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–NASDAQ–2020–017).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02009 Filed 1–29–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting; Cancellation

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 86 FR 6687, January 22, 2021.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Wednesday, January 27, 2021 at 2:00 p.m.

CHANGES IN THE MEETING: The Closed Meeting scheduled for Wednesday, January 27, 2021 at 2:00 p.m., has been cancelled.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: January 27, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–02131 Filed 1–28–21; 11:15 am]

BILLING CODE 8011–01–P

[10] *Id.*

[11] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90989; File No. SR–ICC–2021–002]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change, Security-Based Swap Submission, or Advance Notice Relating to the Clearance of an Additional Credit Default Swap Contract

January 26, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] and Rule 19b–4,[2] notice is hereby given that on January 15, 2021, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission the proposed rule change, security-based swap submission, or advance notice as described in Items I, II and III below, which Items have been prepared by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change, security-based swap submission, or advance notice from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change, Security-Based Swap Submission, or Advance Notice

The principal purpose of the proposed rule change is to revise the ICC Rulebook (the ''Rules'') to provide for the clearance of an additional Standard Emerging Market Sovereign CDS contract (the ''EM Contract'').

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, Security-Based Swap Submission, or Advance Notice

In its filing with the Commission, ICC included statements concerning the purpose of and basis for the proposed rule change, security-based swap submission, or advance notice and discussed any comments it received on the proposed rule change, security-based swap submission, or advance notice. The text of these statements may be examined at the places specified in Item IV below. ICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change, Security-Based Swap Submission, or Advance Notice

(a) Purpose

The purpose of the proposed rule change is to adopt rules that will provide the basis for ICC to clear an additional credit default swap contract. ICC proposes to make such change effective following Commission approval of the proposed rule change. ICC believes the addition of this contract will benefit the market for credit default swaps by providing market participants the benefits of clearing, including reduction in counterparty risk and safeguarding of margin assets pursuant to clearing house rules. Clearing of the additional EM Contract will not require any changes to ICC's Risk Management Framework or other policies and procedures constituting rules within the meaning of the Securities Exchange Act of 1934 (''Act'').

ICC proposes amending Subchapter 26D of its Rules to provide for the clearance of the additional EM Contract, namely Ukraine. This additional EM Contract has terms consistent with the other EM Contracts approved for clearing at ICC and governed by Subchapter 26D of the Rules. A minor revision to Subchapter 26D (Standard Emerging Market Sovereign (''SES'') Single Name) is made to provide for clearing the additional EM Contract. Specifically, in Rule 26D–102 (Definitions), ''Eligible SES Reference Entities'' is modified to include Ukraine in the list of specific Eligible SES Reference Entities to be cleared by ICC.

(b) Statutory Basis

Section 17A(b)(3)(F) of the Act[3] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions; to assure the safeguarding of securities and funds which are in the custody or control of ICC or for which it is responsible; and to comply with the provisions of the Act and the rules and regulations thereunder. The additional EM Contract proposed for clearing is similar to the EM Contracts currently cleared by ICC, and will be cleared pursuant to ICC's existing clearing arrangements and related financial safeguards, protections and risk management procedures. Clearing of the additional EM Contract

[3] 15 U.S.C. 78q–1(b)(3)(F).

will allow market participants an increased ability to manage risk and ensure the safeguarding of margin assets pursuant to clearing house rules. ICC believes that acceptance of the new EM Contract, on the terms and conditions set out in the Rules, is consistent with the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[4]

Clearing of the additional EM Contract will also satisfy the relevant requirements of Rule 17Ad–22,[5] as set forth in the following discussion.

Rule 17Ad–22(e)(6)(i)[6] requires each covered clearing agency to 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. In terms of financial resources, ICC will apply its existing margin methodology to the new EM Contract, which is similar to the EM Contracts currently cleared by ICC. ICC believes that this model will provide sufficient margin requirements to cover its credit exposure to its clearing members from clearing such contract, consistent with the requirements of Rule 17Ad–22(e)(6)(i).[7]

Rule 17Ad–22(e)(4)(ii)[8] requires each covered clearing agency to 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 additional financial resources at the minimum to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, the default of the two participant families that would potentially cause the largest aggregate credit exposure for the covered clearing agency in extreme but plausible market conditions. ICC believes its Guaranty Fund, under its existing methodology, will, together with the required initial margin, provide sufficient financial resources to support the clearing of the additional EM Contract, consistent with the requirements of Rule 17Ad–22(e)(4)(ii).[9]

Rule 17Ad–22(e)(17)[10] requires, in relevant part, each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to manage its operational risks by (i) identifying the plausible sources of operational risk, both internal and external, and mitigating their impact through the use of appropriate systems, policies, procedures, and controls; and (ii) ensuring that systems have a high degree of security, resiliency, operational reliability, and adequate, scalable capacity. ICC believes that its existing operational and managerial resources will be sufficient for clearing of the additional EM Contract, consistent with the requirements of Rule 17Ad–22(e)(17),[11] as the new contract is substantially the same from an operational perspective as existing contracts.

Rule 17Ad–22(e)(8), (9) and (10)[12] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to define the point at which settlement is final to be no later than the end of the day on which payment or obligation is due and, where necessary or appropriate, intraday or in real time; conduct its money settlements in central bank money, where available and determined to be practical by the Board, and minimize and manage credit and liquidity risk arising from conducting its money settlements in commercial bank money if central bank money is not used; and establish and maintain transparent written standards that state its obligations with respect to the delivery of physical instruments, and establish and maintain operational practices that identify, monitor, and manage the risks associated with such physical deliveries. ICC will use its existing rules, settlement procedures and account structures for the new EM Contract, which is similar to the EM Contracts currently cleared by ICC, consistent with the requirements of Rule 17Ad–22(e)(8), (9) and (10)[13] as to the finality and accuracy of its daily settlement process and addressing the risks associated with physical deliveries.

Rule 17Ad–22(e)(2)(i) and (v)[14] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent and specify clear and direct lines of responsibility. ICC determined to accept the additional EM Contract for clearing in accordance with its governance process, which included review of the contract and related risk management considerations by the ICC Risk Committee and approval by its Board. These governance arrangements continue to be clear and transparent, such that information relating to the assignment of responsibilities and the requisite involvement of the ICC Board and committees is clearly detailed in the ICC Rules and policies and procedures, consistent with the requirements of Rule 17Ad–22(e)(2)(i) and (v).[15]

Rule 17Ad–22(e)(13)[16] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to ensure it has the authority and operational capacity to take timely action to contain losses and liquidity demands and continue to meet its obligations by, at a minimum, requiring its participants and, when practicable, other stakeholders to participate in the testing and review of its default procedures, including any close-out procedures, at least annually and following material changes thereto. ICC will apply its existing default management policies and procedures for the additional EM Contract. ICC believes that these procedures allow for it to take timely action to contain losses and liquidity demands and to continue meeting its obligations in the event of clearing member insolvencies or defaults in respect of the additional single name, in accordance with Rule 17Ad–22(e)(13).[17]

(B) Clearing Agency's Statement on Burden on Competition

The additional EM Contract will be available to all ICC participants for clearing. The clearing of the additional EM Contract by ICC does not preclude the offering of the additional EM Contract for clearing by other market participants. Accordingly, ICC does not believe that clearance of the additional EM Contract will impose any burden on competition not necessary or

[4] *Id.*

[5] 17 CFR 240.17Ad–22.

[6] 17 CFR 240.17Ad–22(e)(6)(i).

[7] *Id.*

[8] 17 CFR 240.17Ad–22(e)(4)(ii).

[9] *Id.*

[10] 17 CFR 240.17Ad–22(e)(17)(i) and (ii).

[11] *Id.*

[12] 17 CFR 240.17Ad–22(e)(8), (9) and (10).

[13] *Id.*

[14] 17 CFR 240.17Ad–22(e)(2)(i) and (v).

[15] *Id.*

[16] 17 CFR 240.17Ad–22(e)(13).

[17] *Id.*

appropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change, Security-Based Swap Submission, or Advance Notice Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. Date of Effectiveness of the Proposed Rule Change, Security-Based Swap Submission, or Advance Notice and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, security-based swap submission, or advance notice 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–ICC–2021–002 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–ICC–2021–002. 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, security-based swap submission, or advance notice that are filed with the Commission, and all written communications relating to the proposed rule change, security-based swap submission, or advance notice between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's website at *https://www.theice.com/clear-credit/regulation.*

All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICC–2021–002 and should be submitted on or before February 22, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02004 Filed 1–29–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90993; File No. SR–CboeBYX–2020–021]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 2, To Introduce Periodic Auctions for the Trading of U.S. Equity Securities

January 26, 2021.

On July 17, 2020, Cboe BYX Exchange, Inc. (''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to introduce periodic auctions in U.S. equity securities. The proposed rule change was published for comment in the **Federal Register** on August 4, 2020.[3]

On September 10, 2020, pursuant to Section 19(b)(2) of the Exchange Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On October 27, 2020, the Exchange filed Amendment No. 1 to the proposed rule change, and on October 28, 2020 the Exchange filed Amendment No. 2 to the proposed rule change, which replaced in its entirety the proposed rule change as modified by Amendment No. 1.[6] On October 30, 2020, the Commission noticed the filing of Amendment No. 2 and instituted proceedings under Section 19(b)(2)(B) of the Exchange Act[7] to determine whether to approve or disapprove the proposed rule change.[8] The Commission has received comment letters on the proposed rule change.[9]

Section 19(b)(2) of the Exchange Act[10] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change by not more than 60 days if the Commission determines that a longer period is appropriate and publishes reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on August 4, 2020. January 31,

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 89424 (July 29, 2020), 85 FR 47262.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 89820, 85 FR 57891 (September 16, 2020). The Commission designated November 2, 2020 as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] Comments on the proposal, including Amendments No. 1 and No. 2, can be found on the Commission's website at: *https://www.sec.gov/comments/sr-cboebyx-2020-021/srcboebyx2020021.htm.*

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Securities Exchange Act Release No. 90288, 85 FR 70678 (November 5, 2020).

[9] Comments on the proposed rule change can be found on the Commission's website at: *https://www.sec.gov/comments/sr-cboebyx-2020-021/srcboebyx2020021.htm.*

[10] 15 U.S.C. 78s(b)(2).

2021 is 180 days from that date, and April 1, 2021 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Exchange Act,[11] designates April 1, 2021 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–CboeBYX–2020–021).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02006 Filed 1–29–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90988; File No. SR–NYSEArca–2021–04]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Schedule of Fees and Charges To Establish Annual Fees for Exchange Traded Products

January 26, 2021.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 12, 2021, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Schedule of Fees and Charges to establish annual fees for Exchange Traded Products that have a maturity date and for products that are based on an expected return over a specific outcome period. The Exchange proposes to implement the fee changes effective January 12, 2021.[4] The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Schedule of Fees and Charges to establish annual fees for Exchange Traded Products (''ETPs'')[5] that have a maturity date and ETPs that are based on an expected return over a specific outcome period. As proposed, these types of ETPs would be eligible for the current annual fees for products that track an index.

The proposed change responds to the current extremely competitive environment for ETPs listings in which issuers can readily favor competing venues or transfer their listings if they deem fee levels at a particular venue to be excessive, or discount opportunities available at other venues to be more favorable. The Exchange's current annual fees for ETPs is based on the number of shares outstanding per issuer and provide incentives for issuers to list multiple series of certain securities on the Exchange. In response to the competitive environment for listings, the Exchange adopted a competitive pricing structure that combines higher minimum annual fees for certain securities with discounts for issuers that list multiple ETPs. The proposed change is designed to offer annual listing fees for ETPs that have a maturity date and ETPs that provide an expected return over a specific outcome period based on the annual fees for ETPs that track an index.

The Exchange proposes to implement the fee changes effective January 12, 2021.

Proposed Rule Change

Annual fees are assessed each January in the first full calendar year following the year of listing. The aggregate total shares outstanding is calculated based on the total shares outstanding as reported by the Fund issuer or Fund ''family'' in its most recent periodic filing with the Commission or other publicly available information. Annual fees apply regardless of whether any of these Funds are listed elsewhere.

The Exchange proposes to offer annual listing fees for two types of ETPs: (1) ETPs that have a specific maturity date, such as a fixed income ETP that primarily holds a diversified portfolio of fixed income bonds that provides regular interest payments and distributes a final payout in its stated maturity year; and (2) ETPs that provide an expected return over a specific outcome period, which are designed to provide a particular set of returns over a specific period based on the performance of an underlying instrument during the ETP's outcome period. Such ETPs include a buffer strategy that seeks to provide investment returns that match the gains of a particular index(s) up to a maximum annual return, or cap level, while guarding against declines in the same underlying index(s), a buffer level, over a particular time period. Currently, both types of ETPs are eligible for the annual fees set forth in section 6.b. of the Schedule of Fees and Charges, which are applicable to Managed Fund Shares, Managed Trust Securities, Active Proxy Portfolio Shares, Managed Portfolio Shares and Exchange-Traded Fund Shares listed under Rule 5.2–E(j)(8) that do not track an index. Generally, the products eligible for fees under section 6.b. of the Schedule of Fees and Charges entail more active issuer management and therefore incur higher Exchange costs, including costs related to issuer services, listing administration, product development and regulatory oversight.

The Exchange proposes that ETPs that have a maturity date and ETPs that provide an expected return over a specific outcome period would be eligible for the lower fees set forth in section 6.a. of the Schedule of Fees and

[11] *Id.*

[12] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange originally filed to amend the Schedule of Fees and Charges on December 23, 2020 (SR–NYSEArca–2020–117). SR–NYSEArca–2020–117 was withdrawn and replaced by SR–NYSEArca–2020–118. SR–NYSEArca–2020–117 was subsequently withdrawn and replaced by this filing.

[5] ''Exchange Traded Products'' is defined in footnote 3 of the current Schedule of Fees and Charges.

Charges for products that track an index, as follows:

Number of shares outstanding (each issue)	Annual fee
Less than 25 million	$7,500
25 million up to 49,999,999	10,000
50 million up to 99,999,999	15,000
100 million up to 249,999,999	20,000
250 million up to 499,999,999	25,000
500 million and over	30,000

An ETP designed to provide a particular set of returns over a specific outcome period utilizing a buffer strategy as described above is designed to provide investment returns that match the gains of a particular index(s) up to a maximum cap level while guarding against declines in the same underlying index(s) below a certain buffer level over a specified time period, which is very similar to how a fund based on an index operates. Moreover, an ETP with a maturity date designed to end on a specific date would not require the same open-ended commitment of Exchange resources as the more traditional types of actively managed products eligible for fees under section 6.b. of the Schedule of Fees and Charges that do not have a specified end date. Accordingly, the Exchange believes that the proposed lower fees are appropriate because ETPS that have a maturity date and that provide an expected return over a specific outcome period, like products that track an index, generally require the expenditure of less Exchange resources to support listing and administration. Charging lower fees for such products would thus more closely correlate the listing fee applicable to the issuer of ETPs to the costs associated with listing and trading such products, including costs related to issuer services, listing administration, product development and regulatory oversight. Structured products would continue to be charged annual fees under section 7 of the Schedule of Fees and Charges.

The proposed change described above is not otherwise intended to address other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[7] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Change Is Reasonable

As discussed above, the Exchange operates in a highly competitive market for the listing of ETPs. Specifically, ETP issuers can readily favor competing venues or transfer listings if they deem fee levels at a particular venue to be excessive, or discount opportunities available at other venues to be more favorable. The Exchange's current annual fees for ETPs are based on the number of shares outstanding per issuer and provide incentives for issuers to list multiple series of certain securities on the Exchange. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [8]

The Exchange believes that the ongoing competition among the exchanges with respect to new listings and the transfer of existing listings among competitor exchanges demonstrates that issuers can choose different listing markets in response to fee changes. Accordingly, competitive forces constrain exchange listing fees. Stated otherwise, changes to exchange listing fees can have a direct effect on the ability of an exchange to compete for new listings and retain existing listings.

Annual fees for ETPs are based on the number of shares outstanding per issuer, and then are further differentiated based on whether the ETP is index based or not, with lower annual fees for ETPs that are based on an index. As discussed above, the Exchange believes that it is reasonable to charge annual fees for ETPs that have a maturity date and ETPs that provide an expected return over a specific outcome period based on that same differentiation. The Exchange believes that, given the characteristics of such ETPs, charging the same, lower fees as the Exchange currently charges ETPs that track an index would be reasonable because those relatively lower annual fees better correlate with the generally lesser Exchange costs associated with listing and trading ETPs that track an index, including costs related to issuer services, listing administration and product development. Given the current competitive environment, the Exchange believes that the proposed change is a reasonable attempt to establish listing fees for products that, like products that track an index, require a decreased expenditure of Exchange resources to support listing and administration, thereby enhancing competition among issuers and listing venues. The Exchange also believes that lower annual fees may reduce the barriers to entry and incentivize enhanced competition among issuers of ETPs that have a maturity date and ETPs that provide an expected return over a specific outcome period. The proposed rule change reflects a competitive pricing structure designed to incentivize issuers to list new products and transfer existing products to the Exchange, which the Exchange believes will enhance competition both among ETP issuers and listing venues, to the benefit of investors.

The Proposal Is An Equitable Allocation of Fees

The Exchange believes the proposal equitably allocates its fees among its market participants. In the prevailing competitive environment, issuers can readily favor competing venues or transfer listings if they deem fee levels at a particular venue to be excessive, or discount opportunities available at other venues to be more favorable. The proposed fees for ETPs that have a maturity date and ETPs that provide an expected return over a specific outcome period are equitable because the proposed annual fees would apply uniformly to all issuers. Moreover, the proposed fees would be equitably allocated among issuers because issuers would continue to qualify for the annual listing fee based on issuing ETPs that have a maturity date and that provide an expected return over a specific outcome period and for the annual fee based on the number of shares outstanding and under criteria applied uniformly to all such issuers. For the same reasons, the proposal neither targets nor will it have a disparate impact on any particular category of market participant.

The Proposal Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4) & (5).

[8] *See* Regulation NMS, 70 FR at 37499.

In the prevailing competitive environment, issuers are free to list elsewhere if they believe that alternative venues offer them better value. The Exchange believes it is not unfairly discriminatory to offer the lower annual fees for products tracking an index to ETPs that have a maturity date and that provide an expected return over a specific outcome period because the proposed fees would apply to and potentially benefit all issuers equally. Further, the Exchange believes it is not unfairly discriminatory to apply the same fees applicable to ETPs that track an index to ETPs that have a maturity date and that provide an expected return over a specific outcome period because the proposed fees would be offered on an equal basis to all issuers listing such products on the Exchange. Moreover, the proposed annual fees would apply to issuers in the same manner as the current annual fees for ETPs that track an index.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[9] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed change would encourage competition by offering lower annual fees for ETPs that have a maturity date and that provide an expected return over a specific outcome period, thereby incentivizing issuers to list such products on the Exchange, thereby enhancing competition among issuers and listing venues, to the benefit of investors. The Exchange believes that lower annual fees may reduce the barriers to entry and incentivize enhanced competition among issuers of ETPs that have a maturity date and that provide an expected return over a specific outcome period. The proposed rule changes reflect a competitive pricing structure designed to incentivize issuers to list and transfer new products on the Exchange, which the Exchange believes will enhance competition both among ETP issuers and listing venues, to the benefit of investors. As noted, the market for listing services is extremely competitive. Issuers have the option to list their securities on these alternative venues based on the fees charged and the value provided by each listing exchange. Because issuers have a choice to list their securities on a different national securities exchange, the Exchange does not believe that the proposed change imposes a burden on competition.

Intramarket Competition. The proposed change is a competitive pricing structure designed to encourage issuers to list and transfer ETPs that have a maturity date and ETPs that provide an expected return over a specific outcome period on the Exchange. The Exchange believes the proposal will enhance competition among ETP issuers, to the benefit of investors. The Exchange does not believe the proposed change would burden intramarket competition as it would apply to and potentially benefit all issuers equally and uniformly and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive listings market in which issuers can readily choose alternative listing venues. In such an environment, the Exchange must adjust its fees and discounts to remain competitive with other exchanges competing for the same listings. The Exchange believes that such proposal will directly enhance competition among ETP listing venues by reducing the costs associated with listing on the Exchange for ETPs that have a maturity date and that provide an expected return over a specific outcome period, to the benefit of investors. As such, the proposal is a competitive proposal designed to enhance pricing competition among listing venues and implement pricing for listings that better reflects the revenue and expenses associated with listing these types of ETPs on the Exchange. Because competitors are free to modify their own fees and discounts in response, and because issuers may readily adjust their listing decisions and practices, the Exchange does not believe its proposed change can impose any burden on intermarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [10] of the Act and subparagraph (f)(2) of Rule 19b–4 [11] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such 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 under Section 19(b)(2)(B) [12] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2021–04 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–NYSEArca–2021–04. 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

[9] 15 U.S.C. 78f(b)(8).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(2).

[12] 15 U.S.C. 78s(b)(2)(B).

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–NYSEArca–2021–04 and should be submitted on or before February 22, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02003 Filed 1–29–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90995; File No. SR–NASDAQ–2020–069]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, To Exclude Special Purpose Acquisition Companies From the Requirement That at Least 50% of a Company's Round Lot Holders Each Hold Unrestricted Securities With a Market Value of at Least $2,500

January 26, 2021.

I. Introduction

On October 8, 2020, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to exclude special purpose acquisition companies from the requirement that at least 50% of a company's round lot holders each hold unrestricted securities with a market value of at least $2,500. On October 21, 2020, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and replaced the proposed rule change in its entirety. The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on October 28, 2020.[3] On December 11, 2020, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change, as modified by Amendment No. 1.[5] This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 1

The Exchange has proposed to exclude companies listed pursuant to Nasdaq Rule IM–5101–2 whose business plan is to engage in a merger or acquisition with one or more unidentified companies within a specified period of time (''SPACs''), prior to the completion of any such merger or acquisition, from the requirement that at least 50% of the company's required minimum number of round lot holders must each hold unrestricted securities with a market value of at least $2,500 at the time of initial listing (''Required Minimum Amount'').[6]

The Exchange states in its proposal that it imposed the Required Minimum Amount to help ensure that at least 50% of the required minimum number of shareholders hold a meaningful value of unrestricted securities and that a company has sufficient investor interest to support an exchange listing.[7] The Exchange asserts that, prior to adopting the Required Minimum Amount, it had noticed problems with companies listing where a large number of round lot holders held exactly 100 shares, which would be worth only $400 in the case of a stock that is trading at the minimum bid price of $4 per share, or as little as $200 in the case of a stock listing under alternative price criteria.[8] The Exchange further states that such holders held shares in the company prior to its IPO and that such amount was not a representation of genuine investor interest in the company sufficient to support an exchange listing.[9] In proposing to adopt the standard, the Exchange stated that it believed the Required Minimum Amount was a more appropriate representation of genuine investor interest in the company and would make it more difficult to circumvent the round lot holder requirement through share transfers for no value.[10]

The Exchange states that it does not believe the Required Minimum Amount is as relevant to the listing of SPACs.[11]

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 90245 (October 22, 2020), 85 FR 68400 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 90644, 85 FR 82005 (December 17, 2020). The Commission designated January 26, 2021, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change, as modified by Amendment No. 1.

[6] Nasdaq defines ''round lot holder'' as a holder of a normal unit of trading of unrestricted securities. The number of beneficial holders will be considered in addition to holders of record. *See* Nasdaq Rule 5005(a)(40). Nasdaq defines ''normal unit of trading'' to mean 100 shares of a security unless, with respect to a particular security, Nasdaq determines that a normal unit of trading shall constitute other than 100 shares. *See* Nasdaq Rule 5005(a)(39). Nasdaq defines ''unrestricted securities'' to mean securities that are not restricted securities. *See* Nasdaq Rule 5005(a)(46). Nasdaq defines ''restricted securities'' to mean securities that are subject to resale restrictions for any reason, including, but not limited to, securities: (1) Acquired directly or indirectly from the issuer or an affiliate of the issuer in unregistered offerings such as private placements or Regulation D offerings; (2) acquired through an employee stock benefit plan or as compensation for professional services; (3) acquired in reliance on Regulation S, which cannot be resold within the United States; (4) subject to a lockup agreement or a similar contractual restriction; or (5) considered ''restricted securities'' under Rule 144. *See* Nasdaq Rule 5005(a)(37). The number of required minimum number of round lot holders is 450 holders for the Nasdaq Global Select Market; 400 holders for the Nasdaq Global Market; and 300 holders for the Nasdaq Capital Market. *See* Nasdaq Rules 5315(f)(1)(C), 5405(a)(3), and 5505(a)(3). Nasdaq defines ''market value'' as the consolidated closing bid price multiplied by the measure to be valued. *See* Nasdaq Rule 5005(a)(23).

[7] *See* Notice, *supra* note 3, at 68401; Securities Exchange Act Release No. 86314 (July 5, 2019), 84 FR 33102, 33107 (July 11, 2019) (order approving SR–NASDAQ–2019–009) (''Required Minimum Amount Approval Order''). In the Required Minimum Amount Approval Order, the Commission also approved Nasdaq's proposal to exclude restricted securities (*see supra* note 6) from the calculation of publicly held shares, market value of publicly held shares, and round lot holders for initial listing purposes. According to Nasdaq, these changes were designed to help ensure adequate distribution, shareholder interest, and a liquid trading market for a security. *See* Notice, *supra* note 3, at 68401; Required Minimum Amount Approval Order, *supra,* at 33103, 33108–09.

[8] *See* Notice, *supra* note 3, at 68401. *See also* Required Minimum Amount Approval Order, *supra* note 7, at 33109.

[9] *See* Notice, *supra* note 3, at 68401–02.

[10] *See id.* at 68401; Required Minimum Amount Approval Order, *supra* note 7, at 33109.

[11] *See* Notice, *supra* note 3, at 68401. Nasdaq Rule IM–5101–2 sets forth requirements applicable to SPACs and requires, among other things, that at least 90% of the gross proceeds raised in the IPO and any concurrent sale by the SPAC of equity securities must be deposited in a trust account. *See* Nasdaq Rule IM–5101–2(a). Until a SPAC has completed business combinations meeting the requirements of IM–5101–2(b), each shareholder

Continued

In contrast to its observations regarding operating companies,[12] the Exchange states that typically the only investors holding shares in a SPAC prior to an IPO are its founders and that all other round lot holders generally represent new investors in the SPAC's IPO.[13] The Exchange therefore does not believe that SPACs present a similar risk as operating companies of circumventing the round lot holder requirement through share transfers for no value and represents that it has not observed this problem with SPACs.[14] Further, the Exchange states that shareholders of SPACs are afforded the opportunity to redeem or tender their shares for a pro rata portion of the value of the IPO proceeds maintained in a trust account in connection with the SPAC's business combination, which must occur within 36 months of the IPO, and therefore, the SPAC structure provides an alternative liquidity mechanism that operating companies do not offer.[15]

The Exchange accordingly believes that SPACs should be excluded from the Required Minimum Amount and proposes to revise Nasdaq Rules 5315(f)(1)(C) (for the Nasdaq Global Select Market), 5405(a)(3) (for the Nasdaq Global Market), and 5505(a)(3) (for the Nasdaq Capital Market) to exclude SPACs from the requirement to meet the Required Minimum Amount at the time of initial listing.[16] The Exchange notes, however, that SPACs must continue to satisfy the Exchange's other initial listing requirements at the time of listing,[17] including the SPAC listing rules, which, among other things, provide shareholders the right to redeem or convert their shares for a pro rata share of the trust account in conjunction with the business combination.[18] Moreover, following a business combination, in order to remain listed, the combined company must meet Nasdaq's initial listing requirements, which include the Required Minimum Amount, at the time of the IPO.[19] The Exchange states in its proposal that it believes that, although SPACs will be excluded from the Required Minimum Amount at the time of initial listing, requiring SPACs to satisfy Nasdaq's other initial listing standards [20] would continue to help ensure that SPACs have sufficient public float, investor base, and trading interest likely to generate depth and liquidity to support exchange listing and trading, which should help to protect investors and the public interest.[21]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[22] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act,[23] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission has consistently recognized that the development and enforcement of meaningful listing standards for an exchange is of critical importance to financial markets and the investing public.[24] Among other things, the Commission has stated that listing standards provide the means for an exchange to screen issuers that seek to become listed, and to provide listed status only to those that are bona fide companies that have or will have sufficient public float, investor base, and trading interest likely to generate depth and liquidity sufficient to promote fair and orderly markets.[25] Meaningful listing standards are also important given investor expectations regarding the nature of securities that have achieved an exchange listing, and the role of an exchange in overseeing its market and assuring compliance with its listing standards.[26]

The Exchange has proposed to exclude SPACs, prior to the completion of a business combination, from the requirement to meet the Required Minimum Amount at the time of initial listing on the Nasdaq Global Select Market, Nasdaq Global Market, and Nasdaq Capital Market. As described above, the Exchange states that, unlike with operating companies where the

has the right to redeem their shares into a pro rata share of the aggregate amount in the deposit account if: (i) The shareholder votes against a business combination; or (ii) a shareholder vote on the business combination is not held for which the company must file and furnish a proxy or information statement subject to Regulation 14A or 14C under the Act. *See* Nasdaq Rules IM–5101–2(d) and (e).

[12] *See supra* notes 8–9 and accompanying text.

[13] *See* Notice, *supra* note 3, at 68401.

[14] *See id.*

[15] *See id.* at 68401–02. The Exchange also states that it believes the value of a SPAC prior to a business combination, unlike the value of an operating company, is not based solely on investor demand for the security but, in the Exchange's view, is based primarily on the value of the cash held in the trust account. *See id.*

[16] *See id.* at 68402.

[17] *See id.* These initial listing requirements currently include, among other things, a minimum number of unrestricted publicly held shares, minimum market value of unrestricted publicly held shares, minimum number of round lot holders of unrestricted shares, and minimum bid price. *See id.* at 68402 n.9. The Commission notes, as an example, that a SPAC listed on the Nasdaq Capital Market under the Market Value of Listed Securities Standard must have at least one million unrestricted publicly held shares and a market value of unrestricted publicly held shares of at least $15 million. *See* Nasdaq Rules 5505(a)(2) and 5505(b)(2)(C). *See also* Nasdaq Rule 5300 Series (The Nasdaq Global Select Market) and 5400 Series (The Nasdaq Global Market).

[18] *See* Notice, *supra* note 3, at 68402–03. *See also supra* notes 11, 15, and accompanying text.

[19] *See* Notice, *supra* note 3, at 68402.

[20] *See supra* note 17.

[21] *See* Notice, *supra* note 3, at 68402.

[22] 15 U.S.C. 78f(b). In approving this proposed rule change, as modified by Amendment No. 1, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[23] 15 U.S.C. 78f(b)(5).

[24] *See infra* notes 25–26.

[25] *See, e.g.,* Securities Exchange Act Release Nos. 81856 (October 11, 2017), 82 FR 48296, 48298 (October 17, 2017) (''SR–NYSE–2017–31 Approval Order''); 81079 (July 5, 2017), 82 FR 32022, 32023 (July 11, 2017) (''SR–NYSE–2017–11 Approval Order''); 65708 (November 8, 2011), 76 FR 70799, 70802 (November 15, 2011) (''SR–NASDAQ–2011–073 Approval Order''); 63607 (December 23, 2010), 75 FR 82420, 82422 (December 30, 2010) (''SR–NASDAQ–2010–137 Approval Order''); 57785 (May 6, 2008), 73 FR 27597, 27599 (May 13, 2008) (''SR–NYSE–2008–17 Approval Order''); and 58228 (July 25, 2008), 73 FR 44794, 44796 (July 31, 2008) (''SR–NASDAQ–2008–013 Approval Order''). In addition, once a security has been approved for initial listing, maintenance criteria allow an exchange to monitor the status and trading characteristics of that issue to ensure that it continues to meet the exchange's standards for market depth and liquidity so that fair and orderly markets can be maintained. *See, e.g.,* Securities Exchange Act Release No. 82627 (February 2, 2018), 83 FR 5650, 5653 n.53 (February 8, 2018) (''SR–NYSE–2017–30 Approval Order''); SR–NYSE–2017–31 Approval Order, 82 FR at 48298; SR–NYSE–2017–11 Approval Order, 82 FR at 32023; SR–NASDAQ–2010–137 Approval Order, 75 FR at 82422; and SR–NYSE–2008–17 Approval Order, 73 FR at 27599. The Commission has stated that adequate listing standards, by promoting fair and orderly markets, are consistent with Section 6(b)(5) of the Act, in that they are, among other things, designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and protect investors and the public interest. *See, e.g.,* SR–NYSE–2017–30 Approval Order, 83 FR at 5653 n.53; Securities Exchange Act Release Nos. 87648 (December 3, 2019), 84 FR 67308, 67314 n.42 (December 9, 2019) (SR–NASDAQ–2019–059); and 88716 (April 21, 2020), 85 FR 23393, 23395 n.22 (April 27, 2020) (SR–NASDAQ–2020–001).

[26] *See, e.g.,* SR–NASDAQ–2011–073 Approval Order, *supra* note 25, 76 FR at 70802; SR–NASDAQ–2010–137 Approval Order, *supra* note 25, 75 FR at 82422; SR–NYSE–2008–17 Approval Order, *supra* note 25, 73 FR at 27599; and SR–NASDAQ–2008–013 Approval Order, *supra* note 25, 73 FR at 44796.

Required Minimum Amount is necessary to demonstrate genuine investor interest in the operating company to support an exchange listing, SPACs do not present a similar risk of circumventing the round lot holder requirement through share transfers for no value and that removing this requirement will not impact the protection of investors.[27]

Given the differences between SPACs and operating companies, including in their structure, and the rights of SPAC shareholders to convert or redeem their shares upon a business combination for a pro rata portion of the IPO proceeds maintained in a trust account, the Commission believes that it is reasonable and not unfairly discriminatory for the Exchange to exclude SPACs from the requirement to meet the Required Minimum Amount at the time of initial listing of the SPAC. Specifically, the Commission believes the Exchange has provided a reasonable basis for its proposal to differentiate SPACs from operating companies in terms of the requirement to comply with the Required Minimum Amount upon initial listing given that, in the Exchange's experience, SPACs do not appear to present a similar risk of circumventing the round lot holder requirement through share transfers for no value. As the Exchange states in its proposal, typically the only investors holding shares in a SPAC prior to an IPO are its founders, whereas other round lot holders generally represent new investors, in contrast to the Exchange's experience with operating companies.[28]

Further, the Exchange's other initial listing requirements will remain applicable to SPACs at the time of their initial listing including, among other things, that round lot holders hold unrestricted shares and that SPACs will continue to meet the minimum number and market value of unrestricted publicly held shares requirements as well as the other listing requirements on the applicable market tier, in addition to the specific listing criteria applicable to SPACs.[29] As the Commission stated when approving the Exchange's amendments to exclude restricted securities from its calculation of a company's publicly held shares, market value of publicly held shares, and round lot holders for purposes of qualifying the company's securities for initial listing, the amendments ''should allow the Exchange to more accurately determine whether a security has adequate distribution and liquidity and is thus suitable for listing and trading on the Exchange.'' [30] In addition, all initial listing requirements apply to the combined company upon consummation of a business combination, which would include the Required Minimum Amount. The Commission therefore believes the Exchange's current listing rules will continue to provide appropriate listing standards for SPAC securities, both prior to and after the completion of any business combination. Moreover, investors in SPACs will continue to have the ability to convert or redeem their shares for cash into a pro rata share of the amount in the trust account, pursuant to the provisions of Nasdaq Rules IM–5101–2(d) and (e).

These other listing requirements, taken together, should continue to help ensure that SPACs are listed only if there will be a sufficient market, with adequate depth and liquidity and with sufficient investor interest to support an exchange listing, and will continue to provide investors the redemption feature. The Commission also notes that the Exchange's proposal is consistent with SPAC listing standards on other listing exchanges that do not require round lot holders to hold unrestricted securities of a minimum market value amount.[31] For the reasons discussed above, the Commission believes the Exchange's proposal is consistent with the requirements of Section 6(b)(5) of the Act and with the maintenance of fair and orderly markets under the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[32] that the proposed rule change, as modified by Amendment No. 1 (SR–NASDAQ–2020–069), be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02010 Filed 1–29–21; 8:45 am]

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[27] *See supra* note 14 and accompanying text.

[28] *See supra* notes 12–13 and accompanying text.

[29] For example, SPACs listed on the Nasdaq Capital Market under the Market Value of Listed Securities Standard would be required to have at least 1,000,000 unrestricted publicly held shares, at least 300 round lot holders that hold unrestricted shares, a minimum market value of listed securities of $50 million, a minimum market value of unrestricted publicly held shares of at least $15 million, and at least three registered and active market makers. *See* Nasdaq Rules 5505(a)–(b). *See also* Nasdaq Rules 5315(e)–(f) (Nasdaq Global Select Market) and 5405(a)–(b) (Nasdaq Global Market). The Commission understands that, although Nasdaq's rules provide alternative standards to satisfy in lieu of the market value standards, SPACs typically list under the market value standard given that they have no prior operating history.

[30] Required Minimum Amount Approval Order, *supra* note 7, at 33111. *See also supra* note 7.

[31] *See, e.g.,* New York Stock Exchange LLC (''NYSE'') Listed Company Manual Section 102.06. The Commission notes that NYSE's initial listing standards for SPACs, which require an aggregate market value of $100 million and market value of publicly-held shares of $80 million, are generally higher than those on Nasdaq. *See supra* notes 17 and 29. *See also* NYSE American LLC Company Guide Sections 102 and 119.

[32] 15 U.S.C. 78s(b)(2).

[33] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, February 4, 2021.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: January 28, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–02155 Filed 1–28–21; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90990; File No. SR–CBOE–2021–006]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Amend the Definition of ''Current Market Value'' for Purposes of Calculating Margin Requirements for Certain Options

January 26, 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 January 14, 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 amend the definition of ''current market value'' for purposes of calculating margin requirements for certain options. The text of the proposed rule change is provided below.

(additions are *italicized;* deletions are [bracketed])

* * * * *

Rules of Cboe Exchange, Inc.

* * * * *

Rule 10.3. Margin Requirements

(a) *Definitions.* For purposes of this Rule, the following terms shall have the meanings specified below.

(1) No change.

(2) The term ''current market value'' is as defined in Section 220.[3]*2* of Regulation T of the Board of Governors of the Federal Reserve System. At any other time, in the case of options, stock index warrants, currency index warrants and currency warrants, it shall mean the closing price of that series of options or warrants on the Exchange on any day with respect to which a determination of current market value is made, except in the case of certain index *and ETF* options determined by the Exchange, it shall be based on quotes for that series of options on the Exchange 15 minutes prior to the close of trading on any day with respect to which a determination of current market value is made. In the case of other securities, it shall mean the preceding business day's closing price as shown by any regularly published reporting or quotation service. If there is no closing price or quotes, as applicable, on the option or on another security, a TPH organization may use a reasonable estimate of the current market value of the security as of the close of business or as of 15 minutes prior to the closing of trading, respectively, on the preceding business day.

* * * * *

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 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 the definition of ''current market value'' with respect to certain ETF options for purposes of calculating margin requirements. Rule 10.3(a)(2) currently defines the term ''current market value'' as follows:

The term ''current market value'' is as defined in Section 220.3 of Regulation T of the Board of Governors of the Federal Reserve System. At any other time, in the case of options, stock index warrants, currency index warrants and currency warrants, it shall mean the closing price of that series of options or warrants on the Exchange on any day with respect to which a determination of current market value is made, except in the case of certain index options determined by the Exchange, it shall be based on quotes for that series of options on the Exchange 15 minutes prior to the close of trading on any day with respect to which a determination of current market value is made. In the case of other securities, it shall mean the preceding business day's closing price as shown by any regularly published reporting or quotation service. If there is no closing price or quotes, as applicable, on the option or on another security, a TPH organization may use a reasonable estimate of the current market value of the security as of the close of business or as of 15 minutes prior to the closing of trading, respectively, on the preceding business day.[5]

Rule 10.3 and other Rules in Chapter 10 of the Exchange's Rulebook describe how margin requirements are calculated for market participants' positions in options (and certain other securities), including strategy-based margin and customer portfolio margin requirements, which requirements are generally based on the current market value of the option series. These requirements are determined on a daily basis for market participants' securities accounts that hold options positions.[6] Currently, 43 ETF options that are listed for trading on the Exchange close for trading at 4:15 p.m. Eastern time.[7] Therefore, daily margin requirements for those options are currently based on the closing trade prices of those options series at that time.[8]

[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).

[5] Section 220.2 of Regulation T of the Board of Governors of the Federal Reserve System defines ''current market value'' of a security as (1) throughout the day of the purchase or sale of a security, the security's total cost of purchase or the net proceeds of its sale including any commissions charged; or (2) at any other time, the closing sale price of the security on the preceding business day, as shown by any regularly published reporting or quotation service. If there is no closing sale price, the creditor may use any reasonable estimate of the market value of the security as of the close of business on the preceding business day.'' *See* 12 CFR 220.2. The term ''marking'' value is often used to refer to the current market value for capital and margin purposes. The proposed rule change corrects the reference to Section 220.3 in the definition of current market value in Rule 10.3(a)(2) to be Section 220.2.

[6] The Exchange notes the Options Clearing Corporation (''OCC'') calculates the daily margin requirements for Clearing Members' options positions at OCC. The Exchange understands OCC intends to incorporate a corresponding change regarding the time at which the value of a series is determined into its procedures for calculating margin requirements.

[7] *See* Rule 5.1(b)(2); *see also* closing times for ETF options, *available at https://www.cboe.com/us/options/market_statistics/symbol_reference/?mkt=cone&underlying=1.*

[8] The Exchange notes the daily margin requirements for all other ETF options that close at 4:00 p.m. Eastern time are based on the closing trade at that time.

A number of options overlie exchange-traded funds (''ETFs'') that track the same indexes on which the Exchange lists index options.[9] These options are complementary investment tools available to market participants. The Exchange understands that market participants generally use the same information when pricing an index option and an ETF option with an underlying ETF that tracks the same index. Additionally, market participants' investment and hedging strategies often involve index options and related products, including ETF options. For example, market participants often engage in hedging strategies that involve options on the S&P 500 Index (''SPX options''), which trade exclusively on the Exchange, and SPY options, which may trade on any options exchange.

The Exchange recently amended the definition of ''current market value'' to provide that, for certain index options determined by the Exchange, it would be based on quotes for a series of options on the Exchange 15 minutes prior to the close of trading rather than the closing price.[10] The purpose of that change was to maintain alignment between the times at which the current market value of index options and the daily settlement price of related futures (*i.e.,* futures that overlie the same indexes as the index options) is determined for purposes of calculating daily margin requirements.[11] Currently, the Exchange has determined to determine the current market value for margin requirements 15 minutes prior to the closing time for the following index options: DJX options, MXEA options, MXEF options, OEX options, RUT options, SPESG options, SPX options, VIX options, XEO options, and XSP options.[12]

Currently, the Exchange determines the daily settlement price for all ETF options at the time at which they close for trading, which as noted above, is at 4:15 p.m. for a number of ETF options. Several of these ETF options overlie an ETF that tracks an index on which the Exchange lists index options, including index options for which the Exchange determines the current market value for margin requirements 15 minutes prior to the closing time. The Exchange has received numerous requests from market participants to determine the current market value for such ETF options at the same time at which it determines the current market value for corresponding index options. Therefore, to permit the Exchange to align the times at which the current market value of index options and options overlying ETFs that track the same indexes is determined for purposes of calculating daily margin requirements, the Exchange proposes to amend the definition of current market value with respect to certain Exchange-designated ETF options [13] to be based on quotes of that series of options on the Exchange 15 minutes prior to the close of trading on any day with respect to which a determination of current market value is made.[14] The Exchange intends to apply an indicator to the quotes disseminated to the Options Price Reporting Authority (''OPRA'') that will be the daily mark for a series on the applicable trading day. The Exchange anticipates initially applying this proposed definition to SPY options. The proposed flexibility will permit the Exchange to respond in a timely manner to any requests from industry participants and maintain alignment between those times as appropriate.

2. 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.[15] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [16] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [17] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change furthers the objectives of Section 6(c)(3) of the Act,[18] which authorizes the Exchange to, among other things, prescribe standards of financial responsibility or operational capability and standards of training, experience and competence for its Trading Permit Holders and person associated with Trading Permit Holders.

In particular, the Exchange believes alignment between the times at which related options prices are used to calculate daily margin requirements will protect investors. In fact, the Exchange has received numerous requests from market participants to make this change. Among other things, the Exchange believes this alignment will prevent increased risk to market participants that hold positions across related options products due to potential disparities that could occur in relation to factors such as margin requirements, pay-collect obligations, the synchronization of existing hedges, and the level of end-of-day risk. Differing daily valuation times for these products may cause offset relationships between options positions to be lost, which may distort the true status of risk within a market participant's portfolio. Use of the same determination time for margin calculations reduces risk of a disconnect

[9] For example, the SPDR S&P 500 ETF Trust (''SPY'') tracks the S&P 500 Index. The Exchange (as well as other options exchanges) list SPY options for trading, and the Exchange lists options on the S&P 500 Index as well (''SPX''). Additional examples of ETF options (which may trade on any options exchange) with an underlying ETF that tracks an index on which the Exchange lists an option include the iShares Russell 2000 ETF (''IWM'') (which tracks the Russell 2000 Index, as do RUT options) and the SPDR Dow Jones Industrial Average ETF Trust (''DIA'') (which tracks the Dow Jones Industrial Average, as do DJX options).

[10] *See* Securities Exchange Act Release No. 90195 (October 15, 2020), 85 FR 67041 (October 21, 2020) (SR–CBOE–2020–090).

[11] *See id.* As described in that proposed rule change, the Chicago Mercantile Exchange (''CME''), on which index futures products trade, intended to change the daily settlement price for index futures from 4:15 p.m. Eastern time to 4:00 p.m. Eastern time.

[12] *See* Exchange Notice C2020113000, *Schedule Update—Cboe Proprietary Index Products MXEA and MXEF to be Added to 3:00 p.m. Marking Price Files.* These index options close for trading at 4:15 p.m. Eastern time.

[13] Pursuant to Rule 1.5, the Exchange announces to Trading Permit Holders all determinations it makes pursuant to the Rules (which would include the determination of ETF options subject to the proposed rule change) via specifications, notices, or regulatory circulars with appropriate advanced notice, which are posted on the Exchange's website, or as otherwise provided in the Rules (among other methods).

[14] Fifteen minutes prior to the close of trading will generally equate to 4:00 p.m. Eastern time. The Exchange notes the proposed rule change does not change the time at which trading in the applicable ETF options will close. In other words, on a regular trading day, while the current market value for these ETF options will be determined at 4:00 p.m. Eastern time, those ETF options will continue to trade until 4:15 p.m. Eastern time (any options trades that occur between 4:00 and 4:15 on that trading day would use the 4:00 current market value for margin calculation purposes).

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] *Id.*

[18] 15 U.S.C. 78f(c)(3).

between the values used in a market participant's securities account for related securities. For example, if the Exchange continues to use the closing prices of ETF options as the current market value of those options while the marking time of related index options uses prices 15 minutes prior to the close, there could be a significant misalignment between these values, particularly if there were to be a large price move in the equity markets during that 15-minute time period.[19]

The Exchange believes the proposed rule change will also promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market by permitting alignment of daily marks for related products that market participants often use in a complementary manner as part of their investment and hedging strategies. The Act authorizes the Exchange to prescribe standards of financial responsibility for Trading Permit Holders, and the proposed rule change regarding the daily value to be used for calculation of daily margin requirements for options positions is consistent with that authority.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The primary purpose of the proposed rule change is to align margin calculations for related products in the securities industries. The Exchange does not believe the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed change related to margin requirements for the designated options will apply in the same manner to all market participants that hold positions in those options. The Exchange does not believe the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change relates to margin requirements the Exchange imposes on its Trading Permit Holders. As noted above, the Exchange recently made a similar rule change to permit it to align the time at which it determines current market value for index options with the time at which a futures exchange determined the daily settlement value for related futures products for substantially similar purposes. Other options exchanges may choose to similarly change the time at which current market value will be determined for purposes of their margin rules.

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 proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. 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[20] and Rule 19b–4(f)(6)[21] thereunder.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that it believes waiver of the operative delay will protect investors by permitting the Exchange to align the times at which the current market value of ETF options with the times at which the current market value of related index options in securities accounts are determined as soon as practicable. The Exchange also stated that it believes this will benefit market participants by preventing potential price distortions between related options and reduce pricing risks to market participants that hold positions in ETF options and related index options that may occur if the time at which the current market value of options was determined differed from the time at which the daily settlement value of related futures was determined. The Exchange also noted the proposed rule change is not novel, because the Exchange recently made a similar rule change to permit it to align the time at which it determines current market value for index options with the time at which a futures exchange determined the daily settlement value for related futures products for substantially similar purposes. The Exchange stated it will announce to Trading Permit Holders the date on which the change will be implemented in accordance with Rule 1.5 (*i.e.,* the date will be announced via specifications, notices, or regulatory circulars with appropriate advanced notice, which are posted on the Exchange's website, or as otherwise provided in the Rules (among other methods)). The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, because waiver of the operative delay will permit the Exchange to eliminate the potential pricing disparities that may occur as a result of continued misalignment as soon as possible. For this reason, the Commission designates the proposed rule change to be operative upon filing.[22]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2021–006 on the subject line.

[19] The Exchange is unaware of market participants who have been significantly negatively impacted by this lack of alignment since the marking time for index options changed in October. However, the proposed rule change would eliminate the potential risk associated with misalignment going forward.

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6). In addition, as required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of the filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[22] 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).

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–2021–006. 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–2021–006 and should be submitted on or before February 22, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–02005 Filed 1–29–21; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 11342]

Notice of Shipping Coordination Committee Meeting in Preparation for International Maritime Organization Meeting

The Department of State will conduct a public meeting of the Shipping Coordination Committee at 10:00 a.m. on Thursday, April 29, 2021, by way of teleconference. Members of the public may participate up to the capacity of the teleconference phone line, which will handle 500 participants. To access the teleconference line, participants should call (202) 475–4000 and use Participant Code: 138 541 34#.

The primary purpose of the meeting is to prepare for the 103rd session of the International Maritime Organization's (IMO) Maritime Safety Committee to be held remotely, May 5 to 14, 2021.

The agenda items to be considered include:

—Adoption of the agenda; report on credentials
—Decisions of other IMO bodies
—Consideration and adoption of amendments to mandatory instruments
—Capacity-building for the implementation of new measures
—Regulatory scoping exercise for the use of Maritime Autonomous Surface Ships (MASS)
—Development of further measures to enhance the safety of ships relating to the use of fuel oil
—Goal-based new ship construction standards
—Measures to improve domestic ferry safety
—Measures to enhance maritime security
—Piracy and armed robbery against ships
—Unsafe mixed migration by sea
—Formal safety assessment
—Human element, training and watchkeeping (report of the seventh session of the Sub-Committee)
—Navigation, communications and search and rescue
—Ship design and construction
—Ship systems and equipment
—Application of the Committee's method of work
—Work programme
—Election of Chair and Vice-Chair for 2021
—Any other business
—Consideration of the report of the Committee on its 103rd session

Please note: the Maritime Safety Committee may, on short notice, adjust the MSC 103 agenda to accommodate the constraints associated with the virtual meeting format. Any changes to the agenda will be relayed to those who contact the meeting coordinator to confirm their attendance at the public meeting.

Those who plan to participate may contact the meeting coordinator, LT Jessica Anderson, by email at *Jessica.P.Anderson@uscg.mil,* by phone at (202) 372–1376, or in writing at 2703 Martin Luther King Jr. Ave. SE Stop 7509, Washington DC 20593–7509.

Additional information regarding this and other IMO public meetings may be found at: *https://www.dco.uscg.mil/IMO.*

Jeremy M. Greenwood,

Executive Secretary, Shipping Coordinating Committee, Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2021–02101 Filed 1–29–21; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–0621]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: National Air Tours Safety Standards

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 24, 2020. The collection involves requirements in FAA regulations that set safety and oversight rules for a broad variety of sightseeing and commercial air tour flights to improve the overall safety of commercial air tours by requiring all air tours to submit information.

DATES: Written comments should be submitted by March 3, 2021.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

[23] 17 CFR 200.30–3(a)(12).

FOR FURTHER INFORMATION CONTACT: Sandra Ray by email at: *sandra.ray@faa.gov;* phone: 412–329–3088.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0717.

Title: National Air Tours Safety Standards.

Form Numbers: None.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 24, 2020 (85 FR 38010). FAA regulations set safety and oversight rules for a broad variety of sightseeing and commercial air tour flights to improve the overall safety of commercial air tours by requiring all air tour operators to submit information. The FAA uses the information it collects and reviews to ensure compliance and adherence to regulations and, if necessary, take enforcement action on violators of the regulations.

Respondents: Approximately 13,751 respondents.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: Burden varies per respondent.

Estimated Total Annual Burden: 5,182 hours.

Issued in Washington, DC, on January 27, 2021.

Sheri A. Martin,

Management & Program Analyst, FAA, Policy Integration Branch, AFS–270.

[FR Doc. 2021–02072 Filed 1–29–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2020–0030]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that FHWA will submit the collection of information described below to the Office of Management and Budget (OMB) for review and comment. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on November 25, 2020. The PRA submission describes the nature of the information collection and its expected cost and burden.

DATES: Please submit comments by March 3, 2021.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2020–0030 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.*

Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590 between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michael Dougherty 202–366–9234, Department of Transportation, Federal Highway Administration, Office of Highway Policy Information, 1200 New Jersey Avenue SE, Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Certification of Enforcement of the Heavy Vehicle Use Tax.

OMB Control Number: 2125–0541.

Background: Title 23 United States Code, Section 141(c), provides that a State's apportionment of funds under 23 U.S.C. 104(b)(1) shall be reduced in an amount up to 8 percent of the amount to be apportioned during any fiscal year beginning after September 30, 1984, if vehicles subject to the Federal heavy vehicle use tax are lawfully registered in the State without having presented proof of payment of the tax. The annual certification by the State Governor or designated official regarding the collection of the heavy vehicle use tax serves as the FHWA's primary means of determining State compliance. The FHWA has determined that an annual certification of compliance by each State is the least obtrusive means of administering the provisions of the legislative mandate. In addition, States are required to retain for 1 year a Schedule 1, IRS Form 2290, Heavy Vehicle Use Tax Return (or other suitable alternative provided by regulation). The FHWA conducts compliance reviews at least once every 3 years to determine if the annual certification is adequate to ensure effective administration of 23 U.S.C. 141(c).

The estimated annual reporting burden is 102 hours; the estimated recordkeeping burden is 510 hours for a total of 612 hours. The 50 States and the District of Columbia share this burden. Preparing and processing the annual certification is estimated to require 2 hours per State. Recordkeeping is estimated to require an average of 10 hours per State.

Respondents: 50 State Transportation Departments, and the District of Columbia for a total of 51 respondents.

Frequency: Annually.

Estimated Average Annual Burden per Response: The average burden to submit the certification and to retain required records is 12 hours per respondent.

Estimated Total Annual Burden Hours: Total estimated average annual burden is 612 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information.

The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48)

Issued On: January 26, 2021.

Michael Howell,

Information Collection Officer.

[FR Doc. 2021–01997 Filed 1–29–21; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2020–0027]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that FHWA will submit the collection of information described below to the Office of Management and Budget (OMB) for review and comment. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 19, 2017. The PRA submission describes the nature of the information collection and its expected cost and burden.

DATES: Please submit comments by March 3, 2021.

ADDRESSES: You may submit comments identified by DOT Docket ID 2020–0027 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Ferroni, 202–366–3233, Office of Planning, Environment, and Realty, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 6:00 a.m. to 3:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Noise Barrier Inventory.

Background: The basis of the Federal-aid highway program is a strong federal-state partnership. At the core of that partnership is a philosophy of trust and flexibility, and a belief that the states are in the best position to make investment decisions and that states base these decisions on the needs and priorities of their citizens. The FHWA noise regulation (23 CFR 772) gives each state department of transportation (SDOT) flexibility to determine the feasibility and reasonableness of noise abatement by balancing of the benefits of noise abatement against the overall adverse social, economic, and environmental effects and costs of the noise abatement measures. The SDOT must base its determination on the interest of the overall public good, keeping in mind all the elements of the highway program (need, funding, environmental impacts, public involvement, etc.).

Reduction of highway traffic noise should occur through a program of shared responsibility with the most effective strategy being implementation of noise compatible planning and land use control strategies by state and local governments. Local governments can use their power to regulate land development to prohibit noise-sensitive land use development adjacent to a highway, or to require that developers plan, design, and construct development in ways that minimize noise impacts. The FHWA noise regulations limit Federal participation in the construction of noise barriers along existing highways to those projects proposed along lands where land development or substantial construction predated the existence of any highway. The data reflects the flexibility in noise abatement decision-making. Some states have built many noise barriers while a few have built none. Through the end of 2010, 47 SDOTs and the Commonwealth of Puerto Rico have constructed over 2,748 linear miles of barriers at a cost of over $4.05 billion ($5.44 billion in 2010 dollars). Three states and the District of Columbia have not constructed noise barriers. Ten SDOTs account for approximately sixty-two percent (62%) of total barrier length and sixty-nine percent (69%) of total barrier cost. The type of information requested can be found in 23 CFR 772.13(f).

The previously distributed listing can be found at *http://www.fhwa.dot.gov/environment/noise/noise_barriers/inventory/summary/sintro7.cfm.* This listing continues to be extremely useful in the management of the highway traffic noise program, in our technical assistance efforts for State highway agencies, and in responding to inquiries from congressional sources, Federal, State, and local agencies, and the general public. An updated listing of noise barriers will be distributed nationally for use in the highway traffic noise program. It is anticipated that this information will be requested in 2014 (for noise barriers constructed in 2011, 2012 and 2013) and then again in 2017 (for noise barriers constructed in 2014, 2015 and 2016). After review of the ''Summary of Noise Barriers Constructed by December 31, 2004'' document, a SDOT may request to delete, modify or add information to any calendar year.

Respondents: Each of the 50 SDOTs, the District of Columbia, and the Commonwealth of Puerto Rico.

Frequency: Every 3 years.

Estimated Average Burden per Response: It is estimated that on average it would take 8 hours to respond to this request.

Estimated Total Annual Burden Hours: It is estimated that the estimated total annual burden is 139 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: January 26, 2021.

Michael Howell,

Information Collection Officer.

[FR Doc. 2021–01995 Filed 1–29–21; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2020–0028]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that FHWA will submit the collection of information described below to the Office of Management and Budget (OMB) for review and comment. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on November 25, 2020. The PRA submission describes the nature of the information collection and its expected cost and burden.

DATES: Please submit comments by March 3, 2021.

ADDRESSES: You may submit comments identified by DOT Docket ID 2020–0028 by any of the following methods:

Website: For access to the docket to read background documents or comments received; go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mary Huie, 202–493–3460, *Mary.Huie@dot.gov,* Turner-Fairbank Highway Research Center, Office of Corporate Research, Technology, and Innovation Management, Federal Highway Administration, Department of Transportation, 6300 Georgetown Pike, McLean, VA 22101. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Federal Highway Administration Research, Development and Technology Portfolio website.

Background: Title 23, United States Code, Section 502(a)(5) requires that Federal surface transportation research and development activities address the needs of stakeholders, including ''States, metropolitan planning organizations, local governments, the private sector, researchers, research sponsors, and other affected parties, including public interest groups.'' As part of its effort to ensure that Federal research, development and technology (RD&T) activities are addressing the most critical national challenges, the Federal Highway Administration (FHWA) is developing the RD&T Agenda website. This website will communicate FHWA's RD&T goals, objectives and strategies to its stakeholders and highlight notable initiatives or projects that illustrate FHWA's RD&T approach. The website will include an electronic mechanism for stakeholders to provide feedback on the overall RD&T Agenda, FHWA's approach to addressing national transportation challenges, and potential opportunities for FHWA to collaborate with stakeholders to address them.

Respondents: Approximately 1,000 annual respondents.

Frequency: Annually.

Estimated Average Burden per Response: Approximately 10 minutes per respondent per year.

Estimated Total Annual Burden Hours: Approximately 167 hours per year.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of computer technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: January 26, 2021.

Michael Howell,

Information Collection Coordinator.

[FR Doc. 2021–01996 Filed 1–29–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2020–0029]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that FHWA will submit the collection of information described below to the Office of Management and Budget (OMB) for review and comment. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on November 25, 2020. The PRA submission describes the nature of the information collection and its expected cost and burden.

DATES: Please submit comments by March 3, 2021.

ADDRESSES: You may submit comments identified by DOT Docket ID 2020–0029 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Carolyn Winborne-James, 202–493–0353, Department of Transportation, Federal Highway Administration, Office of Real Estate Services, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: FHWA Excellence in Right-of-Way Awards.

Background: In 1995, the Federal Highway Administration established the biennial Excellence in Right-of-Way Awards Program to recognize partners,

projects, and processes that use FHWA funding sources to go beyond regulatory compliance and achieve Right-of-Way excellence. Excellence in Right-of-Way awardees have contributed to outstanding innovations that enhance the right-of-way professional's ability to meet the challenges associated with acquiring real property for Federal-aid projects.

Similarly, FHWA established the Excellence in Right-of-Way Awards Program to honor the use of innovative practices and outstanding achievements associated with highway improvement projects as it relates to the Right-of-Way program. The goal of the program is to showcase exemplary and innovative projects, programs, initiatives, and practices that successfully integrate the consideration of the Right-of-Way program along with the association of the acquisition of land required to construct transportation facilities.

Award: Anyone can nominate a project, process, person or group that has used Federal Highway Administration funding sources to make an outstanding contribution to transportation and the Right-of-Way field. The nominator is responsible for submitting an application form that summarizes the outstanding accomplishments of the entry. FHWA will use the collected information to evaluate, showcase, and enhance the public's knowledge on addressing right-of-way challenges on transportation projects. Nominations will be reviewed by an independent panel of judges from varying backgrounds. It is anticipated that awards will be given every two years. The winners will be presented awards at the completion of the process.

Respondents: Anyone who has used Federal Highway funding sources in the fifty states, the District of Columbia and Puerto Rico.

Frequency: The information will be collected biennially.

Estimated Average Burden per Response: 6 hours per respondent per application.

Estimated Total Annual Burden Hours: It is expected that the respondents will complete approximately 50 applications for an estimated total of 600 annual burden hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: January 26, 2021.

Michael Howell,

Information Collection Officer.

[FR Doc. 2021–01998 Filed 1–29–21; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0102; FMCSA–2014–0104; FMCSA–2016–0002; FMCSA–2017–0057; FMCSA–2017–0061; FMCSA–2018–0135]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for nine individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on November 30, 2020. The exemptions expire on November 30, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2014–0102, FMCSA–2014–0104, FMCSA–2016–0002, FMCSA–2017–0057, FMCSA–2017–0061, or FMCSA–2018–0135, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

On November 18, 2020, FMCSA published a notice announcing its decision to renew exemptions for nine individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (85 FR 73591). The public comment period ended on December 18, 2020, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR

6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the nine renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the hearing requirement in § 391.41(b)(11).

As of November 18, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (85 FR 73591):

Michael Arwood (TN)
Christian DeNight (FL)
James Dignan (IL)
Michael Dohanish (OH)
Bruce Dunn (LA)
Scott Perdue (GA)
Albert Pizana (CA)
Adalberto Rodriguez (NY)
Michael Smith (CO)

The drivers were included in docket number FMCSA–2014–0102, FMCSA–2014–0104, FMCSA–2016–0002, FMCSA–2017–0057, FMCSA–2017–0061, or FMCSA–2018–0135. Their exemptions are applicable as of November 30, 2020, and will expire on November 30, 2022.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021–02019 Filed 1–29–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0002]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 37 individuals who requested an exemption from the vision standard in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a CMV in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing materials in the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov/docket?D=FMCSA-2021-0002* and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

FMCSA received applications from 37 individuals who requested an exemption from the vision standard in the FMCSRs.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. FMCSA grants exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision, as well as their driving records and experience driving with the vision deficiency.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10). Therefore, the 37 applicants in this notice have been denied exemptions from the physical qualification standards in § 391.41(b)(10).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following 18 applicants had no experience operating a CMV:

Dut J. Acuoth (NY)
Wyatt W. Brown (IA)
James R. Bruner (AL)
Gareth S. Collins (AZ)
Maira A. Giraldo (TX)
Richard E. Hordon (NH)
Eddie Howard (NM)
Chen N. Nguyen (IA)
John R. Pruitt (AR)
Martin K. Ramos (FL)
Aaron Rot (TX)
Adam L. Scorza (CA)
Gabriel P. Serna (AZ)
Shabria N. Shepherd (AL)
Satvir Singh (NJ)
Coltin Upchurch (KS)
Aimable Vuningoma (TX)
Caleb Zane (NY)

The following 10 applicants did not have 3 years of experience driving a CMV on public highways with their vision deficiencies:

Jose M. Almarez (IL)
David D. Brown (ID)
Jonathan F. Curtis (IL)
Wesley H. Eldred (WA)
Jason J. Forward (TX)
Jeremiah R. Gladen (CA)
Shawn M. Osborn (MO)
William F. Preston (OH)
Daniel I. Smith (WA)
Dennis M. Wright

The following three applicants did not have 3 years of recent experience driving a CMV on public highways with their vision deficiencies:

Derrick V. Arter (MD)
Jose O. Diaz Rosado (PA)
Michael L. Leschner (MN)

The following four applicants were denied for multiple reasons:

Kenneth W. Courtney (AL)
Jason A. Melo (NH)
George R. Miller (PA)
Ryan L. VanZanten (PA)

The following applicant has not had stable vision for the preceding 3-year period:

Sheldon Blanton (TX)

The following applicant drove interstate while restricted to intrastate driving:

Henry E. Brown (IL)

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021–02015 Filed 1–29–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–6480; FMCSA–2000–7006; FMCSA–2000–7363; FMCSA–2000–8398; FMCSA–2001–10578; FMCSA–2002–12294; FMCSA–2002–13411; FMCSA–2004–19477; FMCSA–2005–23238; FMCSA–2006–24783; FMCSA–2006–26066; FMCSA–2008–0021; FMCSA–2008–0266; FMCSA–2008–0340; FMCSA–2009–0011; FMCSA–2009–0303; FMCSA–2010–0187; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2011–0276; FMCSA–2011–0379; FMCSA–2012–0161; FMCSA–2012–0339; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0299; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2016–0027; FMCSA–2016–0031; FMCSA–2016–0033; FMCSA–2016–0210; FMCSA–2016–0212; FMCSA–2018–0207; FMCSA–2018–0209]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 53 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

DATES: Each group of renewed exemptions are applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before March 3, 2021.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–1999–6480, Docket No. FMCSA–2000–7006, Docket No. FMCSA–2000–7363, Docket No. FMCSA–2000–8398, Docket No. FMCSA–2001–10578, Docket No. FMCSA–2002–12294, Docket No. FMCSA–2002–13411, Docket No. FMCSA–2004–19477, Docket No. FMCSA–2005–23238, Docket No. FMCSA–2006–24783, Docket No. FMCSA–2006–26066, Docket No. FMCSA–2008–0021, Docket No. FMCSA–2008–0266, Docket No. FMCSA–2008–0340, Docket No. FMCSA–2009–0011, Docket No. FMCSA–2009–0303, Docket No. FMCSA–2010–0187, Docket No. FMCSA–2010–0354, Docket No. FMCSA–2010–0385, Docket No. FMCSA–2011–0276, Docket No. FMCSA–2011–0379, Docket No. FMCSA–2012–0161, Docket No. FMCSA–2012–0339, Docket No. FMCSA–2013–0174, Docket No. FMCSA–2014–0002, Docket No. FMCSA–2014–0003, Docket No. FMCSA–2014–0006, Docket No. FMCSA–2014–0007, Docket No. FMCSA–2014–0299, Docket No. FMCSA–2014–0300, Docket No. FMCSA–2014–0301, Docket No. FMCSA–2016–0027, Docket No. FMCSA–2016–0031, Docket No. FMCSA–2016–0033, Docket No. FMCSA–2016–0210, Docket No. FMCSA–2016–0212, Docket No. FMCSA–2018–0207, or Docket No. FMCSA–2018–0209 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–1999–6480; FMCSA–2000–7006; FMCSA–2000–7363; FMCSA–2000–8398; FMCSA–2001–10578; FMCSA–2002–12294; FMCSA–2002–13411; FMCSA–2004–19477; FMCSA–2005–23238; FMCSA–2006–24783; FMCSA–2006–26066; FMCSA–2008–0021; FMCSA–2008–0266; FMCSA–2008–0340; FMCSA–2009–0011; FMCSA–2009–0303; FMCSA–2010–0187; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2011–0276; FMCSA–2011–0379; FMCSA–2012–0161; FMCSA–2012–0339; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0299; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2016–0027; FMCSA–2016–0031; FMCSA–2016–0033; FMCSA–2016–0210; FMCSA–2016–0212; FMCSA–2018–0207; FMCSA–2018–0209), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there

are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–1999–6480; FMCSA–2000–7006; FMCSA–2000–7363; FMCSA–2000–8398; FMCSA–2001–10578; FMCSA–2002–12294; FMCSA–2002–13411; FMCSA–2004–19477; FMCSA–2005–23238; FMCSA–2006–24783; FMCSA–2006–26066; FMCSA–2008–0021; FMCSA–2008–0266; FMCSA–2008–0340; FMCSA–2009–0011; FMCSA–2009–0303; FMCSA–2010–0187; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2011–0276; FMCSA–2011–0379; FMCSA–2012–0161; FMCSA–2012–0339; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0299; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2016–0027; FMCSA–2016–0031; FMCSA–2016–0033; FMCSA–2016–0210; FMCSA–2016–0212; FMCSA–2018–0207; FMCSA–2018–0209), in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–1999–6480; FMCSA–2000–7006; FMCSA–2000–7363; FMCSA–2000–8398; FMCSA–2001–10578; FMCSA–2002–12294; FMCSA–2002–13411; FMCSA–2004–19477; FMCSA–2005–23238; FMCSA–2006–24783; FMCSA–2006–26066; FMCSA- 2008–0021; FMCSA–2008–0266; FMCSA–2008–0340; FMCSA–2009–0011; FMCSA–2009–0303; FMCSA–2010–0187; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2011–0276; FMCSA–2011–0379; FMCSA–2012–0161; FMCSA–2012–0339; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0299; FMCSA–2014–0300; FMCSA–2014–0301; FMCSA–2016–0027; FMCSA–2016–0031; FMCSA–2016–0033; FMCSA–2016–0210; FMCSA–2016–0212; FMCSA–2018–0207; FMCSA–2018–0209), in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 53 individuals listed in this notice have requested renewal of their exemptions from the vision standard in § 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 53 applicants has satisfied the renewal conditions for obtaining an exemption from the vision standard (see 64 FR 68195; 65 FR 20245; 65 FR 20251; 65 FR 45817; 65 FR 57230; 65 FR 77066; 65 FR 78256; 66 FR 16311; 66 FR 53826; 66 FR 66966; 67 FR 38311; 67 FR 46016; 67 FR 57266; 67 FR 57267; 67 FR 76439; 68 FR 1654; 68 FR 10298; 68 FR 13360; 68 FR 69434; 69 FR 26921; 69 FR 52741; 69 FR 64806; 69 FR 71098; 70 FR 2705; 70 FR 7545; 70 FR 12265; 70 FR 44946; 70 FR 53412; 70 FR 74102; 71 FR 5105; 71 FR 19600; 71 FR 27033; 71 FR 32184; 71 FR 32185; 71 FR 41311; 71 FR 53489; 71 FR 63379; 72 FR 1051; 72 FR 1054; 72 FR 1056; 72 FR 7812; 72 FR 11426; 73 FR 11989; 73 FR 15567; 73 FR 27015; 73 FR 28186; 73 FR 42403; 73 FR 51336; 73 FR 51689; 73 FR 63047; 73 FR 75803; 73 FR 76439; 73 FR 78421; 73 FR 78423; 74 FR 6209; 74 FR 6689; 74 FR 8302; 74 FR 60021; 74 FR 60022; 75 FR 4623; 75 FR 9480; 75 FR 13653; 75 FR 19674; 75 FR 22176; 75 FR 27623; 75 FR 38602; 75 FR 47883; 75 FR 52062; 75 FR 63257; 75 FR 64396; 75 FR 72863; 75 FR 77492; 75 FR 77949; 75 FR 79079; 75 FR 79083; 75 FR 79084; 76 FR 2190; 76 FR 4413; 76 FR 5425; 76 FR 9859; 76 FR 11215; 76 FR 67248; 76 FR 75942; 76 FR 79761; 77 FR 543; 77 FR 15184; 77 FR 17107; 77 FR 17108; 77 FR 23797; 77 FR 27850; 77 FR 29447; 77 FR 41879; 77 FR 52389; 77 FR 52391; 77 FR 60010; 77 FR 64582; 77 FR 74273; 77 FR 74734; 77 FR 75496; 77 FR 76166; 78 FR 800; 78 FR 1919; 78 FR 8689; 78 FR 11731; 78 FR 12817; 78 FR 12822; 78 FR 67452; 78 FR 67460; 78 FR 76707; 79 FR 1908; 79 FR 10606; 79 FR 14333; 79 FR 14571; 79 FR 17642; 79 FR 18391; 79 FR 22003; 79 FR 23797; 79 FR 27043; 79 FR 28588;

79 FR 35212; 79 FR 37842; 79 FR 38659; 79 FR 38661; 79 FR 41735; 79 FR 46300; 79 FR 47175; 79 FR 53514; 79 FR 56104; 79 FR 73397; 79 FR 73686; 79 FR 73687; 79 FR 74169; 80 FR 603; 80 FR 2473; 80 FR 3723; 80 FR 6162; 80 FR 7678; 80 FR 8751; 80 FR 9304; 80 FR 15859; 80 FR 18693; 80 FR 20562; 80 FR 67481; 81 FR 15401; 81 FR 20433; 81 FR 20435; 81 FR 26305; 81 FR 28138; 81 FR 52514; 81 FR 59266; 81 FR 66724; 81 FR 68098; 81 FR 71173; 81 FR 72664; 81 FR 74494; 81 FR 80161; 81 FR 81230; 81 FR 86063; 81 FR 90050; 81 FR 91239; 81 FR 94013; 81 FR 96165; 81 FR 96196; 82 FR 12683; 82 FR 13043; 82 FR 13048; 83 FR 2306; 83 FR 6919; 83 FR 15195; 83 FR 28325; 83 FR 28332; 83 FR 34661; 83 FR 53724; 83 FR 56140; 83 FR 56902; 84 FR 2309; 84 FR 2311; 84 FR 2314; 84 FR 2323; 84 FR 16320; 84 FR 16336). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at § 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past 2 years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of March and are discussed below. As of March 1, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 44 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 68195; 65 FR 20245; 65 FR 20251; 65 FR 45817; 65 FR 57230; 65 FR 77066; 66 FR 53826; 66 FR 66966; 67 FR 38311; 67 FR 46016; 67 FR 57266; 67 FR 57267; 68 FR 1654; 68 FR 69434; 69 FR 26921; 69 FR 52741; 69 FR 64806; 69 FR 71098; 70 FR 2705; 70 FR 7545; 70 FR 44946; 70 FR 53412; 70 FR 74102; 71 FR 5105; 71 FR 19600; 71 FR 27033; 71 FR 32184; 71 FR 32185; 71 FR 41311; 71 FR 53489; 71 FR 63379; 72 FR 1051; 72 FR 1054; 72 FR 1056; 73 FR 11989; 73 FR 15567; 73 FR 27015; 73 FR 28186; 73 FR 42403; 73 FR 51336; 73 FR 51689; 73 FR 63047; 73 FR 75803; 73 FR 76439; 73 FR 78421; 73 FR 78423; 74 FR 6209; 74 FR 60021; 74 FR 60022; 75 FR 4623; 75 FR 9480; 75 FR 13653; 75 FR 19674; 75 FR 22176; 75 FR 27623; 75 FR 38602; 75 FR 47883; 75 FR 52062; 75 FR 63257; 75 FR 64396; 75 FR 72863; 75 FR 77492; 75 FR 79079; 75 FR 79083; 75 FR 79084; 76 FR 2190; 76 FR 4413; 76 FR 5425; 76 FR 67248; 76 FR 75942; 76 FR 79761; 77 FR 543; 77 FR 15184; 77 FR 17107; 77 FR 17108; 77 FR 23797; 77 FR 27850; 77 FR 29447; 77 FR 41879; 77 FR 52389; 77 FR 52391; 77 FR 60010; 77 FR 64582; 77 FR 74273; 77 FR 74734; 77 FR 75496; 77 FR 76166; 78 FR 800; 78 FR 1919; 78 FR 11731; 78 FR 12817; 78 FR 67452; 78 FR 67460; 78 FR 76707; 79 FR 1908; 79 FR 10606; 79 FR 14333; 79 FR 14571; 79 FR 17642; 79 FR 18391; 79 FR 22003; 79 FR 23797; 79 FR 27043; 79 FR 28588; 79 FR 35212; 79 FR 37842; 79 FR 38659; 79 FR 38661; 79 FR 41735; 79 FR 46300; 79 FR 47175; 79 FR 53514; 79 FR 56104; 79 FR 73397; 79 FR 73686; 79 FR 73687; 79 FR 74169; 80 FR 603; 80 FR 2473; 80 FR 3723; 80 FR 8751; 80 FR 9304; 80 FR 18693; 80 FR 67481; 81 FR 15401; 81 FR 20433; 81 FR 20435; 81 FR 26305; 81 FR 28138; 81 FR 52514; 81 FR 59266; 81 FR 66724; 81 FR 68098; 81 FR 71173; 81 FR 72664; 81 FR 74494; 81 FR 80161; 81 FR 81230; 81 FR 86063; 81 FR 90050; 81 FR 91239; 81 FR 94013; 81 FR 96165; 81 FR 96196; 82 FR 12683; 82 FR 13043; 82 FR 13048; 83 FR 2306; 83 FR 6919; 83 FR 15195; 83 FR 28325; 83 FR 28332; 83 FR 34661; 83 FR 53724; 83 FR 56140; 83 FR 56902; 84 FR 2309; 84 FR 2311; 84 FR 2314; 84 FR 16320):

Kurtis A. Anderson (SD)
Alan A. Andrews (NE)
Teddy S. Bioni (PA)
Duane N. Brojer (NM)
Chad L. Burnham (ME)
Derric D. Burrell (AL)
Laurence R. Casey (MA)
Thomas A. Crowell (NC)
Kevin J. Embrey (IN)
Douglas K. Esp (MT)
Liam F. Gilliland (MA)
Gary A. Goostree (OH)
Brian G. Hagen (IL)
Todd M. Harguth (MN)
Guadalupe J. Hernandez (IN)
Clarence K. Hill (NC)
Justin A. Hooper (MO)
Samuel L. Klaphake (MN)
Dennis E. Krone (IL)
John C. Lewis (SC)
Ernest B. Martin (KY)
Terrence L. McKinney (TX)
Norman Mullins (OH)
Robert H. Nelson (VA)
Lance C. Phares (NY)
Jack E. Potts, Jr. (PA)
Don C. Powell (NY)
Monte L. Purciful (IN)
Luis Ramos (FL)
George S. Rayson (OH)
Charles D. Reddick (GA)
Antonio Rivera (PA)
Ricky D. Rostad (MN)
Julius Simmons, Jr. (SC)
William T. Smiley (MD)
Michael G. Somma (NY)
Joshua R. Stanley (OK)
Douglas R. Strickland (NC)
David M. Taylor (MO)
Bruce A. Walker (WI)
Scott C. Westphal (MN)
Edward C. Williams (AL)
Steven E. Williams (GA)
Olen L. Williams, Jr. (TN)

The drivers were included in docket numbers FMCSA–1999–6480; FMCSA–2000–7006; FMCSA–2000–7363; FMCSA–2001–10578; FMCSA–2002–12294; FMCSA–2004–19477; FMCSA–2005–23238; FMCSA–2006–24783; FMCSA–2006–26066; FMCSA–2008–0021; FMCSA–2008–0266; FMCSA–2008–0340; FMCSA–2009–0011; FMCSA–2009–0303; FMCSA–2010–0187; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2011–0276; FMCSA–2011–0379; FMCSA–2012–0161; FMCSA–2012–0339; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0299; FMCSA–2014–0300; FMCSA–2016–0027; FMCSA–2016–0031; FMCSA–2016–0033; FMCSA–2016–0210; FMCSA–2016–0212; FMCSA–2018–0207. Their exemptions are applicable as of March 1, 2021, and will expire on March 1, 2023.

As of March 4, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (67 FR 76439; 68 FR 10298; 70 FR 7545; 72 FR 7812; 74 FR 6689; 76 FR 9859; 78 FR 8689; 80 FR 7678; 82 FR 13043; 84 FR 16320):

Ralph J. Miles (OR)

The driver was included in docket number FMCSA–2002–13411. The exemption is applicable as of March 4, 2021, and will expire on March 4, 2023.

As of March 7, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 6162; 80 FR 20562; 82 FR 13043; 84 FR 16320):

Steven D. Ellsworth (IL) and Richard A. Pierce (MO)

The drivers were included in docket number FMCSA–2014–0301. The exemptions are applicable as of March 7, 2021, and will expire on March 7, 2023.

As of March 9, 2021, and in accordance with 49 U.S.C. 31136(e) and

31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (84 FR 2323; 84 FR 16336):

Henry J. Hughes (MN); Emmanuel A. Sepulveda (CA); and Nyrone Whyte (CT)

The drivers were included in docket number FMCSA–2018–0209. The exemptions are applicable as of March 9, 2021, and will expire on March 9, 2023.

As of March 23, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (65 FR 78256; 66 FR 16311; 67 FR 76439; 68 FR 10298; 68 FR 13360; 70 FR 7545; 70 FR 12265; 72 FR 7812; 72 FR 11426; 73 FR 51689; 73 FR 63047; 74 FR 6689; 74 FR 8302; 75 FR 77949; 76 FR 9859; 76 FR 11215; 78 FR 8689; 78 FR 12822; 80 FR 15859; 82 FR 13043; 84 FR 16320):

Howard K. Bradley (VA); Thomas F. Marczewski (WI); and Wade D. Taylor (MO)

The drivers were included in docket numbers FMCSA–2000–8398; FMCSA–2002–13411; FMCSA–2008–0266. The exemptions are applicable as of March 23, 2021, and will expire on March 23, 2023.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified medical examiner (ME), as defined by § 390.5, who attests that the driver is otherwise physically qualified under § 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the ME at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 53 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in § 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021–02020 Filed 1–29–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0028]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 20 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on January 22, 2021. The exemptions expire on January 22, 2023.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov/docket?D=FMCSA-2020-0028* and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

On December 16, 2020, FMCSA published a notice announcing receipt of applications from 20 individuals requesting an exemption from the hearing requirement in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (85 FR 81553). The public comment period ended on January 15, 2021, and two comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

III. Discussion of Comments

FMCSA received two comments in this proceeding. Of the two comments received, one was in support of issuing the exemptions and the other was outside the scope of this notice.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on current medical information and literature, and the 2008 Evidence Report, ''Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety.'' The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) No studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver's license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant's driving record found in the Commercial Driver's License Information System, for commercial driver's license (CDL) holders, and inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency. Each applicant's record demonstrated a safe driving history. Based on an individual assessment of each applicant that focused on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce, the Agency believes the drivers granted this exemption have demonstrated that they do not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the hearing standard in § 391.41(b)(11) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must report any crashes or accidents as defined in § 390.5; (2) each driver must report all citations and convictions for disqualifying offenses under 49 CFR 383 and 49 CFR 391 to FMCSA; and (3) each driver is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 20 exemption applications, FMCSA exempts the following drivers from the hearing standard, § 391.41(b)(11), subject to the requirements cited above:

Hassan Abdi (MN)
Matthew Acken (UT)
Ryan Bailey (FL)
Gage Burchett (VA)
Andrew Cho (NY)
Jeffrey Daniel (NV)
Tyler Davis (TX)
Gabriel Despanie (LA)
Zachrey Gill (MI)
Nicholas Grabanski (TX)
Michael Hartman (OK)
Andrew Hatch (IA)
Joshua Johnson (CO)
William Lavender (OH)
MarcKenzie Loriston (FL)
Ronald Pridgen (NC)
Zachary Reagan (TX)
Michael L. Smith (NC)
Carlos Sotelo Sanchez (CA)
Matthew Spainhoward (KY)

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021–02017 Filed 1–29–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0136]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 10 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on December 16, 2020. The exemptions expire on December 16, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov/docket?D=FMCSA-2018-0136* and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting

Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

On December 11, 2020, FMCSA published a notice announcing its decision to renew exemptions for 10 individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (85 FR 80219). The public comment period ended on January 11, 2021, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the 10 renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the hearing requirement in § 391.41 (b)(11).

As of December 11, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 10 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (85 FR 80219):

Joshua Cogan (MD)
Ronald Cottrell (OR)
Heath Focken (NE)
Ahmed Gabr (NC)
Daniel Hanson (PA)
Arnold Hatton (DE)
Donte Mason (TN)
Taryn Peterson (IA)
Greivin Salazar (CA)
Eric Woods (MD)

The drivers were included in docket number FMCSA–2018–0136. Their exemptions were applicable as of December 16, 2020, and will expire on December 16, 2022.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021–02014 Filed 1–29–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2020–0052]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt three individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on January 11, 2021. The exemptions expire on January 11, 2023.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov/docket?D=FMCSA-2020-0052* and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On December 11, 2020, FMCSA published a notice announcing receipt of applications from three individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (85

FR 8022). The public comment period ended on January 11, 2021, and one comments was received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

III. Discussion of Comments

FMCSA received one comments in this proceeding. The comment received was outside the scope of this notice.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on the 2007 recommendations of the Agency's Medical Expert Panel (MEP). The Agency conducted an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA). A summary of each applicant's seizure history was discussed in the December 11, 2020, **Federal Register** notice (85 FR 80222) and will not be repeated in this notice.

These three applicants have been seizure-free over a range of eight to 19 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last 2 years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in § 391.41(b)(8) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must remain seizure-free and maintain a stable treatment during the 2-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified ME, as defined by § 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the three exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition, § 391.41(b)(8), subject to the requirements cited above:

Dylan C. Hill (KS)
James R. Satterlee (MI)
Robert G. Schauer, III (IA)

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021–02018 Filed 1–29–21; 8:45 am]

BILLING CODE 4910–EX–P

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–7363; FMCSA–2002–12844; FMCSA–2004–17195; FMCSA–2004–18885; FMCSA–2004–19477; FMCSA–2006–26066; FMCSA–2008–0106; FMCSA–2008–0231; FMCSA–2010–0354; FMCSA–2011–0379; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2014–0299; FMCSA–2016–0033; FMCSA–2016–0209; FMCSA–2016–0347; FMCSA–2018–0017; FMCSA–2018–0018; FMCSA–2018–0208]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 26 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2000–7363; FMCSA–2002–12844; FMCSA–2004–17195; FMCSA–2004–18885; FMCSA–2004–19477; FMCSA–2006–26066; FMCSA–2008–0106; FMCSA–2008–0231; FMCSA–2010–0354; FMCSA–2011–0379; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2014–0299; FMCSA–2016–0033; FMCSA–2016–0209; FMCSA–2016–0347; FMCSA–2018–0017; FMCSA–2018–0018; FMCSA–2018–0208, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

On November 30, 2020, FMCSA published a notice announcing its decision to renew exemptions for 26 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (85 FR 76652). The public comment period ended on December 30, 2020, and one comment was received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with the current regulation § 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in § 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received one comment in this proceeding. An anonymous individual submitted a comment in support of the Agency's decision to grant the exemptions.

IV. Conclusion

Based on its evaluation of the 26 renewal exemption applications and comments received, FMCSA confirms its decision to exempt the following drivers from the vision requirement in § 391.41(b)(10).

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of January and are discussed below. As of January 3, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (65 FR 45817; 65 FR 77066; 67 FR 71610; 69 FR 64810; 71 FR 66217; 73 FR 35201; 73 FR 46973; 73 FR 48275; 73 FR 54889; 73 FR 74565; 75 FR 44051; 75 FR 77949; 75 FR 77951; 77 FR 15184; 77 FR 27850; 77 FR 46153; 77 FR 68202; 77 FR 74730; 79 FR 21996; 79 FR 38659; 79 FR 46153; 79 FR 51643; 79 FR 53514; 79 FR 64001; 79 FR 65759; 79 FR 73689; 81 FR 1474; 81 FR 48493; 81 FR 59266; 81 FR 70251; 81 FR 74494; 81 FR 81230; 81 FR 90050; 81 FR 96165; 81 FR 96178; 81 FR 96180; 83 FR 28325; 83 FR 34661; 83 FR 40638; 83 FR 45750; 83 FR 53724; 83 FR 53727; 83 FR 56137; 83 FR 60954; 84 FR 2305; 84 FR 2311; 84 FR 2326; 84 FR 2328):

Darrin E. Bogert (NY)
Ronald A. Bolyard (WV)
Robert J. Clarke (NY)
Lane D. Fuller (KS)
J.W. Keener (PA)
Darrell D. Kropf (CA)
Donald L. Minney (OH)
Donald L. Nisbet (WA)
Jose H. Rivas (NM)
Pedro T. Tellez Alvarez (CA)
Roy F. Varnado, Jr. (LA)
Wade W. Ward (WY)
Christopher R. Whitson (NC)

The drivers were included in docket numbers FMCSA–2000–7363; FMCSA–2008–0106; FMCSA–2008–0231; FMCSA–2011–0379; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2016–0033; FMCSA–2016–0209; FMCSA–2016–0347; FMCSA–2018–0017; FMCSA–2018–0018; FMCSA–2018–0208. Their exemptions were applicable as of January 3, 2021, and will expire on January 3, 2023.

As of January 9, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (71 FR 63379; 72 FR 1051; 73 FR 78423; 75 FR 79083; 77 FR 74734; 79 FR 73686; 81 FR 96165; 84 FR 2311):

David L. Cattoor (NV)
Ronald C. Morris (NV)
Kevin L. Truxell (FL)
Lee A. Wiltjer (IL)

The drivers were included in docket number FMCSA–2006–26066. Their exemptions were applicable as of January 9, 2021, and will expire on January 9, 2023.

As of January 10, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 73397; 80 FR 9304; 81 FR 96165; 84 FR 2311):

Jesse L. Lichtenberger (PA)
Frederick E. Schaub (IA)

The drivers were included in docket number FMCSA–2014–0299. Their exemptions were applicable as of January 10, 2021, and will expire on January 10, 2023.

As of January 12, 2021, and in accordance with 49 U.S.C. 31136(e) and

31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (69 FR 53493; 69 FR 64742; 71 FR 62148; 73 FR 61925; 75 FR 59327; 75 FR 72863; 76 FR 2190; 77 FR 74273; 79 FR 73687; 81 FR 96165; 84 FR 2311):

Thomas L. Oglesby (GA)
David W. Ward (NC)
Ralph W. York (NM)

The drivers were included in docket numbers FMCSA–2004–18885; FMCSA–2010–0354. Their exemptions were applicable as of January 12, 2021, and will expire on January 12, 2023.

As of January 14, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (69 FR 64806; 70 FR 2705; 72 FR 1056; 73 FR 76439; 75 FR 79084; 77 FR 75496; 79 FR 74169; 81 FR 96165; 84 FR 2311):

Francis M. McMullin (PA)

The driver was included in docket number FMCSA–2004–19477. The exemption was applicable as of January 14, 2021, and will expire on January 14, 2023.

As of January 17, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (67 FR 68719; 68 FR 2629; 69 FR 71100; 72 FR 1053; 73 FR 76440; 75 FR 80887; 77 FR 76167; 79 FR 74168; 81 FR 96165; 84 FR 2311):

Howard F. Breitkreutz (MN)

The driver was included in docket number FMCSA–2002–12844. The exemption was applicable as of January 17, 2021, and will expire on January 17, 2023.

As of January 31, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (69 FR 17263; 69 FR 31447; 70 FR 44946; 71 FR 43557; 73 FR 42403; 75 FR 38602; 75 FR 72863; 76 FR 2190; 78 FR 800; 80 FR 603; 81 FR 96165; 84 FR 2311):

Jose M. Suarez (TX)
Richard L. Zacher (OR)

The drivers were included in docket numbers FMCSA–2004–17195; FMCSA–2010–0354. Their exemptions were applicable as of January 31, 2021, and will expire on January 31, 2023.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021–02016 Filed 1–29–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0111]

Agency Information Collection Activities; Revision of an Approved Information Collection: Practices of Household Goods Brokers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval.

DATES: Please send your comments by March 3, 2021. OMB must receive your comments by this date in order to act quickly on the ICR.

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: Monique Riddick, Commercial Enforcement and Investigations Division, U.S. Department of Transportation, Federal Motor Carrier Safety Administration, West Building, 6th Floor, MC–ECC, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Telephone: 202–366–8045; email *monique.riddick@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

As a result of Title IV, Subtitle B of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–59) and a petition for rulemaking from the American Moving and Storage Association,[1] FMCSA amended then-existing regulations for brokers in a final rule titled, ''Brokers of Household Goods Transportation by Motor Vehicles,'' (75 FR 72987, Nov. 29, 2010). The 2010 rule revised 49 CFR part 371 by providing additional consumer protection responsibilities for brokers of Household Goods (HHG).

Section 4212 of SAFETEA–LU directs the Secretary to require HHG brokers to provide potential shippers with information throughout the various stages of their interaction. The below summarizes the information collection required of the HHG broker at the various interaction stages between the HHG broker and shippers as laid out by 49 CFR part 371, subpart B.

I. First Phase: ''Prospecting''

When HHG shippers are looking to procure HHG brokers' services, brokers must collect the following information and display it on their websites and solicitation materials:

- Their physical address (49 CFR 371.107(a));
- Their U.S. DOT number(s) and MC number (49 CFR 371.107(b));
- A statement indicating that they will not transport the shipper's goods but will only arrange for goods to be transported by a registered motor carrier (49 CFR 371.107(c));
- If brokers choose to publish rates on their websites or solicitation materials, the broker must also publish a statement that the rates are based on a motor carrier's publicly available rates (49 CFR 371.107(d));
- If brokers choose to publish a list of motor carriers with whom they work, the list must only be a list of motor carriers with whom brokers have agreements (49 CFR 371.107(e)); and
- Brokers must publish information regarding their cancellation policies, including information on deposits and refunds (49 CFR 371.117(a)).

II. Second Phase: ''Contact''

When HHG shippers make reasonable requests seeking additional information

[1] As of August 8, 2020, the American Moving and Storage Association (AMSA) announced AMSA will join the American Trucking Associations (ATA) as the Moving & Storage Conference. Retrieved January 1, 2021 from: *https://www.moving.org/amsa-to-become-conference-of-american-trucking-associations/.*

about broker services, the HHG brokers must collect the following information and distribute it to HHG shippers:

1. A list of motor carriers with whom it has agreements (49 CFR 371.109(a)); and

2. A statement indicating the broker is not a motor carrier and that the broker is only arranging transportation of the shipper's goods (49 CFR 371.109(b)).

III. Third Phase: ''Estimate''

When HHG shippers request estimates, the HHG brokers must collect the following information and distribute it to HHG shippers and/or store the information received:

1. FMCSA's published information materials: (1) ''Ready to Move?—Tips for a Successful Interstate Move'' and (2) ''Your Rights and Responsibilities When you Move'' (49 CFR 371.111(a)(1),(a)(2), & (a)(3));

2. A document signed by the shipper, showing he/she received FMCSA's published information material (49 CFR 371.111(c));

3. A written estimate based on the motor carrier's physical survey of household items (49 CFR 371.113(a)), with estimates based on published motor carrier rates (49 CFR 371.113(b));

4. If applicable, the shipper must sign a ''Waiver'' receipt, showing he/she has waived his/her right to a physical survey of his/her household items by the motor carrier. The HHG broker must collect the ''Waiver'' receipt and store the record (49 CFR 371.113(b)).

IV. Fourth Phase: ''Agreement''

Should the shipper find the shipping estimate and broker services reasonable and wish to contract the broker's services, the two parties must enter into an agreement. At this point, it is standard practice for shippers to pay either a deposit or make full payment. However, before collecting any payment, the broker must collect the following information and distribute it to the HHG shipper:

- An agreement document with required specifications as laid out by 49 CFR 371.115; and
- An agreement document which highlights the broker's and/or motor carrier's refund policy for cancellation of agreements (49 CFR 371.117(a)).

The information provided in phases I, II, III, and IV supports the requirements of 49 CFR part 371, subpart B, and the Department's secondary mission to support HHG consumer protection.

The complete collection of information required by the referenced final rule assists HHG shippers in their business dealings with interstate HHG brokers. The information collected is used by prospective HHG shippers to make informed decisions about contracts, services ordered, executed, and settled. The HHG broker is often the earliest contact for individual HHG shippers in an interstate moving transaction; therefore, it makes sense for HHG brokers to provide HHG shippers with consumer protection information.

FMCSA revises the total annual burden to 72,808 hours. This is a 2,723 annual burden hour increase from the currently approved 70,085 annual burden estimate. This increase is due to the following: (1) The previous iteration did not account for the time brokers use to complete a ''waiver'' should shippers choose to waive their rights to a physical survey, if applicable to a shipper, as required by 49 CFR 371.113(c)(1), (c)(2), and (c)(3); (2) the previous iteration did not clarify a reproducible frequency formula used to calculate the number of times brokers collect information and submit information to shippers. To produce a reproducible frequency formula, the updated information collection introduced the concept of ''phases,'' which created a frequency number based on business interactions between brokers and shippers as explained above; and (3) FMCSA's records indicate the number of household goods brokers increased from 543 brokers to 652 brokers.

In addition to the above, an adjustment was made to this ICR revision from the previous ICR renewal with regards to the annual hourly burden estimate for broker ''transaction records''(49 CFR 371.3). The annual hourly burden was removed from this ICR revision because the burden is for the collection of information that the broker would ordinarily record for other standard business practices such as tax purposes. As a result, the associated annual hourly burden estimate is removed. The previous ICR accounted 32,580 annual burden hours [2] for ''transaction records,'' while this ICR revises the annual burden to 0 hours.

Title: Practices of Household Goods Brokers.

OMB Control Number: 2126–0048.

Type of Request: Revision of currently approved collection.

Respondents: Brokers of Household Goods.

Estimated Number of Respondents: 652.

Estimated Number of Responses: 500,084 responses.

Expiration Date: January 31, 2021.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 72,808 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR part 1.87.

Thomas P. Keane,

Associate Administrator, Office of Research and Registration.

[FR Doc. 2021–02021 Filed 1–29–21; 8:45 am]

BILLING CODE 4910–EX–P

[2] FMCSA derived the annual hourly burden by applying the following formula: Time spent on shipper transaction record keeping per day × number of work days × the number of brokers. The calculation was 15 minutes per day × 240 workdays × 543 brokers, which resulted in an annual burden of 32,580 hours.

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Agency Information Collection Activities; Proposed Renewal; Comment Request; Renewal Without Change of Regulations Requiring Additional Records To Be Made and Retained by Dealers in Foreign Exchange and Additional Records To Be Made and Retained by Brokers or Dealers in Securities

AGENCY: Financial Crimes Enforcement Network (FinCEN), Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, FinCEN invites comments on the proposed renewal, without change, of a currently approved information collections found in existing Bank Secrecy Act regulations. Specifically, the regulations require dealers in foreign exchange and brokers or dealers in securities to secure and maintain a record of the taxpayer identification number for individuals for whom a transaction or brokerage account is opened, or for whom a line of credit is extended, subject to certain exceptions. The regulations also require that the dealers in foreign exchange and brokers or dealers in securities retain originals or copies of specified documents relating to account and transaction records. Although no changes are proposed to the information collections

themselves, this request for comments covers a future expansion of the scope of the annual hourly burden and cost estimate associated with these regulations. This request for comments is made pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments are welcome, and must be received on or before April 2, 2021

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Refer to Docket Number FINCEN–2021–0003 and the specific Office of Management and Budget (OMB) control numbers 1506–0052 and 1506–0053.
- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2021–0003 and OMB control numbers 1506–0052 and 1506–0053.

Please submit comments by one method only. Comments will also be taken into account in FinCEN's review of existing regulations, consistent with by Treasury's 2011 Plan for Retrospective Analysis of Existing Rules. All comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: The FinCEN Regulatory Support Section at 1–800–767–2825 or electronically at *frc@fincen.gov.*

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Provisions

The legislative framework generally referred to as the Bank Secrecy Act (BSA) consists of the Currency and Financial Transactions Reporting Act of 1970, as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act) (Pub. L. 107–56) and other legislation. The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, 31 U.S.C. 5311–5314 and 5316–5332, and notes thereto, with implementing regulations at 31 CFR Chapter X.

The BSA authorizes the Secretary of the Treasury, *inter alia,* to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement anti-money laundering (AML) programs and compliance procedures.[1] Regulations implementing the BSA appear at 31 CFR Chapter X. The authority of the Secretary to administer the BSA has been delegated to the Director of FinCEN.[2]

a. 31 CFR 1022.410—Additional Records To Be Made and Retained by Dealers in Foreign Exchange

31 CFR 1022.410(a) requires a dealer in foreign exchange to make and maintain a record of the taxpayer identification number of certain persons for whom a transaction account is opened or a line of credit is extended, within 30 days of opening such an account or extending such a line of credit, or longer if the person has applied for a taxpayer identification or social security number. A dealer in foreign exchange must also maintain a list containing the names, addresses, and account or credit line numbers of those persons from whom it has been unable to secure such information despite reasonable efforts. A dealer in foreign exchange need not attempt to secure such information if the person is an agency or instrumentality of a Federal, state, local, or foreign government using an account for public funds, one of several categories of aliens that are not permanent resident aliens, or an unincorporated subordinate unit of a tax exempt organization covered by a group exemption letter.

Under 31 CFR 1022.410(b), a dealer in foreign exchange must also retain the original or a copy of nine types of documents: (1) Statements of accounts from banks, including documents representing the entries reflected on such statements; (2) daily work records, including documents needed to identify and reconstruct currency transactions with customers and foreign banks; (3) a record of each exchange of currency involving transactions in excess of $1,000, including the customer's name and address (and passport or tax identification number unless received by mail or common carrier), the date and amount of the transaction, and the currency name, country, and total amount of each foreign currency; (4) signature cards or other documents evidencing signature authority over each deposit or security account, containing specified items of information about the customer (including a record of the actual owner of the account if customer accounts are maintained in a code name); (5) each item, including checks, drafts, and transfers of credit, of more than $10,000 remitted or transferred to a person, account, or place outside the United States; (6) a record of each receipt of currency, other monetary instruments, investment securities and checks, and of each transfer of funds or credit, of more than $10,000 received on any one occasion directly and not through a domestic financial institution, from any person, account, or place outside the United States; (7) records prepared or received by the dealer in foreign exchange in the ordinary course of business that would be needed to reconstruct an account and trace a check in excess of $100 deposited in such an account through its internal recordkeeping system to its depository institution, or to supply a description of such a deposited check; (8) a record of the name, address and taxpayer identification number of any person presenting a certificate of deposit for payment, as well as a description of the instrument and the date of the transaction; and (9) a system of books and records that enables the dealer in foreign exchange to prepare an accurate balance sheet and income statement. To the extent that these records include originals or copies of checks, drafts, monetary instruments, investment securities, or other similar instruments, copies of front and back of such instruments must generally be retained.[3] The required records must be maintained for five years.[4]

b. 31 CFR 1023.410—Additional Records To Be Made and Retained by Brokers or Dealers in Securities

Until October 1, 2003, 31 CFR 1023.410(a) required a broker or dealer in securities to make a record of certain information. Until October 1, 2008, a broker or dealer in securities was required to maintain all such records, as well as a list containing the names, addresses, and account or credit line numbers of those persons from whom it had been unable to secure the required information despite reasonable efforts. The customer identification program requirement for brokers or dealers in

[1] Section 358 of the USA PATRIOT Act added language expanding the scope of the BSA to intelligence or counter-intelligence activities to protect against international terrorism. Section 6101 of the Anti-Money Laundering Act of 2020 (''the AML Act'') added language further expanding the scope of the BSA but did not disturb these longstanding purposes. The AML Act is Division F of Public Law 116–283 (January 1, 2021).

[2] Treasury Order 180–01 (re-affirmed Jan. 14, 2020).

[3] 31 CFR 1010.430(a).

[4] 31 CFR 1010.430(d).

securities has effectively superseded these requirements.[5]

Under 31 CFR 1023.410(b), a broker or dealer in securities must retain an original or copy of: (1) Each document granting signature or trading authority over each customer's account; (2) a record of each remittance or transfer of funds, currency, checks, other monetary instruments, investment securities, or credit, of more than $10,000 to a person, account, or place outside the United States; (3) a record of each receipt of currency, other monetary instruments, investment securities, or checks, and of each transfer of funds or credit, of more than $10,000 on any one occasion, not through a domestic financial institution, from any person, account, or place outside the United States; and (4) each record described in paragraphs (1), (2), (3), (5), (6), (7), (8), and (9) of 17 CFR 240.17a–3(a), covering records to be made by certain exchange members, brokers and dealers as identified in 17 CFR 240.17a–3. To the extent that these records include originals or copies of checks, drafts, monetary instruments, investment securities, or other similar instruments, copies of front and back of such instruments must generally be retained.[6] The required records must be maintained for five years.[7]

II. Paperwork Reduction Act of 1995 (PRA)[8]

Title: Additional records to be made and retained by dealers in foreign exchange and additional records to be made and retained by brokers or dealers in securities (31 CFR 1022.410 and 31 CFR 1023.410).

OMB Control Numbers: 1506–0052 and 1506–0053.

Report Number: Not applicable.

Abstract: FinCEN is issuing this notice to renew the OMB control numbers for record-keeping requirements for dealers in foreign exchange and brokers or dealers in securities.

Affected Public: Businesses or other for-profit institutions, and non-profit institutions.

Type of Review:

- Renewal without change of a currently approved information collection.
- Propose for review and comment a renewal of the portion of the PRA burden that has been subject to notice and comment in the past (the ''traditional annual PRA burden'').
- Propose for review and comment a future expansion of the scope of the PRA burden (the ''future annual PRA burden'').

Frequency: As required.

Estimated Number of Respondents: 4,563 financial institutions.[9]

Estimated Recordkeeping Burden: In Part 1 of this notice, FinCEN describes the breakdown of the estimated number of financial institutions, by type, affected by each of the regulatory requirements. In Part 2, FinCEN proposes for review and comment a renewal of the estimate of the traditional annual PRA hourly burden, which includes an annual hourly burden estimate per financial institution similar to that used in the past, with the incorporation of a more robust cost estimate. The scope and methodology used in the past assigned a total annual hourly burden estimate, per financial institution, to multiple recordkeeping requirements within the regulations. In Part 3, FinCEN proposes for review and comment a methodology to estimate the hourly burden and the cost of a future estimate of an annual PRA burden that includes the burden and cost broken down by each unique type of recordkeeping requirement covered by the regulations being renewed. The methodology also includes identifying estimates for the number of transactions conducted annually, per financial institution, which would trigger each unique recordkeeping requirement. Finally, in Part 4, FinCEN solicits input from the public about: (a) The accuracy of the estimate of the traditional annual PRA burden; (b) the method proposed to be more granular in the calculation of burden per unique recordkeeping requirement, within the regulations, to establish a future annual PRA burden; (c) the criteria, metrics, and most appropriate questions FinCEN should consider when researching the information to estimate the future annual PRA burden, according to the methodology proposed; and (d) any other comments about the regulations and the current and proposed future hourly burden and cost estimates of these requirements.

Part 1. Breakdown of the Financial Institutions Covered by This Notice

The breakdown of financial institutions, by type, covered by this notice is reflected in Table 1 below:

TABLE 1—BREAKDOWN OF FINANCIAL INSTITUTIONS COVERED BY THIS NOTICE, BY TYPE OF FINANCIAL INSTITUTION

Type of financial institution	Number of financial institutions
Dealers in foreign exchange	[10] 923
Brokers or dealers in securities	[11] 3,640
Total number of financial institutions	4,563

Part 2. Traditional Annual PRA Burden and Cost

OMB Control Number 1506–0052

31 CFR 1022.410(a)

Each dealer in foreign exchange must make and maintain a record of the taxpayer identification number of certain persons for whom a transaction account is opened or a line of credit is extended within 30 days of opening such an account or extending such a line of credit, or longer if the person has applied for a taxpayer identification or social security number. A dealer in foreign exchange must also maintain a list containing the names, addresses, and account or credit line numbers of those persons from whom it has been unable to secure such information despite reasonable efforts.

31 CFR 1022.410(b)

Each dealer in foreign exchange must retain the original or a copy of nine types of documents as described in

[5] 31 CFR 1023.220. The burden associated with these requirement is calculated under OMB control number 1506–0034.

[6] 31 CFR 1010.430(a).

[7] 31 CFR 1010.430(d).

[8] Public Law 104–13, 44 U.S.C. 3506(c)(2)(A).

[9] Table 1 below sets forth a breakdown of the types of financial institutions covered by this notice.

[10] This number is derived from self-reported information in MSB registrations submitted to FinCEN. FinCEN's MSB registration database is available at *https://www.fincen.gov/msb-state-selector*.

[11] According to the Securities and Exchange Commission (SEC), there were 3,640 brokers or dealers in securities registered with the SEC, as of March 31, 2020.

Section I—Statutory and Regulatory Provisions above.

Due to the challenges of obtaining the total number of such records required to be maintained by dealers in foreign exchange under 31 CFR 1022.410, in its most recent control number renewal, FinCEN estimated that the annual recordkeeping burden per dealer in foreign exchange for these requirements was 16 hours.[12] FinCEN continues to estimate that the annual hourly burden of complying with 31 CFR 1022.410 is 16 hours per dealer in foreign exchange.

923 dealers in foreign exchange [13] multiplied by 16 hours, results in a total annual hourly burden estimate of 14,768 hours.

OMB Control Number 1506–0053

31 CFR 1023.410(a)

As noted above, brokers or dealers in securities have no recordkeeping responsibilities under this provision; the obligation on brokers or dealers in securities to maintain customer identification programs pursuant to 31 CFR 1023.220 has effectively replaced these responsibilities.

31 CFR 1023.410(b)

Each broker or dealer in securities must retain an original or copy of certain types of documents as described in Section I—Statutory and Regulatory Provisions above.

Due to the challenges of obtaining the total number of such records required to be maintained by brokers or dealers in securities, in its most recent control number renewal, FinCEN estimated that the annual recordkeeping burden per broker or dealer in securities for these requirements was 100 hours.[14] FinCEN continues to estimate that the annual hourly burden of complying with 31 CFR 1023.410 is 100 hours per broker or dealer in securities.

3,640 brokers or dealers in securities [15] multiplied by 100 hours, results in a total annual hourly burden estimate of 364,000 hours.

Total Annual Traditional PRA Hourly Burden for OMB Control Numbers 1506–0052 and 1506–0053

FinCEN's estimate of the traditional annual PRA burden, therefore, is 378,768 hours, as detailed in Table 2 below:

TABLE 2—BREAKDOWN OF FINANCIAL INSTITUTIONS IMPACTED BY EACH REGULATORY REQUIREMENT, AND THE ESTIMATED TOTAL ANNUAL BURDEN HOURS PER REQUIREMENT

Regulatory requirement	Type of financial institution impacted by the requirement	Number of financial institutions	Traditional annual burden estimate per financial institution (hours)	Total annual burden hours per regulatory requirement
31 CFR 1022.410—OMB Control Number 1506–0052.	Dealers in foreign exchange	923	16	14,768
31 CFR 1023.410—OMB Control Number 1506–0053.	Brokers or dealers in securities	3,640	100	364,000
Total annual hour burden hours				378,768

To calculate the hourly costs of the burden estimate, FinCEN identified three roles and corresponding staff positions involved in maintaining records as required by 31 CFR 1022.410 and 1023.410: (i) General supervision (providing process oversight); (ii) direct supervision (reviewing operational-level work and cross-checking all or a sample of the work product against supporting documentation); and (iii) clerical work (engaging in recordkeeping).

FinCEN calculated the fully-loaded hourly wage for each of these three roles by using the median wage estimated by the U.S. Bureau of Labor Statistics (BLS),[16] and computing an additional benefits cost as follows:

TABLE 3—FULLY-LOADED HOURLY WAGE BY ROLE AND BLS JOB POSITION FOR ALL FINANCIAL INSTITUTIONS COVERED BY THIS NOTICE

Role	BLS-code	BLS-name	Median hourly wage	Benefit factor	Fully-loaded hourly wage
General supervision	11–3031	Financial Manager	$62.45	1.50	$93.68
Direct supervision	13–1041	Compliance Officer	33.20	1.50	49.80
Clerical work (research, review, and record-keeping).	43–3099	Financial Clerk	20.40	1.50	30.60

FinCEN estimates that, *in general and on average,*[17] each role would spend different amounts of time on each portion of the traditional annual PRA burden, as follows:

The cost of each hour of burden, broken down by role, to produce and maintain records as outlined in 31 CFR

[12] 82 FR 31686, 31687 (July 7, 2017).

[13] See Table 1, *supra.*

[14] 82 FR 31686, 31687 (July 7, 2017).

[15] See Table 1, *supra.*

[16] The U.S. Bureau of Labor Statistics, Occupational Employment Statistics-National, May 2019, available at *https://www.bls.gov/oes/tables.htm.* The most recent data from the BLS corresponds to May 2019. For the benefits component of total compensation, see U.S. Bureau of Labor Statistics, Employer's Cost per Employee Compensation as of December 2019, available at *https://www.bls.gov/news.release/ecec.nr0.htm.* The ratio between benefits and wages for financial activities is $15.95 (hourly benefits)/$32.05 (hourly wages) = 0.50. The benefit factor is 1 plus the benefit/wages ratio, or 1.50. Multiplying each hourly wage by the benefit factor produces the fully-loaded hourly wage per position.

[17] By ''in general,'' FinCEN means without regard to outliers (*e.g.,* financial institutions with accounts or transactions that require recordkeeping that is uncommonly higher or lower than those of the population at large). By ''on average,'' FinCEN means the mean of the distribution of each subset of the population.

1022.410 and 31 CFR 1023.410 would be $37.00 as set out in Table 4 below:

TABLE 4—WEIGHTED AVERAGE HOURLY COST OF MAKING AND RETAINING THE RECORDS

General supervision		Direct supervision		Clerical work		Weighted average hourly cost
% Time	Hourly cost	% Time	Hourly cost	% Time	Hourly cost	
5%	$4.68	15	$7.47	80	$24.48	$37.00

$36.63 rounded to $37.00.

The total estimated cost of the traditional annual PRA burden is $14,014,416, as reflected in Table 5 below:

TABLE 5—TOTAL COST OF TRADITIONAL ANNUAL PRA BURDEN

OMB control No./regulation	Hourly burden	Hourly cost	Total cost
1506–0052 (31 CFR 1022.410)	14,768	$37	$546,416
1506–0053 (31 CFR 1023.410)	364,000	37	13,468,000
Total cost	.....	.....	14,014,416

Part 3. Future Annual PRA Burden

In the future, FinCEN will include the burden and cost for each type of recordkeeping requirement covered by the regulations being renewed. The future burden estimate will also include estimates of the number of transactions conducted annually per financial institution, which trigger each recordkeeping requirement.

31 CFR 1022.410(a)

Each dealer in foreign exchange must make and maintain a record of the taxpayer identification number of certain persons for whom a transaction account is opened or a line of credit is extended within 30 days of opening such an account or extending such a line of credit, or longer if the person has applied for a taxpayer identification or social security number. A dealer in foreign exchange must also maintain a list containing the names, addresses, and account or credit line numbers of those persons from whom it has been unable to secure such information despite reasonable efforts. In order to more accurately estimate the related PRA burden in the future, FinCEN intends to obtain a better understanding of the volume of transaction accounts and lines of credit opened per year by dealers in foreign exchange.

31 CFR 1022.410(b)

As described in greater detail in Section I—Statutory and Regulatory Provisions above, each dealer in foreign exchange must retain the original or a copy of nine types of documents. In order to more accurately estimate the related PRA burden in the future, FinCEN intends to obtain a better understanding of the volume of transactions that trigger such recordkeeping requirements per year by dealers in foreign exchange.

31 CFR 1023.410(b)

Each broker or dealer in securities must retain an original or copy of certain types of documents as described in Section I—Statutory and Regulatory Provisions above. In order to more accurately estimate the related PRA burden in the future, FinCEN intends to obtain a better understanding of the volume of transactions that trigger such recordkeeping requirements per year by brokers or dealers in exchange.

FinCEN does not have the information needed to estimate the number of annual transactions that trigger each recordkeeping requirement being renewed in this notice. For that reason, FinCEN is relying on estimates used in prior renewals of these OMB control numbers and the applicable regulations. FinCEN further recognizes that after receiving public comments as a result of this notice, future annual PRA hourly burden and cost estimates may vary significantly. In order to arrive at more precise estimates of net BSA hourly burden and cost, FinCEN intends to conduct more granular studies in the near future, regarding the types and volume of transactions conducted annually, which trigger each recordkeeping requirement, and the time it takes to collect and record the information required for each recordkeeping requirement.[18] The data obtained in these studies also may result in a significant variation of the estimated annual PRA burden.

Estimated Number of Respondents: 4,563 financial institutions, as set out in Table 1.

Estimated Total Annual Recordkeeping Burden: The estimated total annual PRA burden is 378,768 hours, as set out in Table 2.

Estimated Total Annual Recordkeeping Cost: The estimated total annual PRA cost is $14,014,416, as set out in Table 5.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Records required to be retained under the BSA must be retained for five years.

Part 4—Request for Comments

(a) Specific request for comments on the traditional annual PRA hourly burden and cost.

[18] Net hourly burden and cost are the burden and cost a financial institution incurs to comply with requirements that are unique to the BSA, and that do not support any other business purpose or regulatory obligation of the financial institution. Burden for purposes of the PRA does not include the time and financial resources needed to comply with an information collection, if the time and resources are for things a business (or other person) does in the ordinary course of its activities if the agency demonstrates that the reporting activities needed to comply are usual and customary. 5 CFR 1320.3(b)(2). For example, depending on the nature of the account or transaction, a financial institution may be collecting and maintaining some of the same information on an account or transaction that is required to be recorded in 31 CFR 1022.410 and 31 CFR 1023.410 in order to satisfy other obligations. Those obligations may include (i) protecting the financial institution from fraud against itself or its customers, (ii) complying with other non-BSA regulatory requirements such as those imposed by the specific Federal functional regulator, or (iii) maintaining proper accounting information.

FinCEN invites comments on any aspect of the traditional annual PRA burden, as set out in Part 2 of this notice. In particular, FinCEN seeks comments on the adequacy of: (i) FinCEN's assumptions underlying its estimate of the burden; (ii) the estimated number of hours required by each portion of the burden; and (iii) the organizational levels of the financial institution engaged in each portion of the burden, their estimated hourly remuneration, and the estimated proportion of participation by each role. FinCEN encourages commenters to include any publicly available sources for alternative estimates or methodologies.

(b) Specific request for comments on the proposed criteria for determining the scope of a future annual PRA hourly burden and cost estimate.

FinCEN invites comments on any aspect of the criteria for a future estimate of the annual PRA burden, as set out in Part 3 of this notice.

(c) Specific request for comments on the appropriate criteria, methodology, and questionnaire required to obtain information to more precisely estimate the future annual PRA hourly burden and cost.

FinCEN invites comments on the most appropriate and comprehensive means to question financial institutions about the annual hourly burden and cost attributable solely to the regulations covered by this notice (*i.e.,* the hourly burden and cost of complying with the recordkeeping requirements imposed exclusively by the BSA, which are not used to satisfy contractual obligations, other regulatory requirements, or business purposes of the financial institution). The future annual PRA hourly burden and cost estimate must take into consideration only the information collected and recorded that is used exclusively to comply with requirements under 31 CFR 1022.410 and 31 CFR 1023.410.

FinCEN seeks comments from the public regarding any questions we should consider posing in future notices, in addition to the specific questions for comment outlined directly below. Also, due to the difficulty involved in estimating the number of transaction accounts, lines of credit, and transactions that trigger recordkeeping requirements, as described in this notice, FinCEN welcomes any suggestions as to how to derive these estimates by using publicly available financial information.

(d) Specific questions for comment associated with making and retaining records required by the regulations described in this notice:

(1) Complying With 31 CFR 1022.410(a)

- On average, how many transaction accounts or lines of credit does your dealer in foreign exchange open/extend annually, which trigger the recordkeeping requirement in 31 CFR 1022.410(a)?
- On average, how long does it take your dealer in foreign exchange to collect and retain the records required to be maintained when you open a transaction account or extend a line of credit?

(2) Complying With 31 CFR 1022.410(b)

- On average, how often does your dealer in foreign exchange conduct each of the transactions described in 31 CFR 1022.410(b), as explained in further detail in Section I—Statutory and Regulatory Provisions?
- On average, how long does it take your dealer in foreign exchange to collect and retain the records required to be maintained when you conduct one of the transactions described in 31 CFR 1022.410(b)?

(3) Complying With 31 CFR 1023.410(b)

- On average, how often does your broker or dealer in securities conduct each of the transactions described in 31 CFR 1023.410(b), as explained in further detail in Section I—Statutory and Regulatory Provisions?
- On average, how long does it take your broker or dealer in securities to collect and retain the records required to be maintained when you conduct one of the transactions described in 31 CFR 1023.410(b)?

(e) General request for comments.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (i) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (ii) the accuracy of the agency's estimate of the burden of the collection of information; (iii) ways to enhance the quality, utility, and clarity of the information to be collected; (iv) 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; and (v) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Kenneth A. Blanco,

Director, Financial Crimes Enforcement Network.

[FR Doc. 2021–02064 Filed 1–29–21; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Special Projects Committee; Change

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting; change.

SUMMARY: In the **Federal Register** notice that was originally published on January 22, 2021, (Volume 86, Number 13, Page 6740) the time for this meeting has changed from 1:30 p.m. Eastern Time to 11:00 a.m. Eastern Time. All other meeting details remain the unchanged.

DATES: The meeting will be held Wednesday, February 10, 2021.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or 202–317–4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be held Wednesday, February 10, 2021, at 11:00 a.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Antoinette Ross. For more information please contact Antoinette Ross at 1–888–912–1227 or 202–317–4110, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: January 26, 2021.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2021–02007 Filed 1–29–21; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee; Change

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting; change.

SUMMARY: In the **Federal Register** notice that was originally published on January 22, 2021, (Volume 86, Number 13, Page 6740) the time for this meeting has changed from 11:00 a.m. Eastern Time to 1:30 p.m. Eastern Time. All other meeting details remain the unchanged.

DATES: The meeting will be held Wednesday, February 10, 2021.

FOR FURTHER INFORMATION CONTACT: Fred Smith at 1–888–912–1227 or (202) 317–3087.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be held Wednesday, February 10, 2021 at 1:30 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Fred Smith. For more information please contact Fred Smith at 1–888–912–1227 or (202) 317–3087, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.*

Dated: January 26, 2021.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2021–02008 Filed 1–29–21; 8:45 am]

BILLING CODE 4830–01–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meeting Notice; Unified Carrier Registration Plan Board Subcommittee Meeting

TIME AND DATE: February 4, 2021, from Noon to 2:00 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call and via Zoom Meeting and Screenshare. Any interested person may call (i) 1–929–205–6099 (U.S. Toll) or 1–669–900–6833 (U.S. Toll) or (ii) 1–877–853–5247 (U.S. Toll Free) or 1–888–788–0099 (U.S. Toll Free), Meeting ID: 988 1565 4454, to listen and participate in this meeting. The website to participate via Zoom Meeting and Screenshare is *https://kellen.zoom.us/j/98815654454.*

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Education and Training Subcommittee (the ''Subcommittee'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

Proposed Agenda

I. Call to Order—Subcommittee Chair

The Subcommittee Chair will welcome attendees, call the meeting to order, call roll for the Subcommittee, confirm whether a quorum is present, and facilitate self-introductions.

II. Verification of Publication of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify the publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by the subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Subcommittee Agenda and Setting of Ground Rules—Subcommittee Chair

For Discussion and Possible Subcommittee Action

The Subcommittee Agenda will be reviewed, and the Subcommittee will consider adoption.

Ground Rules

➢ Subcommittee action only to be taken in designated areas on agenda

IV. Review and Approval of Minutes From the December 17, 2020 Meeting—Subcommittee Chair

For Discussion and Possible Subcommittee Action

Draft minutes from the December 17, 2020 Subcommittee meeting via teleconference will be reviewed. The Subcommittee will consider action to approve.

V. Audit Module Development Discussion With the Education and Training Subcommittee—UCR Operations Director

The Subcommittee will discuss and provide updates on development of the Audit Module.

VI. Discussion of the Audit Module Subject Matter Expert Interview—UCR Depository Manager

The Subcommittee will discuss and provide comments on the interviews conducted with Audit subject matter experts.

VII. Other Items—Subcommittee Chair

The Subcommittee Chair will call for any other items the committee members would like to discuss.

VIII. Adjournment—Subcommittee Chair

The Subcommittee Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern time, January 28, 2021 at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2021–02145 Filed 1–28–21; 11:15 am]

BILLING CODE 4910–YL–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Disability Compensation, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that a virtual meeting of the Advisory Committee on Disability Compensation (the Committee) will begin and end as follows:

Dates	Times
Tuesday, March 16, 2021.	9:00 a.m.–12:00 p.m. Eastern Standard Time (EST).
Wednesday, March 17, 2021.	9:00 a.m.–12:00 p.m. EST.

The virtual meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities.

The Committee is to assemble and review relevant information relating to the nature and character of disabilities arising during service in the Armed Forces, provide an ongoing assessment of the effectiveness of the rating schedule, and give advice on the most appropriate means of responding to the

needs of Veterans relating to disability compensation.

The agenda will include, but is not limited to, briefings on the VA Schedule for Rating Disabilities and on relevant earnings and losses studies.

Time will not be allocated at this virtual meeting for receiving oral presentations from the public. However, interested individuals may submit a one (1) to two (2) page summary of their written statements for the Committee's review. Public statements may be received no later than February 12, 2021; for inclusion in the official meeting record. Please send these to Sian Roussel of the Veterans Benefits Administration, Compensation Service at *Sian.Roussel@va.gov.*

Members of the public who wish to obtain a copy of the agenda should contact Sian Roussel at *Sian.Roussel@va.gov* and provide his/her name, professional affiliation, email address and phone number.

The call-in number for those who would like to attend the meeting is 1–800–767–1750; access code: 75937#.

Dated: January 27, 2021.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2021–02042 Filed 1–29–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee: VA National Academic Affiliations Council, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the VA National Academic Affiliations Council (Council) will meet via conference call on March 9, from 1:00 p.m. to 3:00 p.m. EST. The meeting is open to the public.

The purpose of the Council is to advise the Secretary on matters affecting partnerships between VA and its academic affiliates.

On March 9, 2021, the Council will receive annual training from the Advisory Committee Management Office; brief on VA modernization impact on trainee onboarding; status of VA's Electronic Health Record implementation; and update from the Strategic Academic Advisory Council (SAAC). The Council will receive public comments from 2:45 p.m. to 2:55 p.m. EST.

Interested persons may attend and/or present oral statements to the Council. The dial in number to attend the conference call is: 646–828–7666. At the prompt, enter meeting ID 161 601 0099, then press #. The meeting passcode is 590228, then press #. Individuals seeking to present oral statements are invited to submit a 1–2 page summary of their comments at the time of the meeting for inclusion in the official meeting record. Oral presentations will be limited to five minutes or less, depending on the number of participants. Interested parties may also provide written comments for review by the Council prior to the meeting or at any time, by email to *Larissa.Emory@va.gov,* or by mail to Larissa A. Emory PMP, CBP, MS, Designated Federal Officer, Office of Academic Affiliations (14AA), 810 Vermont Avenue NW, Washington, DC 20420. Any member of the public wishing to participate or seeking additional information should contact Ms. Emory via email or by phone at (915) 269–0465.

Dated: January 27, 2021.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2021–02041 Filed 1–29–21; 8:45 am]

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This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

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